

State of California  
AIR RESOURCES BOARD

Resolution 95-11

February 23, 1995

Agenda Item No.: 95-2-2

WHEREAS, section 39600 of the Health and Safety Code authorizes the Air Resources Board (the Board) to do such acts as may be necessary to execute the powers and duties granted to and imposed upon the Board by law;

WHEREAS, section 39602 of the Health and Safety Code designates the Board as the state air pollution control agency responsible for all purposes set forth in federal law, and as the state agency responsible for the preparation of the state implementation plan (SIP) required by the federal Clean Air Act (the Act or CAA);

WHEREAS, in the federal Clean Air Act Amendments of 1990, Congress made significant revisions to the air quality planning requirements of the Act and established new deadlines for attaining the national ambient air quality standards;

WHEREAS, as required by the Act, on November 15, 1994 the Board adopted a SIP for all serious, severe, and extreme ozone nonattainment areas of California and submitted the SIP to the United States Environmental Protection Agency (U.S. EPA) for review and approval in accordance with section 110 of the Act;

WHEREAS, the SIP adopted by the Board demonstrates attainment of the national ambient air quality standard for ozone and meets other requirements of the Act for the South Coast, Sacramento, and Ventura nonattainment areas;

WHEREAS, in Coalition for Clean Air v. EPA, 971 F.2d 219 (1992), the Ninth Circuit Court of Appeals held that despite the enactment by Congress of the CAA Amendments of 1990, the U.S. EPA was nonetheless required to promulgate a federal implementation plan (FIP) for California based on outdated pre-1990 requirements of the Act;

WHEREAS, acting pursuant to the Ninth Circuit's decision and promulgation schedules established by the federal district courts, the U.S. EPA on February 14, 1995, promulgated a FIP for the South Coast, Sacramento, and Ventura nonattainment areas;

WHEREAS, the simultaneous existence of both the FIP and the SIP will create great uncertainty and confusion in the business community, which will discourage investment and job creation in California;

WHEREAS, this situation will cause severe economic disruption and will place California at a competitive disadvantage, since no other state is subject to obsolete pre-1990 CAA requirements;

WHEREAS, the enactment of federal legislation to remove the FIP obligation in California would eliminate the problems identified above, would be consistent with the intent of Congress in enacting the CAA Amendments of 1990, and would level the playing field by providing California with the same flexibility as other states to achieve clean air through locally-adopted, less costly plans;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby declares that it strongly supports the enactment of federal legislation to eliminate the FIP obligation for the South Coast, Sacramento, and Ventura nonattainment areas;

BE IT FURTHER RESOLVED that the Executive Officer is directed to forward this Resolution to President Clinton and members of Congress, and to provide whatever assistance is necessary to support the enactment of such legislation.

I hereby certify that the above is a true and correct copy of Resolution 95-11, as adopted by the Air Resources Board.

*Pat Hutchens*  
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Pat Hutchens, Board Secretary

**AIR RESOURCES BOARD**2020 L STREET  
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Environmental Protection Agency  
**AIR RESOURCES BOARD****Notice of Decision and  
Response to Significant Environmental Issues**

Item: NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF THE  
REGULATION FOR REDUCING VOLATILE ORGANIC COMPOUND EMISSIONS  
FROM AEROSOL COATING PRODUCTS, AND AMENDMENTS TO THE  
ALTERNATIVE CONTROL PLAN FOR CONSUMER PRODUCTS

Adopted by: Resolution 95-12

Agenda Item No.: 95-3-1

Public Hearing Date: March 23, 1995

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues  
pertaining to this item. The Staff Report identified no adverse environmental  
effects.

Response: N/A

Certified:

A handwritten signature in black ink, appearing to read "Artavia M. Edwards".  
Artavia M. Edwards  
Regulation Coordinator

Date:

9 NOV 95RECEIVED BY  
Office of the Secretary

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RESOURCES AGENCY OF CALIFORNIA

