

State of California
AIR RESOURCES BOARD

**PROPOSED PORTOLA PM2.5 PLAN
CONTINGENCY MEASURE STATE
IMPLEMENTATION PLAN SUBMITTAL**

Resolution 20-26

November 19, 2020

Agenda Item No.: 20-12-7

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, CARB is responsible for preparing the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards (NAAQS or standards) as required by the federal Clean Air Act (the 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 (districts) necessary to comply with the Act;

WHEREAS, section 41650 of the Health and Safety Code requires CARB to approve the nonattainment plan adopted by a 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 has responsibility for ensuring that the districts meet their responsibilities under the Act, pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

WHEREAS, CARB is authorized by section 39600 to perform such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code 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;

WHEREAS, the 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;

WHEREAS, effective April 15, 2015, the United States Environmental Protection Agency (U.S. EPA) designated the City of Portola and the surrounding communities as the Plumas County Nonattainment Area with a Moderate classification for the 2012 annual PM_{2.5} standard of 12 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$);

WHEREAS, the Northern Sierra Air Quality Management District (District) is the air quality planning agency for the Plumas County Nonattainment Area;

WHEREAS, on February 28, 2017, CARB submitted to U.S. EPA the Portola Fine Particulate Matter (PM_{2.5}) Attainment Plan (Portola Plan) developed by the District which demonstrated attainment of the 12 $\mu\text{g}/\text{m}^3$ annual PM_{2.5} standard by the Moderate area attainment date of December 31, 2021;

WHEREAS, on March 25, 2019, U.S. EPA approved the Portola Plan but deferred action on the Act's contingency measure requirement;

WHEREAS, section 172(c)(9), of the Act requires that nonattainment plans provide for the implementation of specific measures to be undertaken if the area fails to: attain the standard by the applicable attainment date; meet any reasonable further progress (RFP) requirement; meet any quantitative milestone requirement; or submit any required quantitative milestone report;

WHEREAS, for areas with a Moderate classification for the 2012 annual PM_{2.5} standard of 12 $\mu\text{g}/\text{m}^3$, the first quantitative milestone year is 2019, 4 years after the designation date of April 15, 2015, and the second quantitative milestone year is 2022, three years after the first quantitative milestone;

WHEREAS, on May 15, 2019, CARB transmitted to U.S. EPA the quantitative milestone report for the Plumas County Nonattainment Area documenting that the area met the 2019 RFP target, and thus negating the need for contingency for complying with these elements;

WHEREAS, contingency measures for the Plumas County Nonattainment Area are needed for the 2022 RFP and quantitative milestone requirements;

WHEREAS, the Proposed Portola PM_{2.5} Plan Contingency Measure SIP Submittal describes contingency measures to be undertaken if the area fails to: attain the 2012 annual PM_{2.5} standard of 12 $\mu\text{g}/\text{m}^3$ by the applicable attainment date; meet the 2022 RFP or quantitative milestone requirement; or submit any remaining required quantitative milestone report, pursuant to the U.S. EPA determinations listed in Title 40 Code of Federal Regulations (CFR), section 51.1014(a);

WHEREAS, the Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal also provides technical clarification regarding the emission reductions associated with the contingency measures;

WHEREAS, a U.S. EPA finding that the area has failed to meet any RFP requirement or quantitative milestone requirement, including reporting, or to attain the standard by the applicable attainment date, would trigger the contingency measures described in the Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal;

WHEREAS, in the event that the contingency measure requirement is triggered, within 60 days, the District and City of Portola will work together to implement, through the City of Portola Wood Stove and Fireplace Ordinance and the Prohibition of the Open Burning of Yard Waste (Ordinance 359), a more stringent wood burning curtailment program, by extending the curtailment season from four to eight months and lowering the curtailment threshold from $30 \mu\text{g}/\text{m}^3$ to $20 \mu\text{g}/\text{m}^3$;

WHEREAS, if triggered under Ordinance 359, during the months of January, February, March, April, September, October, November, and December, the District will declare a mandatory curtailment whenever the 24-hour average PM2.5 concentration is forecasted to exceed $20 \mu\text{g}/\text{m}^3$;

