

State of California
AIR RESOURCES BOARD

Resolution 97-28

June 26, 1997

Agenda Item No.: 97-5-1

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

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

WHEREAS, section 41650 of the Health and Safety Code requires the ARB to adopt the nonattainment plan approved 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, the districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, and 41650 of the Health and Safety Code;

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (District) was established pursuant to sections 40150 to 40151 of the Health and Safety Code as the air pollution control district responsible for carrying out these responsibilities in the San Joaquin Valley Air Basin;

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

WHEREAS, section 189(b) of the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for particulate matter (PM10) for the San Joaquin Valley Air Basin, by February 8, 1997;

WHEREAS, section 188(c)(2) of the Act requires the San Joaquin Valley Air Basin to attain the PM10 NAAQS by December 2001;

WHEREAS, section 188(e) of the Act allows the state to request a five-year extension of the attainment deadline, to 2006, if attainment by 2001 would be "impracticable," and if other specified conditions are met;

WHEREAS, section 189(b) of the Act requires the PM10 SIP revision for the San Joaquin Valley Air Basin to demonstrate attainment of the PM10 NAAQS by the applicable attainment date ("attainment demonstration");

WHEREAS, section 189(c)(1) of the Act requires the PM10 SIP revision for the San Joaquin Valley Air Basin to establish PM10 reasonable further progress milestone targets, which are to be achieved every three years until the area is redesignated attainment, and which demonstrate reasonable further progress ("reasonable further progress milestone targets");

WHEREAS, section 176(c) of the Act requires the establishment of conformity emissions budgets for nonattainment areas;

WHEREAS, federal law set forth in 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 notice and opportunity for public review, must be conducted prior to the adoption and submittal to the U.S. EPA of any SIP revision;

WHEREAS, the California Environmental Quality Act (CEQA) 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, on May 15, 1997, the District adopted its 1997 PM10 Attainment Demonstration Plan (1997 Plan) to fulfill the Act's attainment demonstration plan requirements for "serious" PM10 nonattainment areas;

WHEREAS, the 1997 Plan was submitted to the ARB as a SIP revision on June 4, 1997, along with proof of public notice publication and environmental documents, in accordance with state and federal law;

WHEREAS, ARB staff has prepared a Staff Report which contains the staff analysis of the 1997 Plan and recommendations;

WHEREAS, the Board has conducted a public hearing to consider approval of the District's 1997 PM10 Attainment Demonstration Plan and its submittal to U.S. EPA as a SIP revision; and

WHEREAS, in consideration of the Staff Report, the proposed San Joaquin Valley PM10 controls and related statewide SIP elements, the District PM10 Plan, and public comments prepared by the Board Staff, the Board finds:

1. The 1997 Plan contains a PM10 control strategy that is shown to be sufficient to attain the national ambient air quality standard for PM10, on an annual average basis, throughout the San Joaquin Valley Air Basin, by December 31, 2001;
2. The District has documented that although it can demonstrate attainment of the 24-hour standard by 2001 at three of the six locations where this standard has been exceeded in recent years, it cannot attain the 24-hour average PM10 NAAQS by 2001 throughout the San Joaquin Valley Air Basin, and has therefore requested a five-year extension of the attainment deadline, to 2006, as provided in the Act, subject to U.S. EPA approval;
3. The District has met the conditions for granting an extension of the attainment date, in that the District has complied with all requirements and commitments pertaining to the area in the implementation plan, the plan includes the most stringent measures that are included in the implementation plan of any state or are achieved in practice in any state, and can feasibly be implemented in the area;
4. The 1997 Plan documents that limits in our understanding of the causes of PM10 episodes in parts of the Valley prevent the identification, at this time, of specific controls that will result in attainment of the NAAQS by 2006 in some parts of the Valley;
5. The 1997 Plan contains commitments and timelines for further research into the causes of excessive ambient PM10 concentrations, particularly in those areas for which the 1997 Plan does not demonstrate attainment of the 24-hour standard by 2001;
6. The research timeline included in the 1997 Plan include commitments to conduct research to develop a better understanding of the causes of PM10 episodes in the Valley, and research on the development and implementation of control strategies to reduce fugitive dust from agricultural operations;
7. The 1997 Plan commits to the implementation of such additional controls as may be needed to attain the 24-hour PM10 standard throughout the Air Basin by December, 2006;
8. The 1997 Plan provides emission budgets and quantifies milestones for 2001, 2006, and 2020;

9. The 1997 Plan provides transportation conformity budgets for 2001, 2006, and 2020;
10. The 1997 Plan was available for public review and comment for at least 30 days, and a noticed public hearing was conducted in the San Joaquin Valley Air Basin prior to adoption of the Plan by the District governing board, as required by the Act and U.S. EPA regulations;
11. The District has reviewed the potential adverse environmental impacts of the 1997 Plan, pursuant to CEQA, and has determined that the 1997 Plan will not have an adverse environmental impact, and has responded to public comments on this determination; and
12. The 1997 Plan represents an improvement to the existing PM10 SIP for the San Joaquin Valley, as it provides a detailed timeline for research related to high levels of directly emitted particulates, provides for incentive programs to encourage the early reduction of emissions from heavy-duty diesel engines and diesel engines in non-road equipment, and provides for reasonably available fugitive dust control measures to be upgraded to best available control measures prior to 2001.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the San Joaquin Valley Unified Air Pollution Control District's 1997 PM10 Attainment Demonstration Plan, which contains a PM10 control strategy, attainment demonstration, reasonable further progress milestone targets, and conformity emissions budgets for the San Joaquin Valley Air Basin, as a revision to the SIP;

BE IT FURTHER RESOLVED, that the Board requests the governing Board of the San Joaquin Valley Unified Air Pollution Control District to review, by July 1, 2000, its overall progress towards implementing the 1997 Plan, including in its review a reassessment of the attainment projections and rate of progress milestones, and the adoption of plan revisions, if needed to ensure attainment by 2006, and directs the Executive Officer to work with the District to this end;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer and Staff to continue to work with the District to improve the technical and analytical bases of the Plan, including but not limited to improving the emission inventory and emission inventory forecasts, the understanding of the causes of PM10 episodes in the Valley, and improving PM10 modeling techniques;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to submit the 1997 Plan, together with the appropriate supporting documentation, to the U.S. EPA for approval as a SIP revision, and to work with the District and U.S. EPA to resolve any issues regarding plan completeness and approvability that may arise.