

RESOLUTION NO. 22-15

A RESOLUTION OF THE VENTURA COUNTY AIR POLLUTION CONTROL BOARD ADOPTING AND APPROVING THE VENTURA COUNTY 2022 AIR QUALITY MANAGEMENT PLAN AND CORRESPONDING NEGATIVE DECLARATION

WHEREAS, the Ventura County Air Pollution Control District (District) is committed to achieving healthful air quality in Ventura County by the earliest practicable date;

WHEREAS, the District is also committed to complying with all applicable requirements of the federal Clean Air Act (CAA) and applicable U.S. Environmental Protection Agency (EPA) regulations;

WHEREAS, the CAA requires the EPA to establish ambient air quality standards to protect public health and welfare;

WHEREAS, the EPA established a national eight-hour average ambient air quality standard for ozone at a level of 0.070 parts per million on October 26, 2015;

WHEREAS, the CAA requires any area that does not meet a national ambient air quality standard for an air pollutant to be designated nonattainment for that air pollutant;

WHEREAS, on August 3, 2018, the EPA classified Ventura County as a serious nonattainment area for the 2015 federal 8-hour ambient air quality standard for ozone;

WHEREAS, Ventura County exceeded the 2015 federal 8-hour ozone standard 138 times in 1990 but only nine times in 2021, even though population has increased significantly;

WHEREAS, despite substantial improvements in air quality since the early 1980s, Ventura County has not yet attained the federal 8-hour ozone standard in all areas of the County;

WHEREAS, the District has prepared the *2022 Ventura County Air Quality Management Plan (2022 AQMP)* to satisfy all applicable provisions of the CAA, including those set forth at 42 U.S.C. sections 7502 and 7511a, with respect to the 2015 federal 8-hour ambient air quality standard for ozone;

WHEREAS, the adoption of the 2022 AQMP will promote the health and welfare of the residents of Ventura County;

WHEREAS, the 2022 AQMP is a “project” pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.);

WHEREAS, pursuant to CEQA, the District has prepared a Negative Declaration pursuant to which the District has determined that the 2022 AQMP would not result in any significant adverse effects to the environment;

WHEREAS, on August 31, 2022, the District published a notice of public review and held a public workshop on September 30, 2022, to solicit public comments and input on the Draft 2022 AQMP and Negative Declaration;

WHEREAS, on November 10, 2022, the District published a second notice of public review including a notice of public hearing before the Ventura County Air Pollution Control Board (Board) to consider approval of the Final Draft 2022 AQMP and Negative Declaration;

WHEREAS, the District provided a total of 64 days of public review and 34 days of public hearing notice for the 2022 AQMP and Negative Declaration;

WHEREAS, on December 13, 2022, the Board held a public hearing to accept public testimony, hear District staff presentations, and to deliberate regarding adoption of the 2022 AQMP and Negative Declaration;

WHEREAS, the Board has considered the information and testimony regarding the 2022 AQMP and Negative Declaration presented at the December 13, 2022, public hearing;

WHEREAS, the Board has reviewed and considered the Negative Declaration, including the findings contained therein, regarding the 2022 AQMP;

WHEREAS, the CAA, at 42 U.S.C. section 7511a(c)(2)(A), requires states with ozone nonattainment areas designated as serious to submit plans based on EPA-approved photochemical modeling by August 3, 2022, that demonstrate attainment of the 2015 federal ozone standard by August 3, 2027;

WHEREAS, the CAA, at 42 U.S.C. section 7511a(a)(1), requires states with ozone nonattainment areas designated as marginal or greater to submit a comprehensive baseline emission inventory;

WHEREAS, the District is using 2018 as the emissions inventory base year as allowed in the federal rule *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Requirements; Final Rule* published December 6, 2018;

WHEREAS, the CAA, at 42 U.S.C. sections 7511a(b)(1) and 7511a(c)(2)(B), requires states with ozone nonattainment areas designated as serious to submit plans that provide for 15 percent volatile organic compound emissions reductions over the initial six-year period (2017-2023) and three percent per year thereafter to 2026 (attainment year);

WHEREAS, the CAA, at 42 U.S.C. section 7511a(c)(2)(C), allows substitution of reduction of emissions of oxides of nitrogen for volatile organic compounds emissions reductions;

WHEREAS, the 2022 AQMP includes a transportation conformity budget based on the latest planning assumptions in accordance with federal law and regulations;

WHEREAS, the 2022 AQMP includes a photochemical modeling attainment demonstration, a demonstration that emissions will be reduced in compliance with the CAA's reasonable further progress requirements, and adopted rules that account for a substantial portion of the emission reductions needed within Ventura County to demonstrate attainment of the federal ozone standard pursuant to applicable EPA regulations and guidance;

WHEREAS, the quantity of reactive organic gases (ROG) emission reduction credits (ERCs) banked prior to the 2018 inventory base year and available for use, described as pre-base year ERCs, exceeds the projected growth in ROG emissions from stationary sources during the period from 2018 to 2026 of 1.05 tons ROG per day;

WHEREAS, the CAA, at 42 U.S.C. Sections 7502(c)(9) and 7511a(c)(9), requires that nonattainment area plans include contingency measures to ensure continued progress towards and attaining the federal 8-hour ozone standard;

WHEREAS, the CAA, at 42 U.S.C. Section 7511a, requires that ozone nonattainment areas implement reasonably available control technology (RACT) for sources that are subject to Control Techniques Guidelines issued by EPA and for "major sources" of volatile organic compounds and oxides of nitrogen, which are ozone precursors;

