

Proposed
State of California
Air Resources Board

Coachella Valley 75 ppb 8-Hour Ozone Reasonable Further Progress State Implementation Plan

Resolution 22-18

November 17, 2022

Agenda Item No.: 22-15-1

Whereas, Health and Safety Code 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, the Legislature in Health and Safety Code section 39602 has designated CARB as the air pollution control agency for all purposes set forth in federal law;

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

Whereas, Health and Safety Code section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

Whereas, CARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

Whereas, the districts have primary responsibility for the control of air pollution from non-vehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to Health and Safety Code sections 39002, 40000, 40001, 40701, 40702, and 41650;

Whereas, CARB has responsibility for ensuring that the districts meet their responsibilities under the Act pursuant to Health and Safety Code sections 39002, 39500, 39602, and 41650;

Whereas, Health and Safety Code sections 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 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 Health and Safety Code section 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 Health and Safety Code sections 40460(b) and 40465;

Whereas, Health and Safety Code section 40469, subdivision (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 March 27, 2008, the U.S. Environmental Protection Agency (U.S. EPA) promulgated an 8-hour ozone NAAQS of 75 parts per billion (ppb);

Whereas, on July 20, 2012, U.S. EPA designated the Coachella Valley nonattainment for the 75 ppb 8-hour ozone NAAQS with a classification of Severe and a July 20, 2027, attainment deadline;

Whereas, on March 6, 2015, U.S. EPA published the rule *Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements*, (Ozone Rule) that established the planning requirements for the 75 ppb 8-hour ozone NAAQS;

Whereas, the Act and the Ozone Rule require that Severe ozone nonattainment areas SIPs include an emissions inventory, an attainment demonstration, reasonable further progress (RFP) demonstration, and corresponding motor vehicle emission budgets (MVEBs);

Whereas, on March 23, 2017, CARB adopted the District's 2016 Air Quality Management Plan, which included the Coachella Valley Severe SIP for the 75 ppb 8-hour ozone NAAQS (Severe SIP) and subsequently submitted it to the U.S. EPA;

Whereas, on October 16, 2020, U.S. EPA approved the Severe SIP except for contingency measures;

Whereas, the approved Severe SIP included MVEBs that were developed as required by the Act using CARB's on-road mobile source emissions factor model, EMFAC2014;

Whereas, on August 15, 2019, U.S. EPA approved CARB's updated mobile emission inventory model, EMFAC2017;

Whereas, EMFAC2017 includes updated activity levels and emission rates for on-road heavy-duty vehicles and other mobile sources;

Whereas, due to this updated information, EMFAC2017 future mobile source estimates in Coachella Valley are higher than those emissions estimated in the Severe SIP;

Whereas, SCAG is required to use the EMFAC2017 to estimate emissions for any new transportation plans or projects;

Whereas, for any new transportation plan, U.S. EPA is required to make a determination that the emissions resulting from the plan does not exceed the MVEBs in an approved SIP, and thereby that the plan “conforms” to the approved SIP;

Whereas, since emissions in new transportation plans developed using EMFAC2017 exceed the MVEBs in the Severe SIP developed using EMFAC2014, conformity the MVEBs in the approved SIP is no longer possible despite vehicle miles traveled estimates remaining the same;

Whereas, to update MVEBs in the Coachella Valley 75 ppb 8-hour ozone SIP with EMFAC2017, on November 4, 2022, the District approved a request that the Coachella Valley be reclassify from Severe to Extreme for the 75 ppb 8-hour ozone standard with a July 20, 2032, attainment deadline;

Whereas, pursuant to the Act, a reclassification to Extreme requires the State submit a new SIP that includes updated emission inventories, an attainment demonstration, an RFP demonstration, and corresponding MVEBs;

Whereas, on November 4, 2022, the District adopted the *Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets* (Coachella Valley 75 ppb Extreme RFP Plan) that demonstrates the Coachella Valley meets RFP requirements for the 75 ppb 8-hour ozone NAAQS;

Whereas, the Coachella Valley 75 ppb Extreme RFP Plan uses EMFAC2017 to project the future motor vehicle emissions used in the updated emissions inventory, RFP demonstration and corresponding MVEBs;

Whereas, the updated MVEBs will allow future transportation plans to demonstrate conformity using EMFAC2017 in the Coachella Valley;

Whereas, federal law set forth in section 110, subdivision (l) of the Act and the Code of Federal Regulations (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, as required by federal law, the District made the Coachella Valley 75 ppb Extreme RFP Plan available for public review beginning on September 16, 2022, at least 30 days prior to the hearing date;

Whereas, CARB staff reviewed and concluded that the Coachella Valley 75 ppb Extreme RFP Plan satisfies the requirements in Section 182, subdivision (a)(1) (emission inventory) and Section 182, subdivision (c)(2) (RFP demonstration) of the Act for an area classified as Extreme for the 75 ppb 8-hour 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, subdivision (k) and 15061, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Sections 15061, subdivision (b)(3) and 15308. Further, 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; and

Whereas, CARB finds that:

The Coachella Valley 75 ppb Extreme RFP Plan meets the requirements of Act for an emissions inventory, RFP, and corresponding MVEBs for the Coachella Valley as an Extreme ozone nonattainment area for the 75 ppb 8-hour ozone NAAQS; and

CARB's review and approval of the RFP Plan submitted by the District for inclusion in the California SIP is a ministerial activity for purposes of CEQA.

The proposal is consistent with CARB's environmental justice policies and does not disproportionately impact people of any race, culture, or income.

Now, therefore, be it resolved that the Board hereby adopts the Coachella Valley 75 ppb Extreme RFP Plan as a revision to the California SIP.

Be it further resolved that the Board hereby directs the Executive Officer to submit the Coachella Valley 75 ppb Extreme RFP Plan, together with the appropriate supporting documentation, to the U.S. EPA for approval as a revision to the California 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 the District and 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 technical corrections, clarifications, or additions that may be necessary to secure U.S. EPA approval.

Be it further resolved, that the Board certifies pursuant to 40 CFR Section 51.102 that the proposed SIP revision was adopted after notice and public hearing as required by 40 CFR Section 51.102.