

2022 State Strategy for the State Implementation Plan

Resolution 22-14

September 22, 2022

Agenda Item No.: 22-12-3

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 California 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 preparing the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards (standards) as required by the federal Clean Air Act (the Act),¹ 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 Health and Safety Code sections 39002, 39500, and part 5,² and for ensuring that the 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 controlling air pollution from non-vehicular sources and for adopting control measures, rules, and regulations to attain the standard within their boundaries, pursuant to sections 39002, 40000, 40001, 40701, 40702, and 41650 of the Health and Safety Code;

¹ 42 U.S.C. § 7401 et seq.

² Commencing with § 43000.

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 Health and Safety Code section 39600 to perform such acts as may be necessary for the proper execution of its powers and duties;

Whereas, Health and Safety Code sections 39515 and 39516 provide that any duty may and shall be conclusively presumed to be delegated to the Board's Executive Officer as the Board deems appropriate unless specifically reserved to the Board by affirmative vote;

Whereas, on October 26, 2015, the United States Environmental Protection Agency (U.S. EPA) promulgated an 8-hour ozone standard of 70 parts per billion (ppb) (70 ppb ozone standard);³

Whereas, effective August 3, 2018, U.S. EPA designated nineteen areas in California, including the Coachella Valley, Eastern Kern County, Sacramento Metropolitan Area, San Joaquin Valley, South Coast Air Basin, Ventura County, and West Mojave Desert, as nonattainment for the 70 ppb ozone standard;⁴

Whereas, effective August 3, 2018, U.S. EPA classified Sacramento Metropolitan Area and Eastern Kern County as Moderate, Ventura County as Serious, Coachella Valley, and West Mojave Desert as Severe, and San Joaquin Valley and South Coast Air Basin as Extreme nonattainment areas for the 70 ppb ozone standard;⁵

Whereas, effective November 29, 2021, U.S. EPA classified the Eastern Kern County and Sacramento Metropolitan Areas as Serious nonattainment areas, per the requests from the districts and CARB's letter to U.S. EPA dated August 3, 2020;⁶

Whereas, South Coast Air Quality Management District is the local district responsible for control of air pollution from all sources, other than emissions from motor vehicles, in the Coachella Valley and South Coast Air Basin under Health and Safety Code sections 40000 and 40400, et seq., and section 60104 of title 17 of the California Code of Regulations (CCR);

Whereas, Eastern Kern Air Pollution Control District is the local district responsible for control of air pollution from all sources, other than emissions from motor vehicles, in Eastern Kern County under Health and Safety Code sections 40000 and 40600, et seq., and section 60107 of title 17 of the CCR;

Whereas, Sacramento Metropolitan Air Quality Management District, El Dorado County Air Quality Management District, Feather River Air Quality Management District, Placer County Air Pollution Control District, and Yolo-Solano Air Quality

³ 80 Fed. Reg. 65,292, Oct. 26, 2015.

⁴ 83 Fed. Reg. 25,776, June 4, 2018.

⁵ 83 Fed. Reg. 25,776, June 4, 2018.

⁶ 86 Fed. Reg. 59,648, Oct. 28, 2021.

Management District are the local districts responsible for control of air pollution from all sources, other than emissions from motor vehicles, in the Sacramento Metropolitan Area under Health and Safety Code sections 40000 and 40950, et seq., and section 60106 of title 17 of the CCR;

Whereas, San Joaquin Valley Air Pollution Control District is the local district responsible for control of air pollution from all sources, other than emissions from motor vehicles, in the San Joaquin Valley under Health and Safety Code sections 40000 and 40600, et seq., and section 60107 of title 17 of the CCR;

Whereas, Ventura County Air Pollution Control District is the local district responsible for control of air pollution from all sources, other than emissions from motor vehicles, in Ventura County under Health and Safety Code sections 40000, et seq., and section 60103 of title 17 of the CCR;

