

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-125-245

WHEREAS, on July 1, 1987, the United States Environmental Protection Agency (U.S. EPA) promulgated national ambient air quality standards (NAAQS) for particulate matter less than ten microns in diameter (PM10);

WHEREAS, on August 7, 1987, the U.S. EPA designated the Owens Valley Planning Area ("Owens Valley") nonattainment for the 24-hour PM10 NAAQS;

WHEREAS, sections 110, 172(a), and 172(c)(1) of the Federal Clean Air Act ("the Act"; U.S.C. Sections 7401 et seq.) as amended in 1990 require that all NAAQS be attained as expeditiously as practicable through the implementation of all reasonably available stationary, mobile and transportation control measures and through the adoption of such other measures as may be necessary to ensure attainment and maintenance of such standards;

WHEREAS, sections 188 and 189 of the Act (42 U.S. C. Sections 7513 and 7513(a)) set forth requirements for PM10 pertaining to submittal of the State Implementation Plan (SIP), the dates by which PM10 standards shall be achieved, and the conditions under which areas may be reclassified from "moderate" to "serious;"

WHEREAS, on January 7, 1993 U.S. EPA, pursuant to section 188(b) of the Act, reclassified Owens Valley from "moderate" to "serious" for PM10;

WHEREAS, section 189(b) of the Act as amended in 1990 requires the State of California to submit to the U.S. EPA a revision to the SIP for particulate matter for the Owens Valley by February 8, 1997;

WHEREAS, Owens Valley is located within the jurisdiction of the Great Basin Unified Air Pollution Control District (District) which is authorized by Health and Safety Code Sections 40001, 40702, and 41650, to adopt and enforce rules and regulations to achieve and maintain the NAAQS and to adopt an attainment plan, and is authorized by Health and Safety Code section 42316 to order the City of Los Angeles (City) to undertake reasonable PM10 control measures relating to the City's activities in Owens Valley;

WHEREAS, section 188(c)(2) of the Act requires the Owens Valley to attain the PM10 NAAQS by December 2001;

WHEREAS, section 188(e) of the Act allows the State to request a five-year extension of the attainment deadline, to 2006, if attainment by 2001 would be "impracticable," and if other specified conditions are met;

WHEREAS, section 189(b) of the Act requires the PM10 SIP revision for the Owens Valley to demonstrate attainment of the PM10 NAAQS by the applicable attainment date;

WHEREAS, section 189(c)(1) of the Act requires the PM10 SIP revision for the Owens Valley to establish PM10 reasonable further progress milestone targets, which are to be achieved every three years until the area is redesignated attainment, and which demonstrate reasonable further progress;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations (CFR), 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 the U.S. EPA of any SIP revision;

WHEREAS, the California Environmental Quality Act (CEQA) and ARB regulations require that no project that may have significant adverse environmental impacts be approved as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which out-weigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, after a noticed public hearing, on July 2, 1997 the District's Governing Board adopted the Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan and Incorporated Board Order No. 070297-04 (collectively, "1997 Attainment Demonstration SIP") to comply with the requirements of State and federal air quality laws;

WHEREAS, in conjunction with its adoption of the 1997 Attainment Demonstration SIP, the District's Governing Board adopted a resolution certifying that the Final Environmental Impact Report ("FEIR") had been completed in compliance with the California Environmental Quality Act; that the Governing Board had reviewed and considered the information and analysis contained in the FEIR; and that the FEIR reflected the independent judgment of the District;

WHEREAS, on December 29, 1997, the City filed a Notice of Appeal regarding District Board Order No. 070297-04, as allowed under Health and Safety Code section 42316(b);

WHEREAS, on July 27, 1998, the City and the District reached agreement on a phased implementation approach and signed a Memorandum of Agreement (MOA) to memorialize such agreement;

WHEREAS, in accordance with the terms of the MOA, at a noticed public hearing on November 16, 1998 the District's Governing Board adopted the 1998 Revision to the Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan, and rescinded District Order No. 070297-04 ("1998 SIP Revision");

WHEREAS, the 1998 SIP Revision identifies PM10 control measures to be implemented to reduce the frequency and severity of NAAQS exceedences;

WHEREAS, in accordance with Health and Safety Code section 42316, the 1998 SIP Revision incorporates Board Order No. 981116-01 which directs the City to implement a series of control measures designed to mitigate the wind blown PM10 emissions from the exposed playa at Owens Lake; implementation of these measures is expected to bring the Owens Valley Planning Area into attainment with the NAAQS by December 31, 2001, as required by the Act;

WHEREAS, on November 20, 1998, the City and the District signed a joint stipulation to dismiss the City's appeal of District Board Order No. 070297-04;

WHEREAS, the District determined that adoption of the proposed 1998 SIP Revision and the rescission of District Order No. 070297-04 was a "project" as defined by CEQA;