WHEREAS, once triggered, the curtailment requirements under Ordinance 359 will continue until U.S. EPA either approves an attainment plan for the area that satisfies the Serious area requirements for the 2012 annual PM2.5 standard of $12 \mu\text{g}/\text{m}^3$ or determines in writing that the RFP and/or quantitative milestone failure that triggered the contingency has been corrected;

WHEREAS, U.S. EPA guidance specifies that contingency measures provide approximately one year's worth of emission reductions necessary to achieve RFP;

WHEREAS, estimated emission reductions achieved from the curtailment requirements of Ordinance 359, when combined with future emission reductions that will occur after the attainment date of December 31, 2021, will satisfy the recommended contingency level;

WHEREAS, CARB staff determined that the Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal adequately addresses contingency measure requirements;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40 CFR, section 51.102 requires that one or more public hearings, preceded by at least 30 days of notice and opportunity for public review, must be conducted before adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, the City of Portola made Ordinance 359 available for public comment for at least 30 days and provided an opportunity for a public hearing as required by Title 40 CFR, section 51.102;

WHEREAS, the City of Portola adopted Ordinance 359 at a regular meeting of the City Council on September 9, 2020;

WHEREAS, the District made its proposed Board Resolution directing the District to fulfill its obligations under Ordinance 359 and submit the Ordinance to CARB for inclusion in the California SIP available for public comment for at least 30 days and provided an opportunity for a public hearing as required by Title 40 CFR, section 51.102;

WHEREAS, on October 26, 2020, the District Board adopted the proposed resolution directing the District to fulfill its obligations under Ordinance 359 and submit Ordinance 359, except paragraph 15.10.060(B) and sections 15.10.100 and 15.10.110, to CARB for inclusion in the California SIP;

WHEREAS, the Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal, as set forth in the Staff Report, was released to the public for comment on October 16, 2020;

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), and the CEQA Guidelines, California Code of Regulations, title 14, section 15251(d), and CARB conducts its CEQA review according to this certified program (see Cal. Code Regs., tit. 17, §§ 60000-60007); and

WHEREAS, CARB, as the lead agency for the Proposed Portola Plan PM2.5 Plan Contingency Measure SIP Submittal, has concluded that this action is exempt from CEQA, as described in the CEQA Guidelines at section 15061, because the action is an Action Taken by Regulatory Agencies for Protection of the Environment as described in CEQA Guidelines section 15308 for "class 8" exemptions. It is also exempt as described in CEQA Guidelines section 15061(b)(3) (the "common sense" exemption) because it can be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment. An explanation of the basis for reaching this conclusion is included in Chapter V of the Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal.

NOW, THEREFORE, BE IT RESOLVED, the Board finds that:

1. The Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal adequately addresses contingency measure requirements for the annual PM2.5 National Ambient Air Quality Standard of $12 \mu\text{g}/\text{m}^3$ for the Plumas County Nonattainment Area;
2. The proposal is consistent with CARB's environmental justice policies and does not disproportionately impact people of any race, culture, or income;

3. The Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal is exempt from the California Environmental Quality Act (CEQA), as described in the CEQA Guidelines (Cal. Code of Regs., tit. 14, § 15061) because this is an Action Taken by Regulatory Agencies for Protection of the Environment, as described in CEQA Guidelines section 15308 for "class 8" exemptions. It is also exempt as described in the CEQA Guidelines, section 15061(b)(3) (the "common sense" exemption) because it can be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment; and
4. After reviewing and considering the Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal along with the comments presented by interested parties, the Plan meets the requirements of the Act and CEQA.

BE IT FURTHER RESOLVED that the Board hereby adopts the Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the Proposed Portola PM2.5 Plan Contingency Measure SIP Submittal to U.S. EPA for inclusion in the SIP to be effective, for purposes of federal law, upon approval by U.S. EPA.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit Ordinance 359, except paragraph 15.10.060(B) and sections 15.10.100 and 15.10.110, to U.S. EPA as a replacement for Ordinance 344 in the SIP to be effective, for purposes of federal law, upon approval by U.S. EPA.

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 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 Portola PM2.5 Plan Contingency Measure SIP Submittal was adopted after notice and public hearing as required by section 110(l) of the Act and Title 40 CFR, section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 20-26 as adopted by the California Air Resources Board.

/s/

Ryan Sakazaki, Board Clerk