

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER S-15-004

Adoption and Submittal of the Mojave Desert Air Quality Management District  
2015 8-Hour Ozone Reasonably Available Control Technology –  
State Implementation Plan and  
Federal Negative Declarations for 19 Control Technique Source Categories

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

WHEREAS, ARB 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 (districts) necessary to comply with the Act;

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and part 5 (commencing with section 43000) of the Health and Safety Code, and 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, the local air districts have primary responsibility for the control of air pollution from nonvehicular 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, 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, section 41650 of the Health and Safety Code requires ARB to approve the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

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

WHEREAS, in March 2008, the U.S. Environmental Protection Agency (U.S. EPA) promulgated an 8-hour standard for ozone of 0.075 parts per million (ppm);

WHEREAS, the U.S. EPA has assigned federal classifications for the 0.075 ppm 8-hour Ozone Nonattainment areas in California (FR 77 30088, May 21, 2012);

WHEREAS, on June 6, 2013, U.S. EPA promulgated the Proposed Rule, "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements," (78 FR 34178 et seq.), which requires the submission of Reasonably Available Control Technology (RACT) SIPs for nonattainment areas classified as moderate or above;

WHEREAS, the Mojave Desert Air Quality Management District is designated as a nonattainment area with classification of severe-15 for the 0.075 ppm 2008 8-hour ozone standard;

WHEREAS, U.S. EPA has published Control Technique Guidelines (CTG) that establish RACT control limits for Volatile Organic Compounds emissions from specific stationary source categories and establish various major source threshold limits for classified nonattainment areas for the 0.075 ppm 8-hour ozone standard;

WHEREAS, U.S. EPA requires districts to review their rules for CTG and major non-CTG sources located in the district to determine if those rules meet RACT requirements and to update or adopt new rules if necessary;

WHEREAS, U.S. EPA requires districts not having a listed CTG or major non-CTG source, and consequently lacking a RACT rule for these categories, to make a negative declaration stating this;

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 review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, following a duly noticed public hearing on February 23, 2015, the Mojave Desert Air Quality Management District Governing Board adopted the Reasonably Available Control Technology - State Implementation Plan Analysis and Federal Negative Declarations for 19 Control Technique Source Categories; WHEREAS, the California Environmental Quality Act (CEQA) requires that any proposed action for which significant adverse environmental impacts have been identified shall not be approved if there are feasible mitigation measures or feasible alternatives which would substantially reduce or eliminate such impacts; if economic, social or other conditions make infeasible project alternatives or mitigation measures, the project may be approved if specific overriding considerations are identified which outweigh the adverse impacts;

WHEREAS, to meet the requirements of CEQA, the District filed a Notice of Exemption for the Mojave Desert Air Quality Management District Reasonably Available Control Technology - State Implementation Plan Analysis and Federal Negative Declarations for 19 Control Technique Source Categories with the San Bernardino County Clerk on March 9, 2015;

WHEREAS, section 39515 and 39516 delegate to the Executive Officer the authority to act for the Board in this matter;

WHEREAS, the Executive Officer finds that ARB has reviewed and considered the District plan along with the Notice of Exemption prepared for the District plan, and finds that both documents are consistent with the requirements of the Act and CEQA;

NOW, THEREFORE, IT IS ORDERED that the Executive Officer hereby adopts as a SIP revision the Reasonably Available Control Technology Analysis - State Implementation Plan and Federal Negative Declarations for 19 Control Technique Source Categories adopted by the Mojave Desert Air Quality Management District.

BE IT FURTHER ORDERED that ARB hereby submits to U.S. EPA the Mojave Desert Air Quality Management District Reasonably Available Control Technology - State Implementation Plan Analysis and Federal Negative Declarations for 19 Control Technique Source Categories, and requests that U.S. EPA approve them as a revision to the California SIP.

I certify, pursuant to 40 CFR section 51.102 that the Mojave Desert Air Quality Management District Reasonably Available Control Technology - State Implementation Plan Analysis and Federal Negative Declarations for 19 Control Technique Source Categories being submitted as a SIP revision were adopted after notice and public hearing as required by 40 CFR 51.102.

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Executed at Sacramento, California this 10<sup>th</sup> day of September, 2015.



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Richard W. Corey  
Executive Officer