

RESOLUTION 08-04

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR**
2 **QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF**
3 **EXEMPTION, ADOPTING THE MDAQMD FEDERAL 8-HOUR OZONE ATTAINMENT PLAN**
4 **(WESTERN MOJAVE DESERT NON-ATTAINMENT AREA) AND DIRECTING STAFF**
5 **ACTIONS.**

6 On June 9, 2008, on motion by Member RIORDAN, seconded by Member VALENTINE, and
7 carried, the following resolution is adopted:

8 **WHEREAS**, the Mojave Desert Air Quality Management District (MDAQMD) has authority
9 pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend or
10 repeal rules and regulations, and

11 **WHEREAS**, the MDAQMD was designated nonattainment and classified severe-17 (portions of
12 the MDAQMD outside the Southeast Desert Modified Air Quality Management Area (AQMA) are
13 designated unclassified/attainment) for ozone under the then effective federal one-hour ozone standard;
14 and

15 **WHEREAS**, the MDAQMD has adopted State and federal attainment plans for the region within
16 its jurisdiction for the one-hour ozone standard; and

17 **WHEREAS**, the most recent such plan that was submitted to United States Environmental
18 Protection Agency (USEPA) is the *MDAQMD 2004 Ozone Attainment Plan (State and Federal)* adopted
19 in 2004; and

20 **WHEREAS**, on March 9, 2006, USEPA shifted its ozone standard from measurement on a one-
21 hour basis to an eight hour basis (8-hour ozone standard); and

22 **WHEREAS**, the USEPA designated the Western Mojave Desert non-attainment area as non-
23 attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS) pursuant to the
24 provisions of the FCAA; and

25 **WHEREAS**, a portion of the MDAQMD is included in the Western Mojave Desert non-
26 attainment area; and

27 **WHEREAS**, The MDAQMD has prepared the *MDAQMD Federal 8-Hour Ozone Attainment*
28 *Plan (Western Mojave Desert Non-attainment Area)* to satisfy the planning requirements under the new 8-
hour ozone standard; and

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1 **WHEREAS**, this plan when adopted will supercede and update all previously submitted federal
2 ozone plans; and

3 **WHEREAS**, the proposed adoption of the plan is necessary because this document includes the
4 latest planning assumptions regarding population, vehicle activity and industrial activity; addresses all
5 existing and forecast ozone precursor-producing activities within the jurisdiction of the MDAQMD
6 through the year 2020; and, includes all necessary information to allow general and transportation
7 conformity findings to be made within the jurisdiction of the MDAQMD; and

8 **WHEREAS**, the MDAQMD has the authority pursuant to H & S Code §40702 to do such acts as
9 may be necessary or proper to execute the powers and duties granted to, and imposed upon, the District by
10 this division and other statutory provisions; and

11 **WHEREAS**, the proposed adoption is clear in that the meaning can be easily understood by the
12 persons impacted by the Plan; and

13 **WHEREAS**, the proposed adoption is in harmony with, and not in conflict with, or contradictory
14 to existing statutes, court decisions, or State or federal regulations because this plan: (1) demonstrates that
15 the MDAQMD will meet the primary required federal ozone planning milestones, attainment of the 8-
16 hour ozone NAAQS by June 2021; (2) presents the progress the MDAQMD will make towards meeting
17 all required ozone planning milestones; and (3) discusses the newest 0.075 part per million 8-hour ozone
18 NAAQS, preparatory to an expected non-attainment designation for the new NAAQS. This document
19 satisfies 42 U.S.C. §§7410, 7502, 7504 and 7511a (FCAA §§110, 172, 174, and 182) regarding
20 implementation plans, non-attainment plan provisions, planning procedures, and ozone plan submissions
21 and requirements for the 8-hour NAAQS; and

22 **WHEREAS**, the proposed adoption does not impose the same requirements as any existing State
23 or federal regulation because USEPA has revoked the one-hour standard which was the basis for all
24 previous ozone plans and the proposed plan is being promulgated in response to the new eight-hour ozone
25 standard. As a result, this document replaces the obsolete one-hour plan; and

26 **WHEREAS**, the proposed adoption is needed because this document includes the latest planning
27 assumptions regarding population, vehicle activity and industrial activity; addresses all existing and
28 forecast ozone precursor-producing activities within the jurisdiction of the MDAQMD through the year

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1 2020; and, includes all necessary information to allow general and transportation conformity findings to
2 be made within the jurisdiction of the MDAQMD; and

3 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H & S Code
4 §40725, concerning the proposed adoption of the *MDAQMD Federal 8-Hour Ozone Attainment Plan*
5 (*Western Mojave Desert Non-attainment Area*); and

6 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
7 proposed adoption of the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert*
8 *Non-attainment Area)*, completed in compliance with the California Environmental Quality Act (CEQA),
9 has been presented to the MDAQMD Board; each member having reviewed, considered and approved the
10 information contained therein prior to acting on the proposed adoption of the *MDAQMD Federal 8-Hour*
11 *Ozone Attainment Plan (Western Mojave Desert Non-attainment Area)*, and the MDAQMD Board having
12 determined that the proposed amendments will not have any potential for resulting in any adverse impact
13 upon the environment; and

14 **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

15 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the MDAQMD finds
16 that the proposed adoption of the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave*
17 *Desert Non-attainment Area)* is necessary, authorized, clear, consistent, non-duplicative and properly
18 referenced; and

19 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby makes a
20 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of
21 Exemption for the adoption of the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave*
22 *Desert Non-attainment Area)*; and

23 **BE IT FURTHER RESOLVED**, that the Board of the MDAQMD does hereby adopt, pursuant
24 to the authority granted by law, the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave*
25 *Desert Non-attainment Area)*, as set forth in the attachments to this resolution and incorporated herein by
26 this reference; and

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1 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,
2 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions
3 of CEQA.

4 **PASSED, APPROVED AND ADOPTED** by the Governing Board of the Mojave Desert Air Quality
5 Management District by the following vote:

6 AYES: 10 MEMBER: **SAGONA, CURRAN, CRAIN, GLASPER, VALENTINE,**
7 **RIORDAN, PACK, BERNAL, ROTHSCHILD, WILSON**

8 NOES: MEMBER:

9 ABSENT: 4 MEMBER: **BIANE, HANSBERGER, LEONE, MITZELFELT**

10 ABSTAIN: MEMBER:

11 STATE OF CALIFORNIA)
12) SS:
13 COUNTY OF SAN BERNARDINO)

14
15 I, Michele Baird, Clerk of the Governing Board of the Mojave Desert Air Quality Management
16 District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the
same appears in the Official Minutes of said Governing Board at its meeting of June 9, 2008.

17 *Michele Baird*
18 Clerk of the Governing Board,
Mojave Desert Air Quality Management District.