

Proposed

State of California
Air Resources Board

Ventura County 2022 Air Quality Management Plan for the 70 parts per billion 8-hour Ozone Standard

Resolution 23-1

January 26, 2023

Agenda Item No.: 23-1-2

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, the California 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 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. 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) 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 has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in Health and Safety Code section 39002, section 39500, and Division 26, Part 5, and for ensuring that the districts meet their responsibilities under the Act pursuant to Health and Safety Code sections 39002, 39500, 39602, 40469, and 41650;

Whereas, the local 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 sections 39002, 40000, 40001, 40701, 40702, and 41650 of the Health and Safety Code;

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, and is presumed delegated unless it has been specifically reserved;

Whereas, Health and Safety Code section 41650 requires CARB to approve the nonattainment area 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, on October 26, 2015, the U.S. Environmental Protection Agency (U.S. EPA) promulgated an 8-hour NAAQS for ozone of 70 parts per billion (ppb) (70 ppb ozone standard);

Whereas, effective August 3, 2018, U.S. EPA designated Ventura County as a Serious nonattainment area for the 70 ppb 8-hour ozone standard with an attainment date of August 3, 2027;

Whereas, Ventura County Air Pollution Control District (District) is the local district responsible for control of air pollution from all sources, other than emissions from motor vehicles, in Ventura County under Health and Safety Code sections 40000, et seq., and section 60103 of title 17 of the California Code of Regulations (CCR);

Whereas, effective February 4, 2019, U.S. EPA published the *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements* (Ozone Rule) that established the planning requirements for the 70 ppb ozone standard;

Whereas, the Act and the Ozone Rule requires that a Serious nonattainment area SIP include an emissions inventory for ozone precursors, specifically oxides of nitrogen (NO_x) and reactive organic gases (ROG); an attainment demonstration; reasonably available control measures (RACM); a reasonable further progress (RFP) demonstration and corresponding motor vehicle emission budgets (MVEBs); and contingency measures;

Whereas, the District developed the 2022 Ventura County Air Quality Management Plan (2022 Plan) to meet the Serious ozone nonattainment area planning requirements for the 70 ppb 8-hour ozone standard;

Whereas, the 2022 Plan attainment demonstration relies on adopted State and District regulations, and measures identified in the 2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy);

Whereas, the Board adopted the 2022 State SIP Strategy on September 22, 2022, which builds on existing programs and the previous 2016 State SIP Strategy and sets forth a commitment to pursue the proposed SIP measures or otherwise address each measure as described in the 2022 State SIP Strategy;

Whereas, CARB staff has conducted a review of the 2022 Plan and prepared a staff report entitled *CARB Review of the Ventura County 2022 Air Quality Management Plan for the 70 ppb 8-hour Ozone Standard* (Staff Report);

Whereas, the CARB Staff Report contains an aggregate commitment of emissions reductions of 0.3 tons per day (tpd) of NO_x in Ventura County by 2026, including a subset of 0.03 tpd NO_x to come specifically from on-road mobile source measures, based on measures approved in the 2022 State SIP Strategy;

Whereas, the proposed commitment for emission reductions is for total aggregate emissions reductions that may be achieved through the measures identified in the 2022 State SIP Strategy, alternative measures, incentive programs, and actual emission decreases;

Whereas, the 2022 Plan did not include a planning emissions inventory for RFP milestone years;

Whereas, the CARB Staff Report includes in Appendix A the Ventura County planning emissions inventory for RFP milestone years;

Whereas, consistent with section 172(c)(3) of the Act, the 2022 Plan, along with the CARB Staff Report, includes a comprehensive, accurate, current inventory of emissions data of NO_x and ROG;

Whereas, consistent with sections 181(a) and 182(c)(2) of the Act, the 2022 Plan includes an attainment demonstration that shows attainment as expeditiously as practicable by the Serious area deadline of August 3, 2027;

Whereas, consistent with section 172(c)(1) of the Act, the 2022 Plan demonstrates RACM;

Whereas, consistent with sections 172(c)(2) and 182(c)(2) of the Act, the 2022 Plan demonstrates that Ventura County meets RFP targets in all the required milestone years through the attainment year;

Whereas, consistent with section 176 of the Act, the 2022 Plan establishes MVEBs, developed in consultation between the District and the regional transportation agency, that conform to the attainment and RFP emission levels;

Whereas, in anticipation of forthcoming guidance from U.S. EPA, the 2022 Plan includes a discussion of contingency measures for RFP and attainment consistent with sections 172(c)(9) and 182(c)(9) of the Act and existing guidance that require contingency measures that go into effect without further regulatory action if an area fails to meet an RFP milestone or attain by the required deadline;

Whereas, besides the SIP requirements addressed in the 2022 Plan, there are other requirements under the 70 ppb 8-hour ozone standard that have been or will be addressed through separate submittals;