Whereas, Mojave Desert Air Quality Management District and Antelope Valley Air Quality Management District are the local districts responsible for control of air pollution from all sources, other than emissions from motor vehicles, in West Mojave Desert under Health and Safety Code sections 40000, 41200, and 41300, et seq., and section 60109 of title 17 of the CCR;

Whereas, effective February 4, 2019, U.S. EPA finalized the *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan (SIP) Requirements (70 ppb Implementation Rule)*,⁷ which outlined the SIP requirements for the 70 ppb ozone standard;

Whereas, SIPs demonstrating attainment by the attainment dates for the 70 ppb ozone standard were due for most areas on August 3, 2022;

Whereas, existing CARB and local district control programs will provide the emissions reductions needed to bring most nonattainment areas into attainment of 70 ppb ozone standard by their attainment date;

Whereas, in the Coachella Valley, Eastern Kern County, Sacramento Metropolitan Area, San Joaquin Valley, South Coast Air Basin, Ventura County, and West Mojave Desert, further emissions reductions of ozone precursors, specifically oxides of nitrogen (NO_x), beyond those provided through the existing control program are needed to attain the 70 ppb ozone standard;

Whereas, sources primarily regulated at the federal and international levels, including aircraft, locomotives, and ocean-going vessels, contribute a substantial portion of NO_x emissions in California and are expected, by 2031, to account for twice the amount of NO_x emissions from mobile sources primarily regulated at the State level;

Whereas, significant reductions from sources primarily regulated at the federal and international levels are needed to protect public health and to provide attainment of

⁷ 83 Fed. Reg. 62,998, Dec. 6, 2018.

the 70 ppb ozone standard in the South Coast Air Basin by the 2037 Extreme attainment year;

Whereas, the *Proposed 2022 State Strategy for the State Implementation Plan* (Proposed 2022 State SIP Strategy), in combination with local district actions, was developed to identify control measures to provide the emissions reductions necessary to meet the 70 ppb ozone standard in the Coachella Valley, Eastern Kern County, Sacramento Metropolitan Area, San Joaquin Valley, South Coast Air Basin, Ventura County, and West Mojave Desert;

Whereas, the Proposed 2022 State SIP Strategy sets forth a commitment to pursue the proposed SIP measures or otherwise address each measure as described in the Proposed 2022 State SIP Strategy, released to the public on August 12, 2022;

Whereas, for each measure that involves the development of a rule under CARB's regulatory authority, the Proposed 2022 State SIP Strategy sets forth a commitment to bring a publicly-noticed item before the Board that is either a proposed rule, or is a recommendation that the Board direct staff to not pursue a rule covering that subject matter at that time based on an explanation of why such a rule is unlikely to achieve the relevant emissions reductions in the relevant timeframe, and including a demonstration that the overall aggregate commitment will be achieved despite that specific rule not being pursued;

Whereas, the specific commitments for emission reductions in tons per day (tpd) as needed for attainment in nonattainment areas, minimally including the Coachella Valley, Eastern Kern County, Sacramento Metropolitan Area, San Joaquin Valley, South Coast Air Basin, Ventura County, and West Mojave Desert, will be brought to the Board for consideration as revisions to the SIPs for these regions to attain the 70 ppb ozone standard;

Whereas, section 182(e)(5) of the Act⁸ provides that SIPs for Extreme ozone nonattainment areas may rely in part upon the development of new control techniques or the improvement of existing control technologies;

Whereas, the Proposed 2022 State SIP Strategy describes federal actions needed and actions to continue to develop new control techniques and deploy advanced transformational technologies to meet in part the potential aggregate emissions reduction SIP commitment for the South Coast Air Basin, pursuant to section 185(e)(5) of the Act;

Whereas, the Proposed 2022 State SIP Strategy will serve as the basis for additional quantified commitments as needed by the other nonattainment areas, as determined by the CARB Executive Officer;

⁸ 42 U.S.C. § 7511a(e)(5).

