RESOLUTION 08-04

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING THE MDAQMD FEDERAL 8-HOUR OZONE ATTAINMENT PLAN (WESTERN MOJAVE DESERT NON-ATTAINMENT AREA) AND DIRECTING STAFF ACTIONS.

On June 9, 2008, on motion by Member RIORDAN, seconded by Member VALENTINE, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) 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 MDAQMD was designated nonattainment and classified severe-17 (portions of the MDAQMD outside the Southeast Desert Modified Air Quality Management Area (AQMA) are designated unclassified/attainment) for ozone under the then effective federal one-hour ozone standard; and

WHEREAS, the MDAQMD has adopted State and federal attainment plans for the region within its jurisdiction for the one-hour ozone standard; and

WHEREAS, the most recent such plan that was submitted to United States Environmental Protection Agency (USEPA) is the MDAQMD 2004 Ozone Attainment Plan (State and Federal) adopted in 2004; and

WHEREAS, on March 9, 2006, USEPA shifted its ozone standard from measurement on a one-hour basis to an eight hour basis (8-hour ozone standard); and

WHEREAS, the USEPA designated the Western Mojave Desert non-attainment area as non-attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS) pursuant to the provisions of the FCAA; and

WHEREAS, a portion of the MDAQMD is included in the Western Mojave Desert non-attainment area; and

WHEREAS, The MDAQMD has prepared the MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area) to satisfy the planning requirements under the new 8-hour ozone standard; and
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WHEREAS, this plan when adopted will supersede and update all previously submitted federal ozone plans; and

WHEREAS, the proposed adoption of the plan is necessary 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 MDAQMD through the year 2020; and, includes all necessary information to allow general and transportation conformity findings to be made within the jurisdiction of the MDAQMD; and

WHEREAS, the MDAQMD 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 this plan: (1) demonstrates that the MDAQMD will meet the primary required federal ozone planning milestones, attainment of the 8-hour ozone NAAQS by June 2021; (2) presents the progress the MDAQMD will make towards meeting all required ozone planning milestones; and (3) discusses the newest 0.075 part per million 8-hour ozone NAAQS, preparatory to an expected non-attainment designation for the new NAAQS. This document satisfies 42 U.S.C. §§7410, 7502, 7504 and 7511a (FCAA §§110, 172, 174, and 182) regarding implementation plans, non-attainment plan provisions, planning procedures, and ozone plan submissions and requirements for the 8-hour NAAQS; and

WHEREAS, the proposed adoption does not impose the same requirements as any existing State or federal regulation because USEPA has revoked the one-hour standard which was the basis for all previous ozone plans and the proposed plan is being promulgated in response to the new eight-hour ozone standard. As a result, this document replaces the obsolete one-hour plan; and

WHEREAS, the proposed adoption 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 MDAQMD through the year
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BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption, that the Clerk of the Board 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 Mojave Desert Air Quality Management District by the following vote:

AYES: 10 MEMBER: SAGONA, CURRAN, CRAIN, GLASPER, VALENTINE, RIORDAN, PACK, BERNAL, ROTHSCILD, WILSON

NOES: MEMBER:

ABSENT: 4 MEMBER: BIANE, HANSBERGER, LEONE, MITZELFELT

ABSTAIN: MEMBER:

STATE OF CALIFORNIA  }  SS:
COUNTY OF SAN BERNARDINO  }

I, Michele Baird, Clerk of the Governing Board of the Mojave Desert 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 June 9, 2008.

Michele Baird  
Clerk of the Governing Board,  
Mojave Desert Air Quality Management District.