WHEREAS, the District is the Lead Agency under CEQA for the adoption of the 1998 SIP Revision;

WHEREAS, the District determined that preparation of a subsequent or supplemental environmental impact report was not appropriate under CEQA for the proposed adoption of the 1998 SIP Revision;

WHEREAS, the District prepared an Addendum No. 1 to the FEIR; the Governing Board reviewed the Addendum in its entirety, considered its contents with the FEIR, and determined that the Addendum for the 1998 SIP Revision meets all the requirements for certification under CEQA and reflects the independent judgment of the District;

WHEREAS; the FEIR and the Addendum identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the City's compliance with the 1998 SIP Revision;

WHEREAS, the District is required, pursuant to the CEQA to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant impacts on the environment associated with a project to be approved;

WHEREAS, the District's Governing Board determined that all of the significant impacts on the environment associated with the 1998 SIP Revision can be avoided through the adoption of feasible mitigation measures;

WHEREAS, the Governing Board determined that the 1998 SIP Revision is superior to all feasible project alternatives, that feasible project alternatives would not reduce any potentially significant and unavoidable impact of the 1998 SIP Revision to less-than-significant levels; and that the No Project Alternative, which would avoid these impacts, would fail to achieve most of the objectives and benefits of the 1998 SIP Revision;

WHEREAS, the Governing Board is required by Public Resources Code Section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the District are actually carried out;

WHEREAS, the Governing Board adopted the Mitigation Monitoring and Reporting Program as included in Exhibit B to the District Resolution No. 98-05;

WHEREAS, on November 23, 1998 the District submitted the 1998 SIP Revision to the ARB along with proof of public notice publication and environmental documents, in accordance with state and federal law; the 1998 SIP Revision and supporting documentation are incorporated by reference herein;

WHEREAS, section 39602 of the Health and Safety code designates the ARB as the state air pollution control agency for all purposes set forth in federal law and as the state agency responsible for the preparation of the SIP;

WHEREAS, the Board is authorized by Health and Safety Code sections 39600, 39602, and 41650-41652 to adopt SIP revisions proposed by local or regional air quality agencies if requirements of the Act are met;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code delegate to the ARB Executive Officer the authority to act for the Board in this matter;

WHEREAS, the ARB has reviewed and considered the 1998 SIP Revision, along with the FEIR and Addendum to the FEIR;

WHEREAS, based upon the 1998 SIP Revision, the FEIR, and the Addendum to the FEIR, the ARB finds as follows:

1. The 1998 SIP Revision contains a PM10 control strategy that is shown to be sufficient to attain the NAAQS for PM10 by December 31, 2006 and the District has met the conditions for granting a five-year extension of the attainment date to 2006.
2. Both the 1997 Attainment Demonstration SIP and the 1998 SIP Revision were available for public review and comment for at least 30 days, and noticed public hearings were conducted in the Owens Valley prior to adoption of the 1997 Attainment Demonstration SIP and the 1998 SIP Revision by the District Governing Board, as required by the Act and U.S. EPA regulations.
3. The 1998 SIP Revision provides quantifiable implementation milestones for each year beginning in 2001 and ending in 2006.
4. The 1998 SIP Revision commits the District to revise the SIP in 2003 to incorporate new knowledge and provide for attainment of the PM10 NAAQS by December 31, 2006.

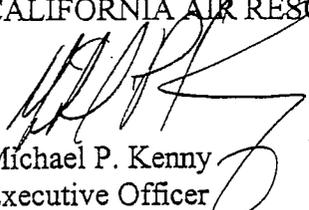
5. The FEIR for the 1997 Attainment Demonstration SIP and the Addendum to the FEIR prepared and certified for the 1998 SIP Revision meet the requirements of the CEQA, and identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the City of Los Angeles' compliance with the 1998 SIP Revision;
6. The FEIR and the Addendum have addressed feasible alternatives and mitigation measures as required by CEQA; and implementation of the Mitigation Monitoring and Reporting Program as defined in Exhibit B to Resolution 98-05 should mitigate the adverse environmental impacts; these documents are incorporated by reference herein as the findings which the ARB is directed to make pursuant to Public Resources Code section 21081 and the CEQA Guidelines.

NOW, THEREFORE, BE IT ORDERED that the State of California Air Resources Board hereby adopts and submits to the U.S. EPA for its approval the 1998 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan, which contains a PM10 control strategy, attainment demonstration, and reasonable further progress milestone targets for the Owens Valley Planning Area, as a revision to the California State Implementation Plan.

I certify that the enclosed SIP revision was adopted after notice and public hearing as required by 40 CFR 51.102.

Executed this 10th day of December 1998, at Sacramento, California.

CALIFORNIA AIR RESOURCES BOARD


Michael P. Kenny
Executive Officer