

RESOLUTION 17-01

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR**
2 **QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF**
3 **EXEMPTION, ADOPTING THE AVAQMD FEDERAL 75 PPB OZONE ATTAINMENT PLAN**
4 **(WESTERN MOJAVE DESERT NONATTAINMENT AREA) AND DIRECTING STAFF**
5 **ACTIONS.**

6 On March 21, 2017, on motion by Member MANN, seconded by Member HOFBAUER, and
7 carried, the following resolution is adopted:

8 **WHEREAS**, the Antelope Valley Air Quality Management District (AVAQMD) 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 AVAQMD was designated nonattainment and classified severe-17 for ozone
12 under the then effective federal one-hour ozone standard (120 parts per billion (ppb) Primary and
13 Secondary Ozone National Ambient Air Quality Standards (NAAQS), 44 FR 8202, February 8, 1979);
14 and

15 **WHEREAS**, the AVAQMD adopted both state and federal attainment plans for all standards
16 within its jurisdiction; and

17 **WHEREAS**, on March 9, 2006, USEPA shifted the ozone standard from measurement on a one-
18 hour basis to an eight-hour basis (8-hour ozone standard, 80 ppb Primary and Secondary Ozone NAAQS,
19 62 FR 38856, July 18, 1997); and

20 **WHEREAS**, the USEPA designated the Western Mojave Desert area as nonattainment for the 8-
21 hour ozone NAAQS pursuant to the provisions of the Federal Clean Air Act (FCAA); and

22 **WHEREAS**, the entire AVAQMD is included in the Western Mojave Desert nonattainment area;
23 and

24 **WHEREAS**, the AVAQMD adopted the 2008 *AVAQMD Federal 8-Hour Ozone Attainment Plan*
25 (*Western Mojave Desert Non-attainment Area*) to satisfy the planning requirements under this standard;

26 **WHEREAS**, the AVAQMD adopted the 2008 *AVAQMD Federal 8-Hour Ozone Attainment Plan*
27 (*Western Mojave Desert Non-attainment Area*) to satisfy the planning requirements under this standard;
28 and

29 **WHEREAS**, on March 27, 2008, the USEPA set the 8-hour Primary and Secondary Ozone
30 NAAQS to a level of 75 ppb); and

31 **WHEREAS**, the USEPA then designated the Western Mojave Desert area as nonattainment for
32 the 75 ppb 8-hour ozone NAAQS; and

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1 **WHEREAS**, the AVAQMD has prepared the *AVAQMD Federal 75 ppb Ozone Attainment Plan*
2 (*Western Mojave Desert Nonattainment Area*) to satisfy the planning requirements under this newer
3 standard; and

4 **WHEREAS**, this plan, when adopted, will update all previously submitted federal ozone plans;
5 and

6 **WHEREAS**, portions of the previously adopted and approved plans will remain in effect until the
7 region has been designated attainment for the relevant prior standard; and

8 **WHEREAS**, the proposed adoption of the *AVAQMD Federal 75 ppb Ozone Attainment Plan*
9 (*Western Mojave Desert Nonattainment Area*) is necessary to comply with the provisions of the FCAA
10 and include the latest planning assumptions regarding population, vehicle activity and industrial activity;
11 addresses all existing and forecast ozone precursor-producing activities within the jurisdiction of the
12 AVAQMD through the year 2027; and contains all necessary information to allow general and
13 transportation conformity findings to be made within the jurisdiction of the AVAQMD; and

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

17 **WHEREAS**, the proposed adoption is clear in that the meaning can be easily understood by the
18 persons impacted by the plan; and

19 **WHEREAS**, the proposed adoption is in harmony with, and not in conflict with, or contradictory
20 to existing statutes, court decisions, or state or federal regulations because the Western Mojave Desert
21 area (as defined in 40 CFR 81.305) was designated nonattainment for the NAAQS for ozone by the
22 USEPA effective on July 20, 2012, and this nonattainment area includes the Antelope Valley portion of
23 Los Angeles County, as well as the San Bernardino County portion of the Mojave Desert Air Quality
24 Management District (MDAQMD), and the AVAQMD has experienced ambient ozone concentrations in
25 excess of the 8-hour ozone NAAQS; and

