State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER S-18-007

Adoption and Submittal of the Northern Sierra Air Quality Management District *Reasonably Available Control Technology State Implementation Plan Revision for the Western Nevada County 8-Hour Ozone Nonattainment Area*

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

WHEREAS, CARB 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, CARB 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 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, 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 CARB 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, on March 12, 2008, the U.S. Environmental Protection Agency (U.S. EPA) promulgated an 8-hour standard for ozone of 75 parts per billion (ppb);

WHEREAS, CARB has determined that its subsequent adoption of the Western Nevada RACT SIP is a "ministerial" approval for purposes of CEQA (Cal. Code Regs, tit 14, §15268) because CARB's review is limited to determining if amendment meets the requirements of the federal Clean Air Act, and CARB lacks authority to modify or not approve the plan in response to environmental concerns;

WHEREAS, the District certified in their Board resolution on March 26, 2018, that this action is categorically exempt from CEQA review (Class 8 Categorical Exemption);

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

NOW, THEREFORE, IT IS ORDERED that the Executive Officer hereby adopts as a SIP revision the Western Nevada RACT SIP adopted by the Northern Sierra Air Quality Management District.

BE IT FURTHER ORDERED that CARB hereby submits to U.S. EPA the Western Nevada RACT SIP and requests that U.S. EPA approve it as a revision to the California SIP.

I certify, pursuant to 40 CFR section 51.102 that the Western Nevada RACT SIP prepared by the Northern Sierra Air Quality Management District being submitted as a SIP revision was adopted after notice and public hearing as required by 40 CFR 51.102.

Executed at Sacramento, California this 7th day of June 2018.

Richard W. Corey
Executive Officer