

State of California
AIR RESOURCES BOARD

Executive Order G-125-322

WHEREAS, the California Legislature in Health and Safety Code (HSC) 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/Plan) 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 HSC 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, HSC section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, HSC section 41650 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, 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 HSC sections 39002, 40000, 40001, 40002, 40701, 40702, and 41650;

WHEREAS, ARB is authorized by HSC section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

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

WHEREAS, the Southeast Desert Modified Air Quality Maintenance Area (Southeast Desert), is designated as a nonattainment area with a classification of severe-17 for the one-hour ozone NAAQS;

WHEREAS, the Act requires the Southeast Desert to attain the one-hour ozone NAAQS by November 15, 2007;

WHEREAS, the Act requires the ozone SIP for the Southeast Desert to 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 Southeast Desert is defined by U.S. EPA in Title 40, section 81.305 of the Code of Federal Regulations (CFR) to include the Antelope Valley portion of Los Angeles County, the Coachella/San Jacinto Planning Area (Coachella Valley) portion of Riverside County, and the Victor Valley/Barstow region (Mojave Desert) of San Bernardino County;

WHEREAS, the Act as amended in 1990 required California to submit to U.S. EPA a revision to the SIP for ozone nonattainment areas designated as severe-17 in accordance with section 181 of the Act by November 15, 1994 (1994 SIP);

WHEREAS, at the time of the 1994 SIP, the South Coast Air Quality Management District (South Coast District) had jurisdiction over the Antelope Valley and Coachella Valley portions of the Southeast Desert, pursuant to HSC sections 40410 and 40413;

WHEREAS, on September 9, 1994, the South Coast District adopted the 1994 SIP for the Antelope Valley and Coachella Valley regions of the Southeast Desert;

WHEREAS, on December 9, 1994, the South Coast District approved revisions to the post-1996 rate of progress (ROP) demonstration for the Antelope Valley and Coachella Valley regions of the Southeast Desert;

WHEREAS, on December 12, 1994, the South Coast District submitted to ARB the post-1996 ROP demonstration for the Antelope Valley and Coachella Valley regions of the Southeast Desert for adoption and transmittal to U.S. EPA as a SIP revision;

WHEREAS, on November 8, 1994, the South Coast District submitted to ARB the Antelope Valley and Coachella Valley portions of the 1994 ozone SIP revision for the Southeast Desert for adoption and transmittal to U.S. EPA;

WHEREAS, at the time of the 1994 SIP, the Mojave Desert Air Quality Management District (Mojave Desert District) had jurisdiction over the Mojave Desert region in San Bernardino County, pursuant to HSC section 41200;

WHEREAS, on October 26, 1994, the Mojave Desert District adopted the 1994 SIP for the Mojave Desert portion of the Southeast Desert;

WHEREAS, on October 31, 1994, the Mojave Desert District submitted to ARB the Mojave Desert portion of the 1994 ozone SIP for the Southeast Desert for adoption and transmittal to U.S. EPA;

WHEREAS, on November 15, 1994, ARB submitted the 1994 SIP for the Southeast Desert to U.S. EPA for approval;

WHEREAS, on December 29, 1994, ARB submitted the ROP demonstration for the Antelope Valley and Coachella Valley regions of the Southeast Desert as a supplemental SIP revision to U.S. EPA for approval;

WHEREAS, on January 8, 1997, U.S. EPA approved the inventory, control strategy, and attainment demonstration elements of the Southeast Desert 1994 Plan without taking action on the 15 percent and post-1996 ROP plans;

WHEREAS, after the 1994 SIP was adopted, the California Legislature enacted HSC sections 40100-41302, which established the Antelope Valley Air Quality Management District (Antelope Valley District) with jurisdiction over the Antelope Valley portion of the Southeast Desert;

WHEREAS, the South Coast District continues to have jurisdiction over the Coachella Valley in Riverside County, pursuant to HSC sections 40410 and 40413;

WHEREAS, the Mojave District continues to have jurisdiction over the Mojave Desert portion of the Southeast Desert in San Bernardino County, pursuant to HSC section 41200;

WHEREAS, the existing 1994 SIP for the Southeast Desert needed to be updated to reflect substantial changes to the emission inventory and attainment strategy, including the local benefits of control measures adopted by the State and the South Coast District;

WHEREAS, the three responsible districts have each adopted portions of a revised 2004 Southeast Desert SIP for the federal one-hour ozone NAAQS;

WHEREAS, the South Coast District adopted the Coachella Valley portion of the 2004 Southeast Desert SIP on August 1, 2003, and transmitted it to ARB as a SIP submittal on August 7, 2003;

WHEREAS, the South Coast District adopted the Coachella Valley portion of the 2004 Southeast Desert SIP motor vehicle emission budgets on November 7, 2003 and transmitted it to ARB on November 19, 2003;

