

State of California  
AIR RESOURCES BOARD

**PM2.5 STATE IMPLEMENTATION PLAN FOR IMPERIAL COUNTY**

Resolution 18-18

**May 25, 2018**

Agenda Item No: 18-4-1

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the California Air Resources Board (CARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, CARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts necessary to comply with the Act;

WHEREAS, section 39602 of the Health and Safety Code also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, CARB has responsibility for ensuring that local air districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

WHEREAS, CARB is authorized by section 39600 of the Health and Safety Code to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any power, duty, purpose, function or jurisdiction of the Board may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the local air districts have primary responsibility for the control of air pollution from non-vehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, 40701, 40702, and 41650 of the Health and Safety Code;

WHEREAS, the Imperial County Air Pollution Control District (District) was established pursuant to section 40002 of the Health and Safety Code as the air pollution control district responsible for carrying out these responsibilities in Imperial County;

WHEREAS, in December 2012, the United States Environmental Protection Agency (U.S. EPA) lowered the annual PM<sub>2.5</sub> NAAQS from 15 µg/m<sup>3</sup> to 12 µg/m<sup>3</sup>;

WHEREAS, effective April 2015, U.S. EPA designated a portion of Imperial County (PM<sub>2.5</sub> nonattainment area) as moderate nonattainment for the 12 µg/m<sup>3</sup> annual PM<sub>2.5</sub> NAAQS with a SIP due in October 2016;

WHEREAS, PM<sub>2.5</sub> moderate nonattainment areas are required to demonstrate attainment of the annual standard by 2021;

WHEREAS, the PM<sub>2.5</sub> nonattainment area is adjacent to the Mexico international border;

WHEREAS, section 179B of the Act allows states to demonstrate that a nonattainment area would have attained the NAAQS by the applicable attainment date, but for emissions emanating from outside the United States;

WHEREAS, areas complying with section 179B of the Act are required to include in the SIP emission inventories for PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors, Reasonably Available Control Measures/Reasonably Available Control Technologies (RACM/RACT) demonstration, Additional Reasonable Measures (ARM) demonstration, Reasonable Further Progress (RFP) levels, quantitative milestones, contingency measures for failing to meet RFP, comprehensive precursor demonstration, and transportation conformity budgets;

WHEREAS, the District developed the Imperial County 2018 Annual Particulate Matter Less than 2.5 Microns in Diameter State Implementation Plan (2018 Annual PM<sub>2.5</sub> SIP) to attain the 12 µg/m<sup>3</sup> annual PM<sub>2.5</sub> NAAQS in 2021 absent emissions transport from Mexico, pursuant to section 179B of the Act;

WHEREAS, the Board recognizes that local emission sources within Imperial County still contribute to levels of PM<sub>2.5</sub> even though section 179B of the Act allows U.S. EPA to approve an attainment plan if the state can satisfactorily demonstrate the area would attain the standard but for emissions emanating from outside the United States;

WHEREAS, the 2018 Annual PM<sub>2.5</sub> SIP includes a comprehensive, accurate, and current emissions inventory for the 2012 baseline year, 2019 and 2022 quantitative milestone years, and the 2021 attainment year for PM<sub>2.5</sub>, nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), volatile organic compounds (VOC) and ammonia;

WHEREAS, the 2018 Annual PM<sub>2.5</sub> SIP includes a RACT/RACM/ARM analysis that identified additional District rules to control local emissions reducing PM<sub>2.5</sub>, NO<sub>x</sub> and ammonia that will be adopted;

WHEREAS, the 2018 Annual PM2.5 SIP includes quantitative milestones and RFP levels for 2019 and 2022 that demonstrate the control strategy provides for progress towards attainment of the NAAQS;

WHEREAS, the 2018 Annual PM2.5 SIP includes District contingency measures that would be triggered to provide additional PM2.5 reductions in the area in case the PM2.5 nonattainment area fails to meet RFP or meet a quantitative milestone;

WHEREAS, CARB performed a comprehensive precursor demonstration that shows NO<sub>x</sub>, SO<sub>x</sub>, VOC, and ammonia do not significantly contribute to the PM2.5 levels in the PM2.5 nonattainment area;

