

**State of California
Air Resources Board**

Executive Order S-23-005

**Submittal into the California State Implementation Plan of 2023 Yuba City-
Marysville PM2.5 Second Maintenance Plan**

Whereas, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

Whereas, the Legislature in Health and Safety Code section 39602 has designated CARB 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 (Act) (42 U.S.C. § 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 (local districts) necessary to comply with the Act;

Whereas, Health and Safety Code section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

Whereas, CARB is authorized by section 39600 of the Health and Safety Code to do such acts as may be necessary for the proper execution of its powers and duties;

Whereas, CARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in Health and Safety Code section 39002, section 39500, and Division 26, Part 5, and for ensuring that the local districts meet their responsibilities under the Act pursuant to Health and Safety Code sections 39002, 39500, 39602, 40469, and 41650;

Whereas, the local 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, Health and Safety Code sections 39515 and 39516 provide that any power, duty, purpose, function or jurisdiction of the Board may be delegated to the CARB Executive Officer as the Board deems appropriate, and is presumed delegated unless it has been specifically reserved;

Whereas, Health and Safety Code section 41650 requires CARB to approve the nonattainment area plan adopted by a local 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, CARB is authorized by Health and Safety Code section 39600 to perform such acts as may be necessary for the proper execution of its powers and duties;

Whereas, CARB has responsibility for ensuring that local districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

Whereas, federal law set forth in section 110(l) of the Act, 42 U.S.C. section 7410(l), 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 and submittal to U.S. EPA of any SIP revision;

Whereas, in December 2006, the United States Environmental Protection Agency (U.S. EPA) lowered the 24-hour NAAQS for fine particulate matter (PM_{2.5}) from 65 µg/m³ to 35 µg/m³;

Whereas, effective December 14, 2009, U.S. EPA designated the Yuba City-Marysville Planning Area as nonattainment for the 35 µg/m³ 24-hour PM_{2.5} NAAQS, and established a SIP due date of December 14, 2012;

Whereas, the Feather River Air Quality Management District (District) is the local district responsible for carrying out air quality planning responsibilities in Yuba and Sutter Counties, including the Yuba City-Marysville Planning Area, pursuant to section 40300 of the Health and Safety Code;

Whereas, nonattainment areas that attain the standard prior to the SIP submittal due date are eligible for reduced regulatory requirements as described in U.S. EPA's Clean Data Policy for the Fine Particulate National Ambient Air Quality Standards (Clean Data Policy) released on December 14, 2004;

Whereas, when a nonattainment area has air quality levels below the NAAQS, the Clean Data Policy specifies that the attainment demonstration, reasonable further progress, reasonably available control measures, and contingency SIP elements are no longer required;

Whereas, based on 2006-2008 PM_{2.5} data, the Yuba City-Marysville Planning Area, recorded PM_{2.5} levels meeting the 35 µg/m³ 24-hour PM_{2.5} NAAQS;

Whereas, on June 8, 2010, CARB submitted a request to the U.S. EPA to issue a Clean Data Finding for the Yuba City-Marysville Planning Area based on 2009-2011 PM_{2.5} data;

Whereas, on January 10, 2013, U.S. EPA determined that the Yuba City-Marysville Planning Area has attained the 35 µg/m³ 24-hour PM_{2.5} NAAQS based on 2009-2011 PM_{2.5} data;

Whereas, section 107(d)(3)(D) of the Act provides that a state may request U.S. EPA to redesignate an area from nonattainment to attainment of the NAAQS;

Whereas, section 107(d)(3)(E) of the Act sets forth the requirements which must be met for the U.S. EPA to redesignate an area from nonattainment to attainment of the NAAQS;

Whereas, CARB and the District prepared and adopted the First Maintenance Plan in part to meet applicable requirements of the Act;

Whereas, on December 9th, 2014, U.S. EPA approved the First Maintenance Plan and designated the Yuba City-Marysville Planning Area as attainment of the 35 $\mu\text{g}/\text{m}^3$ 24-hour PM_{2.5} NAAQS effective January 8th, 2015;

Whereas, section 175A(b) of the Act requires a subsequent revision to the maintenance plan 8 years after the redesignation of the nonattainment area as an attainment area under section 107 of the Act;

Whereas, section 175A(c) of the Act states that until the revision is approved, the requirements of section 175A of the Act continue in force and effect with this area;

Whereas, consistent with section 175A(b) of the Act, the District developed the Yuba City-Marysville PM_{2.5} Second Maintenance Plan (2023 Plan) to address the requirements of the Act for the 35 $\mu\text{g}/\text{m}^3$ 24-hour PM_{2.5} NAAQS;

Whereas, consistent with section 107(d)(3)(E)(iii) of the Act, the District demonstrated in the 2023 Plan that improvement in air quality is due to permanent and enforceable emission control measures;