Whereas, CARB staff released the *2022 State Strategy for the State Implementation Plan: Draft Measures* document on October 6, 2021, and the *Draft 2022 State Strategy for the State Implementation Plan (Draft 2022 State SIP Strategy)* on January 31, 2022, to allow for public feedback, review, and input;

Whereas, on February 24, 2022, CARB staff presented the Draft 2022 State SIP Strategy to the Board to solicit additional stakeholder input, along with Board direction;

Whereas, CARB staff held public workshops on July 27, 2021, October 19, 2021, February 10, 2022, and August 23, 2022, to discuss the Proposed 2022 State SIP Strategy and further solicit stakeholder input;

Whereas, CARB staff considered all of the comments received on the Proposed 2022 State SIP Strategy, including comments received during the comment period from January 31, 2022, to March 4, 2022, comments received at the July 27, 2021, October 19, 2021, and February 10, 2022, public workshops, and the February 24, 2022, public hearing of the Board, and consideration of these comments informed the development of the Proposed 2022 State SIP Strategy;

Whereas, on August 12, 2022, CARB staff released the Proposed 2022 State SIP Strategy, including the *Appendix A: Economic Analysis*, which incorporated updates based on continued staff analysis and development of attainment demonstrations for various areas, Board direction, and public comments;

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 the California Environmental Quality Act (CEQA), Public Resources Code section 21080.5, and California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program;⁹

Whereas, CARB prepared a draft environmental analysis under its certified regulatory program for the Proposed 2022 State SIP Strategy, entitled *Draft Environmental Analysis for the proposed 2022 State Strategy for the State Implementation Plan (Draft EA)*, and circulated it as *Appendix B* to the *Draft 2022 State Strategy for the State Implementation Plan (Draft 2022 State SIP Strategy)* for a 45-day public comment period from March 29, 2022 through May 13, 2022;

Whereas, the Draft EA concluded that implementing the Proposed 2022 State SIP Strategy has the potential to result in: beneficial impacts to greenhouse gases and climate changes through construction activities; less than significant impacts, or no impacts to energy demand, mineral resources, population and housing, public services, recreation, and wildfire; and potentially significant impacts to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources,

⁹ CCR, tit. 17, §§ 60000-60007.

geology and soils, hazards and hazardous materials, hydrology and water quality, land use planning, noise, transportation, tribal cultural resources, and utilities and service systems primarily due to construction activities;

Whereas, CARB staff reviewed written comments received on the Draft EA and prepared written responses to those comments in a document entitled *Responses to Comments on the Draft Environmental Analysis for the proposed 2022 State Strategy for the State Implementation Plan (Responses to Environmental Comments)*;

Whereas, prior to the noticed public hearing held on September 22, 2022, staff presented the Final EA and the Responses to Environmental Comments, as released to the public on September 16, 2022, to the Board for consideration;

Whereas, federal law set forth, in Section 110(l) of the Act¹⁰ and Title 40 of the Code of Federal Regulations (C.F.R.), 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 if requested prior to adopting and submitting to U.S. EPA any SIP revision;

Whereas, the Proposed 2022 State SIP Strategy was made available to the public with a 30-day public comment period that began when a public notice was released on August 12, 2022;

Whereas, California Senate Bill (SB) 1 (Beall, Chapter 5, Statutes of 2017) directs CARB to report to the Legislature, by January 1, 2025, on the impact of that Bill's useful life provisions for commercial vehicles upon efforts to meet State and local clean air goals (SB 1 Report);

Whereas, at the September 22, 2022 hearing on the 2022 State SIP Strategy the Board directed that, as part of the SB 1 Report, staff will evaluate and report on progress and options for accelerating the turnover to zero-emission trucks, and that staff shall also prioritize beginning to develop a regulation that accelerates reductions in communities that need it the most and ensures that fleets get access to affordable and diverse types of zero-emission truck makes and models;

Whereas, CARB staff has determined that the Proposed 2022 State SIP Strategy meets the requirements of the Act and is necessary for inclusion in the SIP to support attainment plans for the 70 ppb ozone standard;

Whereas, the Proposed 2022 State SIP Strategy does not disproportionately impact people of any race, culture, income, or national origin; and