26 **WHEREAS**, this plan: (1) demonstrates that the AVAQMD will meet the primary required
27 federal ozone planning milestone, attainment of the 75 ppb 8-hour ozone NAAQS, by July 2026; (2)
28 presents the progress the AVAQMD will make towards meeting all required ozone planning milestones;

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1 and (3) discusses the newest 70 ppb 8-hour ozone NAAQS, preparatory to an expected nonattainment
2 designation for the new NAAQS; and this document satisfies 42 U.S.C. §§7410, 7502, 7504 and 7511a
3 (FCAA §§110, 172, 174, and 182) regarding implementation plans, nonattainment plan provisions,
4 planning procedures, and ozone plan submissions and requirements for the 75 ppb 8-hour NAAQS; and

5 **WHEREAS**, the proposed plan does not impose the same requirements as any existing state or
6 federal regulation because the USEPA designated the Western Mojave Desert area as nonattainment for
7 the March 2008 75 ppb 8-hour ozone NAAQS pursuant to the provisions of the FCAA, and the entire
8 AVAQMD is included in the Western Mojave Desert Nonattainment area, and this plan addresses all
9 federal attainment planning requirements for the 75 ppb federal 8-hour ozone standard; as a result, this
10 document updates the June 2008 *AVAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave*
11 *Desert Non-attainment Area)*; and

12 **WHEREAS**, the proposed plan is needed because this document includes the latest planning
13 assumptions regarding population, vehicle activity and industrial activity; addresses all existing and
14 forecast ozone precursor-producing activities within the jurisdiction of the AVAQMD through the year
15 2027; and includes all necessary information to allow general and transportation conformity findings to be
16 made within the jurisdiction of the AVAQMD; and

17 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code
18 §40725, concerning the proposed adoption of the *AVAQMD Federal 75 ppb Ozone Attainment Plan*
19 *(Western Mojave Desert Nonattainment Area)*; and

20 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
21 proposed adoption of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert*
22 *Nonattainment Area)*, completed in compliance with the California Environmental Quality Act (CEQA),
23 has been presented to the Governing Board of the AVAQMD; each member having reviewed, considered
24 and approved the information contained therein prior to acting on the proposed adoption of the *AVAQMD*
25 *Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*, and the Governing
26 Board of the AVAQMD having determined that the proposed adoption of the plan will not have any
27 potential for resulting in any adverse impact upon the environment; and

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1 WHEREAS, the Governing Board of the AVAQMD has considered the evidence presented at the
2 public hearing; and

3 NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the AVAQMD finds
4 that the proposed adoption of the AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave
5 Desert Nonattainment Area) is necessary, authorized, clear, consistent, non-duplicative and properly
6 referenced; and

7 BE IT FURTHER RESOLVED, that the Governing Board of the AVAQMD hereby makes a
8 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of
9 Exemption for the proposed adoption of the AVAQMD Federal 75 ppb Ozone Attainment Plan (Western
10 Mojave Desert Nonattainment Area); and

11 BE IT FURTHER RESOLVED, that the Governing Board of the AVAQMD does hereby adopt,
12 pursuant to the authority granted by law, the AVAQMD Federal 75 ppb Ozone Attainment Plan (Western
13 Mojave Desert Nonattainment Area) as set forth in the attachments to this resolution and incorporated
14 herein by this reference; and

15 BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption,
16 that the Administrative Secretary is directed to file the Notice of Exemption in compliance with the
17 provisions of CEQA.

18 PASSED, APPROVED AND ADOPTED by the Governing Board of the Antelope Valley Air Quality
19 Management District by the following vote:

20 AYES: 5 MEMBER: CRIST, MANN, CHELETTE, HAWKINS, HOFBAUER

21 NOES: MEMBER:

22 ABSENT: 2 MEMBER: BISHOP, LAWSON

23 ABSTAIN: MEMBER:

24 STATE OF CALIFORNIA)
25) SS:
26 COUNTY OF LOS ANGELES)
27)
28)

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1 I, Crystal Goree, Administrative Secretary of the Governing Board of the Antelope Valley Air
2 Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record
3 of the action as the same appears in the Official Minutes of said Governing Board at its meeting of March
4 21, 2017.

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7 Administrative Secretary,
8 Antelope Valley Air Quality Management District.
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