

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 COUNTY OF SAN BERNARDINO ) SS:  
13 )

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.