

EXECUTIVE ORDER S-20-34

COACHELLA EXTREME OZONE PLAN SIP SUBMITTAL

WHEREAS, the California Health and Safety Code (H&SC) sections 39600 and 39601 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 Standard (NAAQS) as required by the federal Clean Air Act (Act) (42 U.S.C. section 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) as necessary to comply with the Act;

WHEREAS, H&SC (§) 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, H&SC (§)41650 requires CARB to approve the nonattainment area plan adopted by a local air district (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 H&SC (§)39002, 39500, 39602, and 41650;

WHEREAS, H&SC (§)39515 and 39516 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 NAAQS within their boundaries pursuant to H&SC (§)39002, 40000, 40001, 40701, 40702, and 41650;

WHEREAS, the South Coast Air Quality Management District (District) is the district with jurisdiction over the Riverside County portion of the Salton Sea Air Basin (Coachella Valley), pursuant to H&SC (§)40410 and 40413;

WHEREAS, the Southern California Association of Governments (SCAG) is the regional transportation agency for the Coachella Valley and has responsibility for preparing and implementing transportation control measures to reduce vehicle trips, vehicle use,

vehicle miles traveled, vehicle idling and traffic congestion for the purpose of reducing motor vehicle emissions pursuant to H&SC (§)40460(b) and 40465;

WHEREAS, H&SC (§)40469(a) requires CARB to determine the adequacy of the nonattainment area plan adopted by the District to meet the requirements of State law and the Act;

WHEREAS, on July 18, 1997, United States Environmental Protection Agency (U.S. EPA) promulgated an 8-hour ozone NAAQS of 80 parts per billion (ppb) (80 ppb ozone standard);

WHEREAS, on April 15, 2004, U.S. EPA designated the Coachella Valley as nonattainment for the 80 ppb ozone standard;

WHEREAS, the Coachella Valley was classified as a Serious nonattainment area for the 80 ppb ozone standard with an attainment deadline no later than June 15, 2013;

WHEREAS, on June 1, 2007, the District adopted the 2007 Air Quality Management Plan (2007 AQMP) addressing the 80 ppb ozone standard in the Coachella Valley that included a control strategy based on State, local, and federal measures; a request to classify the Coachella Valley as Severe; an attainment demonstration; a reasonable further progress (RFP) demonstration; transportation conformity emission budgets; and contingency measures;

WHEREAS, areas designated as nonattainment for the 80 ppb ozone standard with a Severe classification, such as the Coachella Valley, are required to attain the 80 ppb ozone standard no later than June 15, 2019;

WHEREAS, Appendix I to Title 40 Code of Federal Regulations (CFR), Part 50 requires areas to demonstrate attainment of the 80 ppb ozone standard using three years of ambient ozone data that meet all the monitoring and quality assurance requirements, thus effectively rendering the attainment date for the 80 ppb ozone standard in the Coachella Valley to be December 31, 2018;

WHEREAS, on September 27, 2007, CARB adopted the 2007 AQMP that demonstrated attainment of the 80 ppb ozone standard in the Coachella Valley by December 31, 2018, and submitted it to U.S. EPA for inclusion in the California SIP;

WHEREAS, on June 4, 2010, U.S. EPA granted the request from CARB to classify the Coachella Valley to Severe for the 80 ppb ozone standard;

WHEREAS, on October 24, 2014, CARB adopted and subsequently submitted to U.S. EPA the *Updates to the 1997 8-Hour Ozone Standard State Implementation Plans: Coachella Valley and Western Mojave Desert 8-hour Ozone Nonattainment Areas* (2014 Updates) that included revised emission inventories, attainment

demonstration, RFP demonstration based on the latest U.S. EPA guidance, transportation conformity budgets, and VMT offset demonstrations;

WHEREAS, on July 12, 2017, U.S. EPA approved the Coachella Valley SIP for the 80 ppb ozone standard, consisting of elements included in the 2007 AQMP and 2014 Updates, as a revision to the California SIP;

WHEREAS, the Coachella Valley did not attain the 80 ppb ozone standard by the December 31, 2018 attainment date;

WHEREAS, after receiving a request from the District, CARB requested to U.S. EPA to classify the Coachella Valley as Extreme for the 80 ppb ozone standard with a new attainment date of June 15, 2024;

WHEREAS, on July 10, 2019, U.S. EPA granted the request and classified the Coachella Valley as an Extreme nonattainment area for the 80 ppb ozone standard;

WHEREAS, the District developed the *Coachella Valley Extreme Area Plan for 1997 8-Hour Ozone Standard* (Coachella Plan), which demonstrates attainment of the 80 ppb ozone standard in the Coachella Valley by December 31, 2023;

WHEREAS, the Coachella Plan includes elements required by U.S. EPA for the Coachella Valley for an Extreme nonattainment area including emission inventories, reasonably available control technology (RACT) and reasonably available control measures (RACM) demonstration, an RFP demonstration, contingency measures, and RFP milestones;

WHEREAS, federal law set forth in section 110(l) of the Act and the CFR, Title 40, 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 prior to adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, on November 3, 2020, the District made the Coachella Plan available for public review, meeting the CFR section 51.102 noticing requirement preceding the District hearing;

WHEREAS, on December 4, 2020, the District adopted the Coachella Plan;

WHEREAS, CARB staff reviewed and concluded that the Coachella Plan satisfies the requirements in Section 182(e) of the Act for an area classified as Extreme for the 80 ppb ozone standard;

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; California Code of Regulations, title 14,

section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007)

WHEREAS, to meet its obligations under CEQA, the District determined that pursuant to CEQA Guidelines Sections 15002(k) and 15061, the Coachella Plan is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308; additionally, the District determined there is no substantial evidence indicating that any of the exceptions in CEQA Guidelines Section 15300.2 apply to the proposed project;

WHEREAS, CARB has determined that its subsequent approval of the District's plan is a "ministerial" approval for purposes of CEQA (Cal. Code Regs, tit 14, §15268) because CARB's review is limited to determining if plan meets the requirements of the Act, and CARB lacks authority to modify or not approve the plan in response to environmental concerns, as described in Chapter 7 of the Coachella Plan; and

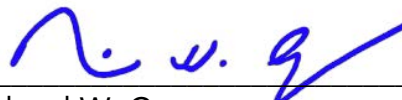
WHEREAS, CARB finds that:

1. The Coachella Plan meets the requirements of the Act for the Coachella Valley as an Extreme ozone nonattainment area for the 80 ppb 8-hour ozone NAAQS, including air quality and emissions data, modeled attainment demonstration, RACM demonstration, RFP demonstration, and contingency measures for RFP and attainment; and
2. CARB's review and approval of the Coachella Plan submitted by the District for inclusion in the California SIP is a ministerial activity for purposes of CEQA.

THEREFORE, IT IS ORDERED that CARB hereby adopts the Coachella Plan as an amendment to the California SIP, and forwards the Coachella Plan as adopted 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 CARB hereby certifies the Coachella Plan was adopted after notice and public hearing as required by Section 110(l) of the Act and 40 CFR section 51.102.

Executed in Sacramento, California, this 28th day of December, 2020.



Richard W. Corey
Executive Officer