Whereas, CARB has already submitted to U.S. EPA the emissions statement rule, new source review rule, RACT SIP, and the Clean Fuels for Fleets Program as required by the Act and the Ozone Rule;

Whereas, sections 182(a)(2)(B), 182(b)(4), and 182(c)(3) of the Act require ozone nonattainment areas to have in place a vehicle inspection and maintenance (I/M) program to implement Basic and Enhanced I/M in the required areas that is at least as stringent as the federal program;

Whereas, in California, the Bureau of Automotive Repair (BAR) develops and implements the I/M program;

Whereas, California's I/M program was first submitted and approved by U.S. EPA to include in the California SIP in 1997, and later revisions were approved in 2007 and 2010;

Whereas, to meet requirements under the 70 ppb 8-hour ozone standard, CARB is working with BAR to conduct a performance standard evaluation to certify that California's existing program continues to meet requirements, and this evaluation is under development and will be brought to the Board for consideration in early 2023;

Whereas, CARB staff has concluded that the 2022 Plan, along with the CARB Staff Report, meets the requirements of the Act for the 70 ppb ozone standard for Ventura County;

Whereas, section 110(l) of the Act and Title 40, Code of Federal Regulations (CFR), section 51.102, require 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, as required by the Act, the 2022 Plan was made available for public review at least 30 days prior to the December 13, 2022, public hearing where the District Governing Board approved the 2022 Plan;

Whereas, CARB staff prepared the CARB Staff Report, containing the aggregate emission reduction commitment and the planning emissions inventory, and released it to the public on December 16, 2022, for a 30-day public review prior to the Board hearing;

Whereas, the California Environmental Quality Act (CEQA; Public Resources Code section 21000 et seq.) requires that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

Whereas, to meet its obligations under CEQA, the District certified an Initial Study Negative Declaration and determined that the 2022 Plan will not have a significant impact on the environment;

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 CEQA (CCR, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (CCR, title 17, sections 60000-60007);

Whereas, CARB prepared an environmental analysis for the 2022 State SIP Strategy under its certified regulatory program to comply with the requirements of CEQA, which determined the 2022 State SIP Strategy could result in beneficial, less-than-significant, and potentially significant and unavoidable adverse impacts;

Whereas, CARB staff determined that CARB can rely on the environmental analysis prepared under its certified regulatory program for the 2022 State SIP Strategy, and no additional environmental review is required because the record evidence shows that CARB's aggregate commitment will not result in new significant adverse environmental impacts or a substantial increase in severity of previously identified significant adverse impacts, as described in Section VII of the Staff Report; and

Whereas, the Board finds that:

1. The 2022 Plan, along with the planning emissions inventory for Ventura County as detailed in Appendix A of the CARB Staff Report and the State commitment to

achieve aggregate emissions reductions of 0.3 tpd of NO_x in Ventura County by 2026, including a subset of 0.03 tpd NO_x to come specifically from on-road mobile source measures, as included in Section IV.A.1 of the CARB Staff Report, meets the requirements of the Act for a Serious ozone nonattainment area;

2. The 2022 Plan, along with Section IV.A.1 and Appendix A of the Staff Report, includes the required emissions inventory, attainment demonstration, RACM, RFP demonstration and associated MVEBs, and discussion of contingency measures;
3. Ongoing implementation of CARB and District control programs, together with measures in the 2022 State SIP Strategy, provide the emission reductions needed to support attainment in Ventura County of the 70 ppb ozone standard by the attainment deadline;
4. This proposal is consistent with CARB's environmental justice policies and does not disproportionately impact people of any race, culture, income, or national origin; and
5. CARB's aggregate commitment is covered by the prior environmental analysis for the 2022 State SIP Strategy prepared to comply with CEQA, and no additional environmental review, or revisions to the prior environmental analysis, are required because substantial evidence in the records shows there are no changes that will result in new significant adverse environmental impacts or a substantial increase in severity of previously identified significant adverse impacts.

Now, therefore, be it resolved that the Board hereby adopts the State commitment to achieve aggregate emissions reductions of 0.3 tpd of NO_x in Ventura County by 2026, including a subset specifically from on-road mobile source measures of 0.03 tpd NO_x, as included in the CARB Staff Report.

Be it further resolved that the Board hereby adopts the 2022 Plan, including the emission inventories, attainment demonstration, RACM demonstration, RFP demonstration and associated MVEBs, and discussion of contingency measures, as well as the planning emissions inventory as included in Appendix A to the CARB Staff Report.

Be it further resolved that the Board hereby directs the Executive Officer to submit the 2022 Plan as adopted by the District and the relevant portions of the CARB Staff Report to U.S. EPA for inclusion in the California SIP to be effective, for purposes of federal law, upon approval by U.S. EPA.

Be it further resolved that the Board hereby certifies that the 2022 Plan, the aggregate emission reduction commitment, and the planning emissions inventory were adopted after notice and public hearing as required by section 110(l) of the Act and 40 CFR section 51.102.

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, including to meet applicable requirements for contingency measures.

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.