

ATTACHMENT A

RESOLUTION NO. 14-14

A Resolution of the South Coast Air Quality Management District (SCQAMD) Board certifying that the SCAQMD's current air pollution rules and regulations fulfill the 8-hour ozone Reasonably Available Control Technology (RACT) requirements, and adopting the RACT SIP revision.

A Resolution of the SCAQMD Board certifying the Notice of Exemption for the 2016 AQMP Reasonably Available Control Technology Demonstration.

A Resolution directing staff to forward the 2016 AQMP Reasonably Available Control Technology Demonstration to the California Air Resources Board (CARB) for review and submission to the United States Environmental Protection Agency (U.S. EPA).

WHEREAS, Federal Register Volume 78, Page 34178, June 6, 2013, requires the State (or essentially local air districts) to submit a RACT SIP analysis within 24 months after the effective date of designation; and

WHEREAS, the U.S. EPA has developed guidance and a list of Control Technique Guidelines (CTG) and Alternative Control Techniques (ACT) to aid local air districts in developing the RACT SIP Submittal in a consistent and effective manner; and

WHEREAS, based on the Clean Air Act (CAA) §172 (c)(1) and 182, and the California Health and Safety Code (H& SC) §§ 40460(a), 40913, and 40440(a), the SCAQMD is required to adopt an Air Quality Management Plan (AQMP), rules and regulations containing reasonably available control measures (RACM) and RACT for both oxides of nitrogen (NO_x) and volatile organic compounds (VOC) in order to lead the Basin into attainment with the federal and state ozone National Ambient Air Quality Standards (NAAQS) as expeditiously as practicable; and

WHEREAS, for the majority of the stationary and area source categories, the SCAQMD has been identified as having the most stringent air quality plan, rules and regulations in California; and

WHEREAS, in order to approve a rule and regulation into the SIP, CARB and U.S. EPA have to consider if the rule and regulation meets, at a minimum, the "presumptive" RACT level. Therefore, any categories for which U.S. EPA has not

published any additional CTG/ACT after the approval date, and for which no more stringent rule has since been adopted, should be considered as meeting RACT for the 8-hour ozone NAAQS. In addition, the SCAQMD routinely reviews its rules at least every three years for air quality management update, most recently in 2012, and proposes rule amendments whenever any information comes to its attention that indicates that a rule can be made more stringent. The fact that these two review processes have not revealed any potential for making these rules more stringent indicates that the existing rules satisfy current RACT for the 8-hour ozone NAAQS; and

WHEREAS, where a CTG/ACT became available after the U.S. EPA rule approval date, SCAQMD staff evaluated the rule and determined if the level of control provided in the new CTG/ACT was more stringent than the adopted rule; and

WHEREAS, where the regulation approved by U.S. EPA is amended after the approval date, SCAQMD staff evaluated the amendments to ensure that the amendment does not result in a relaxation of control; and

WHEREAS, substantiated by the analyses above, staff concluded that all CTG sources are subject to rules in Regulations IV, IX, X, XI, XIII, and/or XX which meet RACT requirements; and

WHEREAS, substantiated by the analyses above, SCAQMD staff concluded that all major non-CTG sources in the Basin are subject to rules in Regulations IV, XI, XIII, and/or XX that meet RACT requirements; and

WHEREAS, since there are currently no Regulation XI source-specific rules for agricultural pesticide applications, no RACT determination can be made. However, agricultural pesticide application is regulated by the State Department of Pesticide Regulation, and is not under the control of the SCAQMD; and

WHEREAS, Title V facilities in the Basin which have federal enforceable permits with clearly identified SIP-approved rules, all of which have been demonstrated to meet RACT, as discussed above; and

WHEREAS, the SCAQMD Governing Board finds and determines that the SCAQMD 8-Hour Ozone RACT SIP determination and submittal is considered a "project" pursuant to the California Environmental Quality Act (CEQA); however, SCAQMD staff reviewed the proposed project and determined with certainty that the proposed project is exempt from the requirements of CEQA pursuant to CEQA Guidelines §15061(b)(3); and

WHEREAS, the Board has held a public hearing in accordance with all provisions of law;

NOW, THEREFORE, BE IT RESOLVED, that the SCAQMD Board certifies that the SCAQMD's current air pollution rules and regulations fulfill the 8-hour ozone Reasonably Available Control Technology requirements.

BE IT FURTHER RESOLVED, that the South Coast Air Quality Management District Governing Board does hereby certify the Notice of Exemption for the proposed project, is completed in compliance with CEQA Guidelines §15002(k)(1) - Three Step Process and §15061(b)(3) – Review for Exemption (General Rule Exemption). This information was presented to the Governing Board, whose members reviewed, considered, and approved the information therein prior to acting on the proposed project.

BE IT FURTHER RESOLVED, that SCAQMD commits to further evaluate the six source categories identified in the RACT demonstration for potential emission reductions as part of the 2016 AQMP control measure development.

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board requests that the 2016 AQMP Reasonably Available Control Technology Demonstration be submitted into the State Implementation Plan.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby directed to forward a copy of this Resolution and the 2016 AQMP Reasonably Available Control Technology Demonstration to the California Air Resources Board for approval and subsequent submittal to the U.S. Environmental Protection Agency for inclusion into the State Implementation Plan.

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou, Mitchell, Nelson, Parker, Pulido, and Yates.

NOES: None.

ABSENT: None.

DATE: June 6, 2014


Sandra McDaniel, Clerk of the Board