

State of California  
AIR RESOURCES BOARD

Resolution 96-13

April 25, 1996

Agenda Item No.: 96-3-3

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB 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, section 39602 of the Health and Safety Code designates the ARB as the state air pollution control agency for all purposes set forth in federal law and as the state agency responsible for the preparation of any State Implementation Plan (SIP) required by the federal Clean Air Act (CAA; 42 U.S.C. sections 7401 et. seq.);

WHEREAS, on September 13, 1985, the U.S. Environmental Protection Agency (U.S. EPA) promulgated a national ambient air quality standard (NAAQS) for carbon monoxide (CO) of 9 parts per million (ppm) (eight hour average);

WHEREAS, under CAA sections 107(d)(4)(A) and 186(a)(1), the following areas were designated as nonattainment for CO and classified as "moderate" or unclassified:

Bakersfield Metropolitan Area  
Chico Urbanized Area  
Fresno Urbanized Area  
Lake Tahoe North Shore Area  
Lake Tahoe South Shore Area  
Modesto Urbanized Area  
Sacramento Area  
San Diego Area  
San Francisco-Oakland-San Jose Area  
Stockton Urbanized Area

WHEREAS, CAA section 107(d)(3)(D) provides that a state may request the U.S. EPA to redesignate an area from nonattainment to attainment for the NAAQS, and further provides that U.S. EPA shall approve or deny such a request within 18 months of its receipt;

WHEREAS, the Board staff has prepared a Proposed Carbon Monoxide Redesignation Request and Maintenance Plan for Ten Federal Planning Areas (Redesignation Request), and associated emission inventories;

WHEREAS, CAA section 107(d)(3)(E) sets forth the requirements which must be met for U.S. EPA to redesignate an area from nonattainment to attainment;

WHEREAS, consistent with CAA section 107(d)(3)(E)(i), the affected nonattainment areas have demonstrated attainment with no violations of the NAAQS for the two-year period of 1993 and 1994 (or two recent winter seasons, between November and February, for areas that did not have complete data in 1993 or 1994), based on monitoring data from the State and Local Monitoring Network;

WHEREAS, consistent with CAA section 107(d)(3)(E)(ii), the ARB has met all applicable requirements, and, once the U.S. EPA approves the individual required elements, the condition that the areas have a fully-approved CO SIP, pursuant to CAA section 110(k), will be met;

WHEREAS, consistent with CAA section 107(d)(3)(E)(iii), the ARB has demonstrated in the Redesignation Request that the improvement in air quality is due to permanent and enforceable emission control measures;

WHEREAS, consistent with CAA section 107(d)(3)(E)(iv), the ARB has prepared a maintenance plan meeting the requirements of CAA section 175A;

WHEREAS, consistent with CAA section 107(d)(3)(E)(v), the affected areas have met all applicable requirements under CAA section 110 and part D, and other applicable sections;

WHEREAS, the ARB originally submitted the 1990 emissions inventory for CO on November 13, 1992, as required under CAA section 187(a)(1), and the first periodic update on September 29, 1995, as required under CAA section 187(a)(5), but deferred the public hearing requirements consistent with U.S. EPA policy;

WHEREAS, the ARB has satisfied all public hearing requirements for both emission inventory submittals as required by CAA sections 110(a)(2) and 110(l) and 40 CFR section 51.102;

WHEREAS, as required by CAA section 187(2)(A), a forecast of vehicle miles traveled for the Fresno Urbanized Area was submitted on December 28, 1992, and the 1995 annual update is included in the Redesignation on Request;

WHEREAS, the California Environmental Quality Act and ARB regulations provide that no activity shall be approved if feasible alternatives or mitigation measures can be imposed to significantly reduce any adverse environmental impacts of the activity;

WHEREAS, mobile source and fuels regulations which have been adopted and are proposed for inclusion in the Maintenance Plan have undergone environmental review by the Board at the time of their adoption;

WHEREAS, the following mobile source and fuels regulations included in the Maintenance Plan were found to have no adverse environmental impacts and no further analysis is required at this time: (1) improved inspection and maintenance programs, (2) advanced on-board computer systems, and (3) lawn, garden, and utility equipment;

