RESOLUTION 17-01

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

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

WHEREAS, the Antelope Valley Air Quality Management District (AVAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

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

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

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

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

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

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

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

WHEREAS, the USEPA then designated the Western Mojave Desert area as nonattainment for the 75 ppb 8-hour ozone NAAQS; and
WHEREAS, the AVAQMD has prepared the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* to satisfy the planning requirements under this newer standard; and

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

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

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

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

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

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

WHEREAS, this plan: (1) demonstrates that the AVAQMD will meet the primary required federal ozone planning milestone, attainment of the 75 ppb 8-hour ozone NAAQS, by July 2026; (2) presents the progress the AVAQMD will make towards meeting all required ozone planning milestones;
and (3) discusses the newest 70 ppb 8-hour ozone NAAQS, preparatory to an expected nonattainment
designation for the new NAAQS; and this document satisfies 42 U.S.C. §§7410, 7502, 7504 and 7511a
(FCAA §§110, 172, 174, and 182) regarding implementation plans, nonattainment plan provisions,
planning procedures, and ozone plan submissions and requirements for the 75 ppb 8-hour NAAQS; and

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

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

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

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

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RESOLUTION 17-01

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

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

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

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

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

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

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

NOES:

ABSENT: 2 MEMBER: BISHOP, LAWSON

ABSTAIN:

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SS:

Page 4 of 5
RESOLUTION 17-01

I, Crystal Goree, Administrative Secretary of the Governing Board of the Antelope Valley Air Quality Management 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 March 21, 2017.

Crystal Goree
Administrative Secretary,
Antelope Valley Air Quality Management District.