Whereas, the Board finds that:

Emissions reductions of ozone precursors, specifically NO_x, beyond those provided through the existing control program are needed to protect public

¹⁰ 42 U.S.C. § 4701 (l).

health and provide for attainment of the 70 ppb ozone standard by the required attainment dates in the Coachella Valley, Eastern Kern County, Sacramento Metropolitan Area, San Joaquin Valley, South Coast Air Basin, Ventura County, and West Mojave Desert;

NOx emissions reductions from primarily-federally and internationally regulated sources are needed to protect public health and to provide for attainment of the 70 ppb ozone standard in the South Coast Air Basin;

Measures in the Proposed 2022 State SIP Strategy, including proposed new measures and the remaining measures from the 2016 State SIP Strategy that are not yet in the baseline emissions inventory, would achieve approximately 5.2 tpd of NOx emissions reductions in the Coachella Valley in 2037;

Measures in the Proposed 2022 State SIP Strategy, including proposed new measures and the remaining measures from the 2016 State SIP Strategy that are not yet in the baseline emissions inventory, would achieve approximately 1.8 tpd of NOx emissions reductions in Eastern Kern County in 2032;

Measures in the Proposed 2022 State SIP Strategy, including proposed new measures and the remaining measures from the 2016 State SIP Strategy that are not yet in the baseline emissions inventory, would achieve approximately 6.1 tpd of NOx emissions reductions in the Sacramento Metropolitan Area in 2032;

Measures in the Proposed 2022 State SIP Strategy, including proposed new measures and the remaining measures from the 2016 State SIP Strategy that are not yet in the baseline emissions inventory, would achieve approximately 25.3 tpd of NOx emissions reductions in the San Joaquin Valley in 2037;

Measures in the Proposed 2022 State SIP Strategy, including proposed new measures, the remaining measures from the 2016 State SIP Strategy that are not yet in the baseline emissions inventory, and identified Federal Actions Needed, would achieve approximately 95.7 tpd of NOx and 13.9 tpd of ROG emissions reductions in the South Coast Air Basin in 2037;

Measures in the Proposed 2022 State SIP Strategy, including proposed new measures and the remaining measures from the 2016 State SIP Strategy that are not yet in the baseline emissions inventory, would achieve approximately 0.3 tpd of NOx emissions reductions in Ventura County by 2026;

Measures in the Proposed 2022 State SIP Strategy, including proposed new measures and the remaining measures from the 2016 State SIP Strategy that are not yet in the baseline emissions inventory, would achieve approximately 20.6 tpd of NOx emissions reductions in West Mojave Desert in 2032;

The Proposed 2022 State SIP Strategy meets the statutory requirements to support attainment demonstrations for nonattainment areas under the 70 ppb

ozone standard as identified in section 182, subdivision (c)(2), and section 110(l) of the Act;¹¹

The Proposed 2022 State SIP Strategy meets the statutory requirements in Health and Safety Code sections 39002, 39500, 39600, 39601, 39602, 40000, 40001, 40400 et seq., 40469, 40701, 40702, 40950, 41200, 41300, 41650; and CCR, title 17, section 60110;

The Proposed 2022 State SIP Strategy was developed in an open public process, in consultation with affected air districts, through numerous public workshops, individual meetings, and other outreach efforts; and

The Proposed 2022 State SIP Strategy is consistent with CARB's environmental justice policies and does not disproportionately impact people of any race, culture, income, or national origin.

Now, therefore, be it resolved that the Board hereby certifies that the Final EA (including the Response to Environmental Comments), as released to the public on September 16, 2022, were completed in compliance with CARB's certified regulatory program to meet the requirements of CEQA, reflects the agency's independent judgment and analysis, and were presented to the Board whose members reviewed and considered the information therein before taking action to approve the Proposed 2022 State SIP Strategy.

Be it further resolved that in consideration of the Final EA, the Response to EA Comments, and the entirety of the record, the Board adopts the Findings and Statement of Overriding Considerations set forth in Attachment B to this resolution.