Whereas, consistent with section 107(d)(3)(E)(iv) of the Act, the District prepared the 2023 Plan to meet the maintenance plan requirement of section 175A of the Act;

Whereas, consistent with section 107(d)(3)(E)(v) of the Act, the District prepared the 2023 Plan in part to meet the requirements of section 110 and part D of the Act;

Whereas, consistent with 172(c)(3) of the Act, the 2023 Plan includes an attainment emission inventory for directly emitted PM_{2.5} and its precursors;

Whereas, consistent with section 175A of the Act, the 2023 Plan shows attainment and maintenance of the 35 $\mu\text{g}/\text{m}^3$ 24-hour PM_{2.5} NAAQS through 2035;

Whereas, consistent with section 175A of the Act, the 2023 Plan included contingency provisions to ensure prompt correction of any violation of the 35 $\mu\text{g}/\text{m}^3$ 24-hour PM_{2.5} NAAQS;

Whereas, consistent with section 176 of the Act, the 2023 Plan includes transportation conformity budgets for PM_{2.5} and NO_x using the most recent estimates of emissions for 2026 and 2035;

Whereas, as required by federal law, the District made the 2023 Plan available for public review beginning on March 3rd, 2023, at least 30 days before the District hearing;

Whereas, following a public hearing on April 3rd, 2023, the District Governing Board voted to approve the 2023 Plan;

Whereas, to meet the requirements of CEQA, the District proposed a Notice of Exemption under CEQA for the 2023 Plan;

Whereas, on April 26, 2023, the District transmitted the 2023 Plan to CARB as a SIP revision, along with proof of public notice publication, and environmental documents in accordance with State and federal law;

Whereas, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

Whereas, staff has determined the 2023 Plan is exempt from CEQA under California Code of Regulations, title 14, section 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the record evidence shows that the 2023 Plan will enhance the environment by better protecting the public from health impacts associated with exposure to PM_{2.5}, the regulatory process involves procedures for protection of the environment, and the 2023 Plan will not result in any significant adverse environmental impacts as described in Chapter IV of the CARB Staff Report;

Whereas, the Executive Officer finds that:

1. California's air pollution control programs have successfully reduced PM_{2.5} ambient concentrations leading to 35 µg/m³ 24-hour PM_{2.5} NAAQS attainment in Yuba City-Marysville PM_{2.5} Planning Area;
2. The 2023 Plan complies with the requirements of section 107(d)(3)(E) of the Act;
3. The 2023 Plan addresses current attainment and continued maintenance of the 35 µg/m³ 24-hour PM_{2.5} NAAQS through 2035;
4. The 2023 Plan includes an attainment emission inventory; commitments by the District and CARB to continue operating the PM_{2.5} monitoring network; and a process to verify continued PM_{2.5} attainment;
5. The 2023 Plan includes contingency plans to assure prompt correction of any violation of the 35 µg/m³ 24-hour PM_{2.5} NAAQS;
6. The 2023 Plan has identified PM_{2.5} and NO_x emission budgets for transportation conformity for 2026 and 2035 based on current emissions and activity data, and the budgets are adequate to ensure continued maintenance of the 35 µg/m³ 24-hour PM_{2.5} NAAQS; and,
7. The 2023 Plan relies entirely on adopted regulations to demonstrate continued maintenance. These adopted District and CARB regulations are reflected in the

baseline emission projections in the 2023 Plan and were subject to environmental review such that no further analysis is required at this time;

Whereas, CARB has determined that the 2023 Plan meets all the requirements of the Act; and

Whereas, CARB's review and approval of the 2023 Plan submitted by the District for inclusion in the California SIP is a ministerial activity for purposes of CEQA.

Now, therefore, be it ordered that CARB hereby adopts the 2023 Plan as revisions to the California SIP.

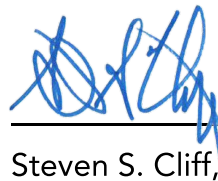
Be it further ordered that CARB submits the 2023 Plan to the U.S. EPA for approval as a revision to the California SIP, to be effective, for purposes of federal law, upon approval by U.S. EPA.

Be it further ordered that CARB staff works with the District and U.S. EPA and takes appropriate action to resolve any completeness or approvability issues that may arise regarding the SIP submission.

Be it further ordered that CARB staff includes in the SIP submittal any technical corrections, clarifications, or additions that may be necessary to secure U.S. EPA approval.

I certify, pursuant to 40 CFR Section 51.102, that the proposed SIP revision was adopted after notice and public hearing as required by 40 CFR Section 51.102.

Executed in Sacramento, California, this 10 day of July, 2023.



Steven S. Cliff, Ph.D., Executive Officer