WHEREAS, some potential adverse environmental impacts were identified for the remaining mobile source and fuels regulations included in the Maintenance Plan and are summarized below:

1. Combined hydrocarbon (HC) and oxides of nitrogen (NOx) emission standards for off-highway vehicles could potentially result in a slight increase in NOx emissions (0.05 tons per day) that should be more than compensated for by the benefits from associated HC emission reductions; CO emission standards introduced in this regulation should also produce further CO benefits;
2. Cleaner-burning Gasoline and the Low-emission Vehicles/Clean Fuels programs had been initially identified as having the potential for minimal emission increases associated with some elements of the program, specifically from refineries which needed additional processing equipment to comply with the fuel specifications, including increased fuel consumption and increased storage of products; however, air district New Source Review rules requiring facilities that expand their operations to apply best available control technology and offset the projected emission increases resulted in full mitigation of potential emission increases;

WHEREAS, the air quality benefits of the ARB mobile source and fuels regulations included in the implementation plan far outweigh any related potential adverse environmental impacts and will contribute to the continued maintenance of the federal CO standard in these areas;

WHEREAS, sections 110(a)(2) and 110(l) of the Act and 40 CFR section 51.102 require that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal of any SIP revision to U.S. EPA;

WHEREAS, at least 30 days prior to the public hearing, public notices were placed in the major newspapers of the areas proposed for redesignation describing the proposed action and the place where materials describing the proposed action were available for review;

WHEREAS, the Staff Report has been available for at least 30 days prior to the hearing;

WHEREAS, in consideration of the Staff Report, the Board finds that:

1. California's air pollution control programs have successfully reduced CO emissions and ambient concentrations, in spite of significant growth in vehicle miles traveled;

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2. Additional statewide regulations for motor vehicles and fuels, which were not fully implemented prior to the attainment period, will contribute to the maintenance of the NAAQS and serve as contingency measures;
3. The Redesignation Request is necessary for the redesignation to attainment of the ten affected areas by U.S. EPA;
4. The Redesignation Request complies with the requirements of section 107(d)(3)(E) of the Act;
5. This action will not have a significant adverse impact on the environment, but will result in environmental benefits because it is part of a program designed to maintain the national CO standard;

NOW, THEREFORE BE IT RESOLVED that the Board hereby adopts the Carbon Monoxide Redesignation Request and Maintenance Plan for Ten Federal Planning Areas and directs the Executive Officer to forward the Redesignation Request to the U.S. EPA as a revision to the California SIP for carbon monoxide.

BE IT FURTHER RESOLVED, that the Board certifies that the Redesignation Request was adopted after notice and public hearing as required by 40 CFR section 51.102 and directs the Executive Officer to submit the appropriate supporting documentation to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that except as provided herein or in previous SIP submittals, the Board does not intend the regulations which comprise the state element of the SIP to be federally enforceable in any area of California beyond the carbon monoxide nonattainment areas.

I hereby certify that the above is a true and correct copy of Resolution 96-13, as adopted by the Air Resources Board.



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Pat Hutchens, Board Secretary



California  
Environmental  
Protection  
Agency

State of California  
Environmental Protection Agency  
AIR RESOURCES BOARD



Pete Wilson  
Governor

James M. Strock  
Secretary for  
Environmental  
Protection



Air Resources Board

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Notice of Decision and  
Response to Significant Environmental Issues

Item: NOTICE OF PUBLIC HEARING TO CONSIDER THE  
ADOPTION OF PERMIT FEE REGULATIONS FOR  
NONVEHICULAR SOURCES PURSUANT TO THE  
CALIFORNIA CLEAN AIR ACT

Approved by: Resolution 96-14

RECEIVED BY  
Office of the Secretary

Adopted by: Executive Order G-96-076  
Dated: September 18, 1996

OCT 09 1996

RESOURCES AGENCY OF CALIFORNIA

Agenda Item No: 96-3-2

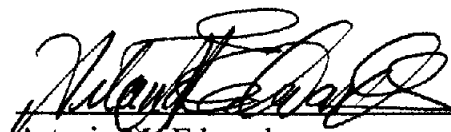
Public Hearing Date: April 26, 1996

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:

  
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Artavia M. Edwards  
Regulations Coordinator

Date:

8 Oct 96