Be it further resolved that the Board hereby adopts the Proposed 2022 State SIP Strategy, and the commitment to pursue new SIP measures or otherwise address each measure as described in the Proposed 2022 State SIP Strategy by the dates specified in Attachment A to this Resolution.

Be it further resolved that the Board directs the Executive Officer to calculate and commit to appropriate emission reductions from implementation of the Proposed 2022 State SIP Strategy in specific nonattainment areas, as attainment plan SIP revisions are developed or revised for these areas.

Be it further resolved that the Board hereby directs the Executive Officer to submit the Proposed 2022 State SIP Strategy to U.S. EPA for inclusion in the California SIP alongside the relevant attainment plan SIP revisions to be effective, for purposes of federal law, upon approval by U.S. EPA of those plans.

¹¹ 42 U.S.C., §§ , 7511a(c)(2), 4701 (l), respectively.

Be it further resolved that the Board directs the Executive Officer to work with U.S. EPA and take appropriate action to resolve any completeness or approvability issues that may arise regarding the SIP submission.

Be it further resolved that the Board authorizes the Executive Officer to include in the SIP submittal any technical corrections, clarifications, or additions that may be necessary to secure U.S. EPA approval.

Be it further resolved that the Board hereby certifies that the Proposed 2022 State SIP Strategy was adopted after notice and public hearing as required by Section 110(l) of the Act¹² and 40 C.F.R. part 51, subpart F, section 51.102.

Be it further resolved that the Board hereby directs CARB staff, as part of the SB 1 Report, to evaluate and report on progress and options for accelerating the turnover to zero-emission trucks, and that staff shall also prioritize beginning to develop a regulation that accelerates reductions in communities that need it the most and ensures that fleets get access to affordable and diverse types of zero-emission truck makes and models.

I hereby certify that the above is a true and correct copy of Resolution 22-14 as adopted by the California Air Resources Board.

Lindsay Garcia, Board Clerk

¹² 42 U.S.C. § 7410(l).

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September 22, 2022

Identification of Attachments to the Board Resolution

- Attachment A: Proposed 2022 State SIP Strategy Measures and Schedule, released to the public on August 12, 2022
- Attachment B: Findings and Statement of Overriding Considerations.

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Attachment A:
Proposed 2022 State SIP Strategy Measures and Schedule

Proposed Measure	Agency	Action	Implementation Begins
On-Road Heavy-Duty			
Advanced Clean Fleets Regulation	CARB	2023	2024
Zero-Emissions Trucks Measure	CARB	2028	2030
On-Road Light-Duty			
On-Road Motorcycle New Emissions Standards	CARB	2022	2025
Clean Miles Standard	CARB	2021	2023
Off-Road Equipment			
Tier 5 Off-Road Vehicles and Equipment	CARB	2025	2029
Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation	CARB	2022	2024
Transport Refrigeration Unit Regulation Part 2	CARB	2026	2028
Commercial Harbor Craft Amendments	CARB	2022	2023
Cargo Handling Equipment Amendments	CARB	2025	2026
Off-Road Zero-Emission Targeted Manufacturer Rule	CARB	2027	2031
Clean Off-Road Fleet Recognition Program	CARB	2025	2027
Spark-Ignition Marine Engine Standards	CARB	2029	2031
Other			
Consumer Products Standards	CARB	2027	2028
Zero-Emission Standard for Space and Water Heaters	CARB	2025	2030
Enhanced Regional Emission Analysis in State Implementation Plans ¹³	CARB	2025	2023
Pesticides: 1,3-Dichloropropene Health Risk Mitigation	DPR ¹⁴	2022	2024
Primarily-Federally and Internationally Regulated Sources – CARB Measures			
In-Use Locomotive Regulation	CARB	2023	2024
Future Measures for Aviation Emissions reductions	CARB	2027	2029
Future Measures for Ocean-Going Vessel Emissions reductions	CARB	2027	TBD

¹³ Proposed CARB finalization

¹⁴ California Department of Pesticide Regulation (DPR)