

Proposed
State of California
Air Resources Board

Sacramento Region Ozone State Implementation Plan

Resolution 23-19

October 26, 2023

Agenda Item No.: 23-9-1

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 (local 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 the 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 local 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 the 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 local 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, the Sacramento Metro Nonattainment Area (Sacramento Metro), consists of Sacramento County, Yolo County, and portions of El Dorado County, Placer County, Solano County, and Sutter County;

Whereas, under Health and Safety Code sections 40000, et seq, and section 60103 of title 17 of the California Code of Regulations (CCR), the local districts (Districts) that are responsible for the control of air pollution from all sources, other than emissions from motor vehicles, in Sacramento Metro are:

Sacramento Metropolitan Air Quality Management District is responsible for Sacramento County;

El Dorado County Air Quality Management District is responsible for El Dorado County;

Feather River Air Quality Management District is responsible for Sutter County;

Placer County Air Pollution Control District is responsible for Placer County; and

Yolo-Solano Air Quality Management District is responsible for Yolo and Solano Counties;

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 standard);

Whereas, effective August 3, 2018, U.S. EPA designated Sacramento Metro as a Moderate nonattainment area for the 70 ppb standard with an attainment date of August 3, 2024;

Whereas, on August 3, 2020, CARB submitted a letter on behalf of the Districts to U.S. EPA to reclassify Sacramento Metro as a Serious nonattainment area for the 70 ppb standard;

Whereas, effective November 29, 2021, U.S. EPA classified Sacramento Metro as a Serious nonattainment area for the 70 ppb standard with an attainment date of August 3, 2027;

Whereas, on September 6, 2022, CARB submitted a letter on behalf of the Districts to U.S. EPA to reclassify Sacramento Metro as a Severe nonattainment area for the 70 ppb standard with an attainment date of August 3, 2033;

Whereas, because the ozone season in Sacramento Metro consists of the summer months, the area needs to meet the 70 ppb standard during the 2032 ozone season to meet the Severe attainment deadline of August 3, 2033;

Whereas, effective February 4, 2019, U.S. EPA published the Implementation of the 2015 NAAQS for Ozone: Nonattainment Area SIP Requirements (Ozone Rule) that established the planning requirements for the 70 ppb standard;

Whereas, the Act and the Ozone Rule require that a Severe SIP include an emissions inventory for ozone precursors, specifically oxides of nitrogen (NOx) and reactive organic gases (ROG); an attainment demonstration; reasonably available control measures (RACM) demonstration; a reasonable further progress (RFP) demonstration and corresponding motor vehicle emission budgets (MVEBs); a vehicle-miles-traveled (VMT) offset demonstration; and contingency measures;

Whereas, in September 2022, CARB adopted the 2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy) commits to emission reductions measures needed for attainment of the 70 ppb standard across the State;

Whereas, when the Board adopted the 2022 State SIP Strategy on September 27, 2022, the Board directed the Executive Officer to calculate and commit to appropriate emission reductions from implementation of the 2022 State SIP Strategy in specific nonattainment areas, as attainment plan SIP revisions are developed or revised for these areas;

Whereas, the Districts developed the Sacramento Regional 2015 NAAQS 8-hour Ozone Attainment and Reasonable Further Progress Plan (Plan), to meet the Severe ozone nonattainment area planning requirements for the 70 ppb standard;

Whereas, consistent with sections 181(a) and 182(c)(2) of the Act, the Plan includes an attainment demonstration that shows attainment as expeditiously as practicable, and by the Severe area deadline of August 3, 2033, for the 70 ppb standard;

Whereas, the attainment demonstration modeling includes the benefits of CARB's existing mobile source control program of measures adopted through December 2021 and District rules submitted through March 2022;

Whereas, the attainment demonstration further includes emissions reductions from new measures committed to as a part of the 2022 State SIP Strategy which provides the necessary control strategy, demonstrating that Sacramento Metro will meet the 70 ppb standard in 2032;

Whereas, the emissions reductions CARB committed through the 2022 State SIP Strategy include 6.1 tons per day (tpd) of NO_x and 0.7 tpd of ROG in Sacramento Metro by 2032, with a subset to come specifically from on-road mobile source measures of 1.2 tpd NO_x and 0.4 tpd ROG to be used for transportation conformity purposes;

Whereas, consistent with section 172(c)(1) of the Act, the Plan demonstrates RACM for ozone in Sacramento Metro;

Whereas, consistent with sections 172(c)(2) and 182(c)(2) of the Act, the Plan demonstrates that Sacramento Metro meets RFP targets in the 2023, 2026 and 2029 milestone years and the 2032 attainment year for the 70 ppb standard;

Whereas, consistent with section 176 of the Act, the Plan establishes MVEBs, developed in consultation between the Districts and Sacramento Area Council of Governments (SACOG) that conform to the attainment and RFP emission levels;

Whereas, consistent with section 182(d)(1)(A) of the Act, the Plan includes a VMT offset analysis that demonstrates that the identified transportation control strategies and measures are sufficient to offset the growth in emissions in Sacramento Metro;

Whereas, in anticipation of forthcoming guidance from U.S. EPA, the Plan includes a contingency measure commitment 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, as outlined in the CARB Staff Report, other SIP requirements 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, Reasonably Available Control Technology (RACT), the Clean Fuels for Fleets Program and vehicle inspection and maintenance performance review as required by the Act and the Ozone Rules;

Whereas, CARB staff has concluded that the Plan meets the Severe area requirements of the Act and Ozone Rule for the 70 ppb standard for Sacramento Metro;

Whereas, section 110(l) of the Act and Title 40, Code of Federal Regulations (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 prior to the adoption and submittal to U.S. EPA of any SIP revision;

Whereas, as required by the Act, the Plan was made available for public review on August 22, 2023, which was at least 30 days prior to the first of the five local district public hearings, where Sacramento Metropolitan Air Quality Management District adopted the Plan on September 28, 2023;

Whereas, CARB staff prepared the CARB Staff Report containing the aggregate emission reduction commitment and released it to the public on September 15, 2023, for a 30-day public review prior to the Board hearing;

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, 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 Chapter VII of the CARB Staff Report;

Whereas, to meet its obligations under CEQA, the Districts determined, under CEQA Guidelines sections 15002(k) and 15061, the Plan is exempt from CEQA under CEQA Guidelines section 15300.4; and

Whereas, the Board finds that:

The Plan and aggregate emission reduction commitment meet the requirements of the Act for Sacramento Metro as a Severe ozone nonattainment area for the 70 ppb standard;

Implementation of the Plan provides the emission reductions needed in Sacramento Metro for meeting the 70 ppb standard by the attainment deadline;

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

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 Plan and aggregate commitment to obtain emissions reductions of 6.1 tpd of NO_x and 0.7 tpd of ROG in Sacramento Metro by 2032, with a subset to come specifically from on-road mobile source measures of 1.2 tpd NO_x and 0.4 tpd ROG to be used for transportation conformity purposes as specified in the CARB Staff Report.

Be it further resolved that the Board hereby directs the Executive Officer to submit the Plan as adopted by the Districts and the aggregate emission reduction commitment contained in 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 Plan was adopted after notice and public hearing as required by Section 110(1) of the Act and 40 CFR section 51.102.

Be it further resolved that the Board directs the Executive Officer to work with the Districts 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.