State of California
AIR RESOURCES BOARD

APPROVAL OF THE SAN DIEGO 8-HOUR OZONE SIP REDESIGNATION REQUEST AND MAINTENANCE PLAN

Resolution 12-36

December 6, 2012

Agenda Item No.: 12-9-1

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

WHEREAS, ARB is responsible for preparing 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 (districts) necessary to comply with the Act;

WHEREAS, sections 39602 and 40460 of the Health and Safety Code provide that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, ARB has responsibility for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, ARB 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 San Diego County Air Pollution Control District (District) was established, pursuant to sections 40000 and 40100 of the Health and Safety Code, as the air pollution control district responsible for carrying out these responsibilities in the San Diego County Planning Area;

WHEREAS, in 1997, the U.S. Environmental Protection Agency (U.S. EPA) promulgated an 8-hour NAAQS for ozone of less than 0.08 parts per million;

WHEREAS, in June 2012, the U.S. EPA designated the San Diego County Planning Area as a "moderate" ozone nonattainment area for the 1997 8-hour ozone standard (standard) with an attainment date of June 13, 2018;

WHEREAS, San Diego County measured no violations of the standard from 2009-2011, thereby qualifying for redesignation to attainment under U.S. EPA regulations;

WHEREAS, section 107(d)(3)(D) of the Act provides that a State may request that U.S. EPA redesignate an area from nonattainment to attainment for the NAAQS;

WHEREAS, section 107(d)(3)(E) of the Act sets forth the requirements which must be met for U.S. EPA to redesignate an area from nonattainment to attainment;

WHEREAS, the District developed the 2012 Redesignation Request and Maintenance Plan for the 1997 National Ozone Standard for San Diego County (Maintenance Plan) to address the requirements of the Act;

WHEREAS, the Maintenance Plan contains:

1. a detailed attainment emissions inventory;
2. a maintenance demonstration;
3. a commitment to continue operation of the monitoring network;
4. a contingency plan; and
5. transportation conformity budgets.

WHEREAS, section 41650 of the Health and Safety Code requires ARB to approve the nonattainment plan adopted by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet Act requirements;

WHEREAS, consistent with section 107(d)(3)(E)(i) of the Act, the District demonstrated attainment of the standard in the 2009-2011 period for the San Diego County Planning Area, based on quality-assured federal reference method monitoring data from the local monitoring network;

WHEREAS, consistent with section 107(d)(3)(E)(ii) of the Act, the District prepared the Maintenance Plan in part to meet the requirement for an approvable ozone SIP under section 110(k) of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(iii) of the Act, the District demonstrated in the Maintenance Plan that improvement in air quality is due to permanent and enforceable emission control measures;

WHEREAS, consistent with section 107(d)(3)(E)(iv) of the Act, the Maintenance Plan meets the requirement of section 175A of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(v) of the Act, the Maintenance Plan meets the requirement of section 110 and part D of the Act;

WHEREAS, consistent with section 176 of the Act, the District developed transportation conformity budgets for volatile organic compounds (VOC) and oxides of nitrogen (NOx) using the most recent estimates of emissions for 2012 and projections through 2025;

WHEREAS, the Maintenance Plan demonstrates that the emissions will continue to decline through 2025;

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 of 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, as required by federal law, the District made the Maintenance Plan available for public review at least 30 days prior to the hearing date;

WHEREAS, following the December 5, 2012 public hearing, the District Board voted to:

1. adopt the Maintenance Plan to fulfill applicable requirements of the Act for a moderate ozone nonattainment area to be redesignated to attainment; and
2. request a redesignation for the San Diego Planning Area to attainment for the 1997 8-hour ozone standard.

WHEREAS, the District submitted the Maintenance Plan to ARB as a SIP revision in accordance with State and federal law;

WHEREAS, the District requested that the San Diego County 8-Hour Ozone Nonattainment Planning Area be redesignated from nonattainment to attainment with respect to the 1997 8-Hour Ozone NAAQS;

WHEREAS, the Board finds that:

1. California's air pollution control programs have successfully reduced ozone concentrations leading to attainment of the standard in San Diego County;
2. The Maintenance Plan meets all applicable planning requirements established by the Act and U.S. EPA regulations;
3. The Maintenance Plan is necessary for U.S. EPA to redesignate San Diego County to attainment for the ozone NAAQS;
4. The Maintenance Plan addresses current attainment and continued maintenance of the standard in San Diego County for at least ten years after redesignation;
5. Consistent with U.S. EPA guidance, the Maintenance Plan includes an attainment emissions inventory, commitments by the District to continual operation of the monitoring network, and a process to verify continued ozone standard attainment;
6. The Maintenance Plan includes contingency provisions to assure prompt correction of any post-designation violation of the ozone NAAQS;
7. The Maintenance Plan has identified county-level VOC and NOx emission budgets for transportation conformity for 2020 and 2025 based on current

emissions and activity data, and the budgets are adequate to ensure continued maintenance of the NAAQS; and

8. The State, federal, and local control strategy identified in the Maintenance Plan provides the necessary emission reductions to maintain attainment of the standard through the maintenance period.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the 2012 "Redesignation Request and Maintenance Plan for the 1997 National Ozone Standard for San Diego County" as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to submit the Maintenance Plan as a SIP revision (together with the appropriate supporting documentation) to U.S. EPA for approval as a revision to 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 issues regarding plan completeness and approvability that may arise.

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 hereby certifies pursuant to 40 CFR section 51.102 that the proposed SIP revision was adopted after notice and public hearing as required by 40 CFR section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 12-36, as adopted by the Air Resources Board.

Tracy Jensen

Tracy Jensen, Clerk of the Board