

State of California  
AIR RESOURCES BOARD

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Resolution 98-11

RESOURCES AGENCY OF CALIFORNIA

February 26, 1998

Agenda Item No.: 98-2-3

WHEREAS, the Legislature in Health and Safety Code (HSC) section 39602 has designated the state 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 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. sections 7401-7671q), and to this end is directed by HSC section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts necessary to comply with the Act;

WHEREAS, HSC section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, the Act as amended in 1990 required the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas classified as "serious", "severe", and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(c)(2)(A) of the Act requires the revision for these ozone nonattainment areas to demonstrate attainment of the ozone NAAQS by the applicable attainment date specified in section 181;

WHEREAS, section 189(b) requires the SIP for the South Coast Air Basin to demonstrate attainment of the inhalable particulate matter (PM10) NAAQS by the applicable attainment date;

WHEREAS, section 182(c)(2)(B) of the Act requires the SIP for each serious and above ozone nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can be feasibly implemented in the area;

WHEREAS, section 189(c)(1) of the Act requires the SIP for the South Coast 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;

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

WHEREAS, the ARB is authorized by HSC section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, HSC sections 39515 and 39516 provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

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 Division 26, Part 5, commencing with section 43000, of the Health and Safety Code;

WHEREAS, on November 15, 1994 the Board adopted and submitted to the U.S. EPA an ozone SIP (1994 Ozone SIP) revision which included attainment demonstrations, rate-of-progress demonstrations, and conformity emissions budgets for the South Coast Air Basin;

WHEREAS, on September 25, 1996 U.S. EPA approved the submitted 1994 Ozone SIP, and this approval was officially published on January 8, 1997 (62 Fed. Reg. 1150);

WHEREAS, the mobile source element of the SIP is comprised of existing control strategies and near-term and long-term state and federal measures which will achieve emission reductions from mobile sources including passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles and off-road equipment;

WHEREAS, the South Coast Air Quality Management District relied upon statewide SIP elements for mobile sources included in the 1994 Ozone SIP in its 1997 Air Quality Management Plan for Ozone and Particulate Matter (1997 Plan);

WHEREAS, the 1997 Plan revised attainment demonstrations, rate-of-progress demonstrations, and conformity emissions budgets for the South Coast Air Basin;

WHEREAS, the Board approved the 1997 Plan on January 23, 1997 and submitted it to U.S. EPA as a SIP revision on February 5, 1997, and U.S. EPA has not acted on the 1997 Plan;

WHEREAS, section 110(a)(2)(H) of the Act recognizes that SIPs may need to be periodically revised to reflect the availability of improved or more expeditious methods of attaining ambient air quality standards;

WHEREAS, after further evaluation, mobile source measure M-7, Accelerated Retirement of Heavy-Duty Vehicles, has been found infeasible on the scale envisioned in the SIP. Therefore, staff proposes to withdraw measure M-7 from the SIP for both ozone and PM10;

WHEREAS, to ensure the SIP for Ozone and PM10 continues to fulfill the Act's requirements, staff proposes to submit emission reductions from a new commitment, M-17, Additional Emission Reductions From Heavy-Duty Vehicles, as a revision to the SIP;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, the Board will perform the environmental analysis required by CEQA in conjunction with the rulemaking process for the proposed measure when developed into regulations, and to ensure that any identified environmental impacts are avoided or mitigated to the extent possible;

WHEREAS, the Board will continue to review cost effectiveness and technological feasibility of proposed control strategies and to propose necessary and appropriate modifications to the control strategies;

WHEREAS, federal law as set forth in section 110(l) of the Act and Title 40, C.F.R., 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 U.S. EPA of any SIP revision;

WHEREAS, a Staff Report which summarizes and explains the contents of the proposed SIP revision, the requirements applicable to the SIP revision, and the environmental impacts of the proposed measure (Attachment A) has been available for public review and notice was published at least 30 days prior to the hearing;

WHEREAS, an assessment of the economic impacts associated with the proposed actions has been prepared and made available to the Board and the public;

WHEREAS, in consideration of the Staff Report and the written and oral testimony presented by the public, interested government agencies and the regulated industry; the Board finds:

1. Healthful air must be achieved through an intensive and coordinated local, state and federal effort to attain the NAAQS for ozone and PM10 by the dates specified in the Act.
2. Mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories are a vital element for attainment, without which nonattainment areas will not reach their projected emission reduction targets.
3. SIPs may need to be periodically revised to reflect the availability of improved or more expeditious methods of attaining ambient air quality standards.