WHEREAS, ARB transmitted to U.S. EPA the Coachella Valley portion of the 2004 ozone SIP for the Southeast Desert on January 9, 2004 for an initial review pending submittal of a formal SIP revision once the remaining portions of the

nonattainment area plan were adopted by the respective local districts;

WHEREAS, on April 20, 2004, the Antelope Valley District adopted the Antelope Valley portion of the 2004 Southeast Desert SIP, including the motor vehicle emission budgets, and transmitted it to ARB on April 29, 2004, along with environmental documentation as required by the California Environmental Quality Act (CEQA) and certifications of public notice as required by U.S. EPA;

WHEREAS, on April 26, 2004, the Mojave Desert District adopted the Mojave Desert portion of the 2004 Southeast Desert SIP, including the motor vehicle emission budgets for the combined Southeast Desert region and transmitted it to ARB on April 29, 2004, along with environmental documentation as required by CEQA and certifications of public notice as required by U.S. EPA;

WHEREAS, the 2004 Southeast Desert SIP includes a comprehensive, accurate and current inventory of actual emissions, as well as a description of historical and future ozone air quality data and trends;

WHEREAS, ARB has found that pollutant transport from the South Coast Air Basin and other regions can have an overwhelming impact on ozone levels in the Southeast Desert;

WHEREAS, the attainment demonstration modeling analysis performed by the South Coast District covered a domain of 80,000 square miles, including all of the Southeast Desert and its primary upwind transport contributor, the South Coast Air Basin;

WHEREAS, the Urban Airshed Modeling analysis performed for the 2003 South Coast SIP and the 2004 Southeast Desert SIP, as well as adjusted and unadjusted modeling simulations of the California Photochemical Grid (CALGRID) model for the same region, support the relative reduction ratio used to demonstrate attainment of the ozone NAAQS for the Southeast Desert by 2007;

WHEREAS, the modeling analysis shows that the Southeast Desert will attain the one-hour ozone standard by 2007, based primarily on statewide and South Coast controls;

WHEREAS, the combined 2004 Southeast Desert SIP identifies sufficient ozone precursor reductions within the Southeast Desert boundaries to meet rate-of-progress requirements in 2005 and 2007;

WHEREAS, the 2004 SIP revision for the Southeast Desert establishes new transportation conformity emission budgets that the Southern California Association of Governments (SCAG) needs to secure federal approval and funding for its 2004 Regional Transportation Plan by June 8, 2004;

WHEREAS, the Antelope Valley portion of the 2004 Southeast Desert SIP relies upon California's adopted motor vehicle emission reduction program as a contingency measure for this portion of the plan to continue to reduce emissions beyond 2007;

WHEREAS, the Mojave Desert portion of the 2004 Southeast Desert SIP reaffirms that District's commitment to request that the Bureau of Automotive Repair implement the State's Enhanced Inspection and Maintenance Program should contingency measures be needed;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40 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 and submittal to the U.S. EPA of any SIP revision;

WHEREAS, each district with jurisdiction over a portion of the Southeast Desert has made its portion of the 2004 Southeast Desert SIP available for public review and comment for at least 30 days, along with an announced public hearing conducted in each district for its portion of the Plan prior to its consideration by that District Board, as required by the Act and U.S. EPA regulations;

WHEREAS, the Antelope Valley District approved and certified a CEQA Notice of Exemption for the Antelope Valley portion of the Southeast Desert, after a public review and comment period as required by CEQA;

WHEREAS, the South Coast District approved and certified an Environmental Impact Report (EIR) for its 2003 AQMP that includes Coachella Valley, after a public review and comment period as required by CEQA;

WHEREAS, the South Coast District approved and certified a CEQA Notice of Exemption for the Coachella Valley portion of the Southeast Desert emissions budget;

WHEREAS, the Mojave Desert District approved and certified a CEQA Notice of Exemption for the Mojave Desert portion of the Southeast Desert, after a public review and comment period as required by CEQA; and

WHEREAS, ARB has reviewed and considered each portion of the 2004 Southeast Desert SIP along with accompanying CEQA documentation, and finds that they meet the requirements of the Act and CEQA.

NOW, THEREFORE, IT IS ORDERED that ARB hereby adopts the 2004 Southeast Desert SIP revision and submits the SIP to U.S. EPA for approval.

BE IT FURTHER ORDERED, that ARB requests U.S. EPA to make an expedited adequacy finding for the transportation conformity emission budgets.

BE IT FURTHER ORDERED that ARB certifies pursuant to Title 40 CFR section 51.102 that the 2004 Southeast Desert SIP was adopted after notice and public hearing as required by Title 40 CFR section 51.102.

Executed at Sacramento, California this 3rd day of May, 2004.

CALIFORNIA AIR RESOURCES BOARD

/S/ Lynn Terry for Catherine Witherspoon

Catherine Witherspoon
Executive Officer