WHEREAS, transportation conformity budgets were established for PM2.5 in 2012, 2019, and 2022, to ensure that transportation projects in the PM2.5 nonattainment area do not interfere with progress towards meeting the 12 µg/m<sup>3</sup> annual PM2.5 standard;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, section 51.102, requires that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, as required by federal law, the District made the 2018 Annual PM2.5 SIP available for public review at least 30 days prior to the hearing date and posted on March 22, 2018;

WHEREAS, the District held two public workshops to discuss the 2018 Annual PM2.5 SIP in El Centro and Calexico on April 5, 2018;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant environmental impacts be adopted as originally proposed if feasible alternative or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, to meet its obligations under CEQA, the District and their Environmental Evaluation Committee determined on March 1, 2018, that the 2018 Annual PM2.5 SIP does not result in any significant adverse environmental impacts and released a proposed Negative Declaration for a 20-day public review on March 11, 2018;

WHEREAS, following a public hearing on April 24, 2018, the Imperial County Air Pollution Control Board approved the 2018 Annual PM2.5 SIP and the Negative Declaration;

WHEREAS, CARB has determined that its subsequent adoption of the District's 2018 Annual PM2.5 SIP is a "ministerial" approval for purposes of CEQA (California Code of Regulations, title 14 section 15268) because CARB's review is limited to determining if

the SIP meets the requirements of the Act, and CARB lacks authority to modify or adopt the SIP in response to environmental concerns:

WHEREAS, at its May 25th 2018 meeting, the Board directed CARB's Executive Officer to have CARB staff develop a work plan, in coordination with the District and Mexico, to 1) address the District's air quality issues beyond those covered by the Act's requirements; 2) assess how the District's enforcement protocols might be strengthened; and, 3) evaluate how the District's enforcement protocols compare with South Coast Air Quality Management District's (SCAQMD) enforcement protocols, with the aim of addressing cross-border impacts and assessing of how to provide assistance – within the limits of CARB's jurisdictional authority – to Mexico in mitigating emissions that ultimately impact Imperial County; and

WHEREAS, at its May 25<sup>th</sup> meeting, the Board directed the Executive Officer to have CARB staff report to the Board on the work plan described immediately above, at or before its October 2018 meeting.

NOW, THEREFORE, BE IT RESOLVED, the Board finds that:

1. The PM<sub>2.5</sub> nonattainment area will attain the 12 µg/m<sup>3</sup> annual PM<sub>2.5</sub> standard in 2021 but for emissions from Mexico;
2. The 2018 Annual PM<sub>2.5</sub> SIP contains commitments from the District to develop or amend rules that reduce PM<sub>2.5</sub>, NO<sub>x</sub>, and ammonia emissions; and
3. The 2018 Annual PM<sub>2.5</sub> SIP meets the requirements under the Act.

BE IT FURTHER RESOLVED that the Board hereby adopts the 2018 Annual PM<sub>2.5</sub> SIP as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the 2018 Annual PM<sub>2.5</sub> SIP to U.S. EPA for inclusion in the California SIP, to be effective, for purposes of federal law, upon approval by U.S. EPA.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work with the District and U.S. EPA and take appropriate action to resolve any completeness or approvability issues that may arise regarding the SIP submission.

BE IT FURTHER RESOLVED that the Board authorizes the Executive Officer to include in the SIP submittal any technical corrections, clarifications, or additions that may be necessary to secure U.S. EPA approval.

BE IT FURTHER RESOLVED that the Board certifies pursuant to 40 C.F.R. section 51.102 that the 2018 Annual PM<sub>2.5</sub> SIP was adopted after notice and public hearing as required by 40 C.F.R. section 51.102.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to continue working with the District to identify strategies to reduce local PM2.5 emissions and thereby improve public health for Imperial County residents.

BE IT FURTHER RESOLVED that the Board hereby directs CARB's Executive Officer to have CARB staff develop a work plan, in coordination with the District and Mexico, to 1) address the District's air quality issues beyond those covered by the Act's requirements; 2) assess how the District's enforcement protocols might be strengthened; and, 3) evaluate how the District's enforcement protocols compare with SCAQMD's enforcement protocols, with the aim of addressing cross-border impacts and assessing of how to provide assistance – within the limits of CARB's jurisdictional authority – to Mexico in mitigating emissions that ultimately impact Imperial County.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to have CARB staff report to the Board on the work plan described immediately above, at or before its October 2018 meeting.

I hereby certify that the above is a true and correct copy of Resolution 18-18 as adopted by the Air Resources Board.

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Rana McReynolds, Clerk of the Board