WHEREAS, the EPA took final action effective on October 31, 2022 (87 FR 59314) to disapprove the District's 2020 Reasonably Available Control Technology (RACT) State Implementation Plan Revision for the federal 8-hour ozone standard for inclusion into Ventura County's portion of the California State Implementation Plan due to deficiencies in the California Air Resources Board (CARB) regulation Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities, District Rule 71.1 Crude Oil Production and Separation, and District Rule 71.2 Storage of Reactive Organic Compound Liquids;

WHEREAS, the District is actively working with EPA and CARB to address the deficiencies and prepare amendments to CARB regulations and District rules for submission to EPA as revisions to the State Implementation Plan that will satisfy RACT requirements in accordance with 42 U.S.C. section 7410(k) and 40 CFR 52.02(a);

WHEREAS, the control strategy in the 2022 AQMP provides for expeditious progress toward the federal 8-hour ozone standard;

WHEREAS, significant emission reductions must be achieved from sources under state and federal jurisdiction for Ventura County to attain the federal and state ozone standards; and

WHEREAS, the District and CARB will require additional time to complete regulatory development for those measures that are not yet adopted in final regulatory form.

NOW, THEREFORE BE IT RESOLVED, the Board certifies the Negative Declaration for the 2022 AQMP (Attachment 2 to the December 13, 2022 Board letter) pursuant to the CEQA, and finds on the basis of the whole record including the Initial Study and all comments received, that there is no substantial evidence that adoption of the 2022 AQMP will have a significant effect on the environment, and that the Negative Declaration reflects the District's independent judgment and analysis.

BE IT FURTHER RESOLVED, the Board adopts the 2022 AQMP (Attachment 1 to the December 13, 2022, Board letter), including all appendices thereto.

BE IT FURTHER RESOLVED, the Board finds that the attainment demonstration modeling prepared for Ventura County by CARB and the South Coast Air Quality Management District summarized in Section 5 of the 2022 AQMP fulfills the requirements of the CAA set forth at 42 U.S.C. section 7511a(c)(2)(A).

BE IT FURTHER RESOLVED, the Board finds that the emission control strategy presented in Section 3 of the 2022 AQMP, and the reasonable further progress calculations presented in Section 6 of the 2022 AQMP, fulfill the requirements of the CAA set forth at 42 U.S.C. sections 7511a(b)(1) and (c)(2)(B).

BE IT FURTHER RESOLVED, the Board commits the District will restrict usage of pre-base year ERCs to less than 1.05 tons ROG per day through its permitting process and will not issue permits for ROG emissions increases requiring pre-base year ERCs that exceed 1.05 tons ROG per day.

BE IT FURTHER RESOLVED, the Board commits the District will track usage of pre-base year ERCs and report the usage and remaining balance to EPA as part of the ERC annual report to EPA, which will make this commitment enforceable by EPA.

BE IT FURTHER RESOLVED, the Board commits the District will revise the AQMP and demonstrate continued ability to attain the standard if pre-base year ROG ERCs are expected to be needed in excess of the projected ROG emission growth of 1.05 tons ROG per day.

BE IT FURTHER RESOLVED, the Board finds that the contingency measures presented in Section 7 of the 2022 AQMP fulfill the requirements of the CAA set forth at 42 U.S.C. sections 7502(c)(9) and 7511a(c)(9).

BE IT FURTHER RESOLVED, the Board shall submit to CARB, for CARB's transmittal to the EPA, the 2018 baseline emission inventory as required by the CAA at 42 U.S.C. section 7511a(a)(1).

BE IT FURTHER RESOLVED, the Board finds that the 2022 AQMP fulfills all CAA planning requirements for areas designated as serious federal 8-hour ozone nonattainment areas.

BE IT FURTHER RESOLVED, the Board directs staff to forward this Resolution, the 2022 AQMP and all appendices thereto, to CARB for CARB's transmittal to the EPA for approval and inclusion in the California State Implementation Plan.

BE IT FURTHER RESOLVED, the Board requests that EPA approve the 2022 AQMP.

BE IT FURTHER RESOLVED, District staff is hereby authorized to make any minor typographical and technical changes in the 2022 AQMP that are necessary to correct minor errors, clarify wording, or to satisfy CARB and EPA

technical requirements, provided that there are no substantive changes in the conclusions or control requirements in the 2022 AQMP nor the CEQA determination, which shall remain unchanged, as determined by the Air Pollution Control Officer in consultation with County Counsel.

FINALLY, BE IT FURTHER RESOLVED, the Board requests that the CARB approve and include in the State Implementation Plan for Ventura County the emission reductions from the source categories within the regulatory jurisdiction of the State of California and/or the United States that are necessary to demonstrate attainment of the 2015 federal ozone standard by August 3, 2027, and to comply with the applicable reasonable further progress targets of the CAA set forth at 42 U.S.C. Sections 7511a(b)(1) and (c)(2)(B).

Upon motion of Board Member Edmonds, seconded by Board Member Blatz, and duly carried, the Board hereby approves and adopts this resolution on the 13th day of December, 2022.


MATT LAVERE
Chair, Air Pollution Control Board

ATTEST:

DR. SEVET JOHNSON
Ex Officio of the Clerk of the Air Pollution Control Board
County of Ventura, State of California.

By: Anna Fall
Deputy Clerk of the Board