4. After further evaluation, mobile source measure M-7, Accelerated Retirement of Heavy-Duty Vehicles, has been found infeasible on the scale envisioned in the SIP, and therefore, should be withdrawn from the SIP for both ozone and PM10.
5. To ensure the SIP for ozone and PM10 continues to fulfill the Act's requirements, emission reductions from a new commitment, M-17, Additional Emission Reductions From Heavy-Duty Vehicles, should be adopted with the language clarifications set forth in Attachment B, and submitted as a revision to the SIP.
6. To reflect the impact of the withdrawal of measure M-7 and submission of measure M-17, revisions to the rate-of-progress demonstration for PM10 and the motor vehicle emission budgets for nitrogen oxides (NOx) emissions for the South Coast Air Basin should be prepared and submitted to U.S. EPA to meet Clean Air Act requirements.
7. As regulations implementing mobile measure M-17 are developed, detailed environmental and cost effectiveness impact analyses, including a discussion of regulatory alternatives and mitigation measures, will be performed in conjunction with the rulemaking process.
8. At this time there are no other feasible measures which the ARB can impose to lessen the potential impacts of the proposed SIP revisions on the environment or the economy, and no less stringent alternatives which will accomplish the goal imposed by federal law with fewer potential socio-economic or environmental impacts.
9. The potential adverse impacts identified for the proposed measure are outweighed by the substantial air quality benefits which would result from its adoption and implementation.
10. The Board will continue to review the cost effectiveness and technological feasibility of proposed control strategies and propose necessary and appropriate modifications to the control strategies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board directs the Executive Officer to submit a SIP revision to U.S. EPA to withdraw measure M-7, Accelerated Retirement of Heavy-Duty Vehicles, from the approved 1994 Ozone SIP and the submitted South Coast 1997 Plan.

**BE IT FURTHER RESOLVED**, that the Board hereby adopts measure M-17, Additional Emission Reductions From Heavy-Duty Vehicles, with the language clarifications set forth in Attachment B and directs the Executive Officer to submit M-17, to U.S. EPA as a SIP revision to the 1994 Ozone SIP and the submitted South Coast 1997 Plan.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to update the rate-of-progress demonstration for PM10 and the motor vehicle emission budgets for NOx emissions for the South Coast Air Basin and submit them to U.S. EPA.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the proposed SIP revisions, withdrawing measure M-7 and submitting measure M-17, and updating the rate-of-progress demonstration for PM10 and the motor vehicle emission budgets for NOx emissions for the South Coast Air Basin, were adopted after notice and public hearing as required by 40 C.F.R. section 51.102.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with U.S. EPA on any completeness and approvability issues.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to move expeditiously to establish a process for identifying appropriate incentives within the Board's purview for additional emission reductions from heavy-duty vehicles

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to establish a process through which the various stakeholders can help identify and obtain additional emission reductions for measure M-17 and other measures for heavy-duty vehicles in the SIP.

BE IT FURTHER RESOLVED, that the Board directs the legislative staff to continue to work with the Administration as leaders in the efforts to fund incentives under measure M-17 beyond those currently in the SIP.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to periodically inform the Board of the status of efforts to identify and obtain incentives for additional emission reductions from heavy-duty vehicles.

I hereby certify that the above is a true and correct copy of Resolution 98-11, as adopted by the Air Resources Board.

*Pat Hutchens*

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Pat Hutchens, Clerk of the Board