

Staff Report

Coachella Valley 8-Hour Ozone Attainment Contingency

Release Date: March 24, 2017
Hearing Date: April 27, 2017

California Environmental Protection Agency



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Attainment Contingency Measures for the 75 parts per billion (ppb) 8-hour Ozone Standard in the Coachella Valley

This document demonstrates how the Coachella Valley nonattainment area will meet the contingency requirements for the 75 ppb 8-hour ozone standard set by the U.S. Environmental Protection Agency (U.S. EPA) in 2008. At its March 23, 2017 hearing, the Air Resources Board (ARB) adopted the 2016 Air Quality Management Plan (2016 AQMP) for the South Coast Air Basin and Coachella Valley. The 2016 AQMP contained all of the State Implementation Plan (SIP) requirements for the Coachella Valley with the exception of attainment contingency measures.

The Coachella Valley attainment contingency consists of new reductions occurring between 2026 and 2027 from the continued implementation of the mobile source control program beyond what is needed for attainment. U.S. EPA allows states to use excess reductions from already adopted measures to meet the attainment contingency requirement.¹ Existing mobile source control measures are projected to continue providing significant emission reductions for many years beyond the 2026 attainment year as newer vehicles enter the fleet due to continued implementation of the mobile source programs. The 2016 AQMP therefore relies on these new emission reductions to fulfill the attainment contingency measures requirement. The table below demonstrates that NOx reductions between 2026 and 2027 will be more than the three percent needed to demonstrate attainment contingency.

Attainment Contingency in the Coachella Valley (tpd)

	2026	3 Percent Target	2027	2026 to 2027 reductions	Is Attainment Contingency Met?
NOx inventory (tpd)	9.13	0.27	8.84	0.29	Yes

Staff Recommendation

The Clean Air Act requires contingency measures to provide additional emission reductions in the event a nonattainment area fails to achieve RFP targets or attain by the deadline (Clean Air Act, sections 172(c)(9), 182(c)(9).) A recent Ninth Circuit decision, *Bahr v. U.S. Environmental Protection Agency*, (9th Cir. 2016) 836 F.3d 1218, found that U.S. EPA approval of certain types of contingency measures in an Arizona PM10 SIP were not consistent with the Act's contingency requirements.

¹ <https://www.regulations.gov/document?D=EPA-R09-OAR-2014-0178-0185>

ARB staff expects that U.S. EPA will revise its guidance on contingency requirements in light of the *Bahr* decision. The contingency measures described below meet U.S. EPA's existing guidance. ARB staff will work with the District and the U.S. EPA to provide any additional documentation or develop any needed SIP revisions to support U.S. EPA approval of the 2016 AQMP.

ARB staff recommends that the Board adopt the 8-hour ozone attainment contingency measures for the Coachella Valley and direct the Executive Officer to submit the contingency measures to U.S. EPA as a revision to the California SIP.