State of California
AIR RESOURCES BOARD

Resolution 08-26

June 26, 2008

Agenda Item No.: 08-6-6

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the State 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 (Act), 42 United States Code, 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, 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 area 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, 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, 40910, and 41650 of the Health and Safety Code;

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

WHEREAS, in April 2004, U.S. EPA designated the Western Mojave Desert as nonattainment for the 8-hour ozone NAAQS, with a classification of moderate and an attainment date of June 15, 2010;

WHEREAS, the Western Mojave Desert 8-Hour Ozone Nonattainment Area (Western Mojave Desert) includes the northeast portion of Los Angeles County and the southwest portion of San Bernardino County;

WHEREAS, the Antelope Valley Air Quality Management District has jurisdiction over the Los Angeles County portion of the Western Mojave Desert and the Mojave Desert Air Quality Management District has jurisdiction over the San Bernardino County portion of the Western Mojave Desert;

WHEREAS, air quality modeling indicates that ozone levels in the Western Mojave Desert are significantly impacted by emissions from upwind areas including the South Coast Air Basin, and that it is not possible to attain the ozone NAAQS in the Western Mojave Desert without significant upwind emission reductions;

WHEREAS, section 181(b)(3) of the Act allows states to request reclassification to a higher classification for an ozone nonattainment area;

WHEREAS, the Executive Officer has forwarded to U.S. EPA requests from the Antelope Valley Air Quality Management District and the Mojave Desert Air Quality Management District (Districts) that U.S. EPA reclassify the Western Mojave Desert to "severe-17" with a June 15, 2021, attainment date;

WHEREAS, the Act requires that 8-hour ozone nonattainment areas classified as moderate or greater must adopt a plan demonstrating Reasonable Further Progress (RFP) toward attaining the 8-hours ozone NAAQS by the attainment deadline;

WHEREAS, the Act also requires that the SIPs for such areas must include air quality and emissions data, a control strategy, a modeled attainment demonstration, rate of progress milestones, conformity emission budgets, and contingency measures;

WHEREAS, the Districts have each adopted a 2007 Air Quality Management Plan (2007 AQMPs) to fulfill the planning requirements of both the federal Act and the California Clean Air Act;

WHEREAS, the 2007 AQMPs include updated air quality and emissions data, control strategies based on State, local, and federal measures, modeled attainment demonstrations, RFP demonstrations, transportation conformity emission budgets, and contingency measures for the 8-hour ozone NAAQS;

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 of any SIP revision;

WHEREAS, the updated RFP demonstration shows that the Western Mojave Desert will meet the required progress milestones and will continue to have additional emission reductions needed to meet the contingency measure requirements for progress;

WHEREAS, the Board finds that:

1. Ozone levels within the Western Mojave Desert are impacted by emissions from upwind areas, notably the South Coast Air Basin, and cannot be brought to attainment levels without significant reductions from those areas;

2. Air quality modeling indicates that that existing State, federal, and local controls, together with commitments made in the 2007 State Strategy and local emission reduction commitments made by the South Coast Air Quality Management District, will provide for attainment of the 8-hour ozone NAAQS in the Western Mojave Desert by 2021;

3. The Districts have requested that the Western Mojave Desert be reclassified as a severe-17 ozone nonattainment area, which would require attainment by June 15, 2021, and ARB has submitted this request to U.S. EPA;

4. Already adopted State mobile source control regulations will provide the required contingency measures in the event that the Western Mojave Desert does not attain the ozone NAAQS by 2021, and these measures will achieve additional emission reductions beyond those relied on in the attainment demonstration;

5. The 2007 AQMPs include an RFP demonstration and transportation conformity budgets for the Western Mojave Desert Ozone Nonattainment Area, as required by the Act;

WHEREAS, the Board further finds that:

1. ARB has reviewed the 2007 AQMPs, along with the Negative Declarations prepared for the 2007 AQMPs, and finds that they meet the requirements of the ACT and US. EPA regulations.

2. ARB finds that the Negative Declarations prepared for the 2007 AQMPs meet the requirements of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the 2007 AQMPs as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to submit the 2007 AQMP to U.S. EPA for inclusion in the 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 Districts and U.S. EPA and take appropriate action to resolve any completeness or approvability issues that may arise regarding the SIP submission.

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 Western Mojave Desert AQMPs were 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 08-26, as adopted by the Air Resources Board.

Monica Vejar

Monica Vejar, Clerk of the Board