

State of California
AIR RESOURCES BOARD

Resolution 98-3

January 29, 1998

Agenda Item No.: 98-1-4

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the State;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board ("ARB" or "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the State to attain and maintain these standards;

WHEREAS, in 1988 the Legislature enacted the California Clean Air Act ("the Act"; Stats. 1988, Ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the State and local air pollution control districts (districts) in areas where the standards are not attained for ozone, carbon monoxide, nitrogen dioxide, and sulfur dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the State standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of five percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, conditionally approve, or revise district attainment plans or portions thereof pursuant to sections 41500, 41503.1, 41503.3, 41503.4, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, pursuant to section 40921.5 of the Health and Safety Code, the South Coast Air Quality Management District (District) is classified as an "extreme" ozone nonattainment area under the Act and classified as a "serious" carbon monoxide nonattainment area under the Act;

WHEREAS, pursuant to sections 40919 and 40920.5 of the Health and Safety Code, the District is required to have a stationary source control program designed to achieve no net increase in emissions from all new or modified stationary sources of nonattainment pollutants or their precursors and to require the use of best available control technology (BACT) for any new or modified stationary source which has the potential to emit 10 pounds per day or more of any nonattainment pollutant or its precursors;

WHEREAS, pursuant to section 40919 of the Health and Safety Code, the District's plan is to require best available retrofit control technology (BARCT) for all existing permitted stationary sources;

WHEREAS, pursuant to section 40918 of the Health and Safety Code, the District's plan is to include reasonably available transportation control measures sufficient to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;

WHEREAS, pursuant to section 40918 of the Health and Safety Code, the District's plan is to contain provisions to develop areawide source and indirect source control programs;

WHEREAS, pursuant to section 40918 of the Health and Safety Code, the District is to develop and maintain an adequate emissions inventory system to enable analysis and progress reporting as required by the Act;

WHEREAS, pursuant to section 40918 of the Health and Safety Code, the District's plan is to provide for public education programs to promote actions to reduce emissions from transportation and areawide sources;

WHEREAS, pursuant to section 40919 of the Health and Safety Code, the District's plan is to include measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;

WHEREAS, pursuant to section 40920 of the Health and Safety Code, the District's plan is to include measures sufficient to reduce overall population exposure to ambient ozone levels in excess of the standard by at least 40 percent by the end of 1997, and 50 percent by the end of 2000;

WHEREAS, pursuant to section 40920.5 of the Health and Safety Code, the District's plan is to include any other feasible controls that can be implemented, or for which implementation can begin, within 10 years of the adoption date of the most recent air quality plan;

WHEREAS, pursuant to section 40922 of the Health and Safety Code, the District's plan is to include a list which ranks the control measures from the least cost-effective to the most cost-effective;

WHEREAS, pursuant to section 40913(b) of the Health and Safety Code, the District's plan is to be based upon a determination by the District board that the plan is a cost-effective strategy to achieve attainment of the State standards by the earliest practicable date;

WHEREAS, pursuant to section 40915 of the Health and Safety Code, the District's plan is to contain contingency measures to be implemented upon a finding by the ARB that the District is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, pursuant to section 40912 of the Health and Safety Code, the District's plan is to provide for the attainment and maintenance of the State standards not only in the South Coast, but also in downwind districts, and is to contain, at a minimum, all mitigation requirements established by ARB pursuant to section 39610(b) of the Health and Safety Code, which are contained in Title 17 of the California Code of Regulations, sections 70600 and 70601;

WHEREAS, pursuant to section 40924(a) of the Health and Safety Code, the District, before the end of each year, is to prepare and submit an annual report to the ARB summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures in the District's plan; each annual report is to contain at a minimum, the proposed and actual dates for the adoption and implementation of each measure;

WHEREAS, pursuant to section 40924(b) of the Health and Safety Code, the District, before the end of 1994 and once every three years thereafter, is to assess its progress toward attainment of the State standards; each such triennial assessment is to be incorporated into the District's triennial plan revision prepared pursuant to section 40925 of the Health and Safety Code, and is to contain, at a minimum, both of the following: (1) the extent of air quality improvement achieved during the preceding three years, based upon ambient pollutant measurements, best available modeling techniques, and air quality indicators identified by ARB; and (2) the expected and revised emission reductions for each measure scheduled for adoption in the preceding three-year period;

WHEREAS, pursuant to section 40925(a) of the Health and Safety Code, the District, before the end of 1994, and once every three years thereafter, is to review and revise its attainment plan to: (1) correct for deficiencies in meeting the interim rates of progress incorporated into the plan pursuant to section 40914 of the Health and Safety Code; and (2) incorporate new data or projections into the plan; and upon adoption of each triennial plan revision at a public hearing, the District board is to submit the plan revision to the ARB;

WHEREAS, pursuant to section 40925(b) of the Health and Safety Code, the District may modify the emission reduction strategy for subsequent years based on this triennial review, if the district demonstrates to the ARB, and the ARB finds, that the modified strategy is at least as effective in improving air quality as the strategy which is being replaced;

WHEREAS, on November 15, 1996, the District adopted its 1997 Air Quality Management Plan (1997 Plan) as a triennial plan revision under the Act, and submitted it to the ARB on December 10, 1996;

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, the District has prepared an Environmental Impact Report (EIR), pursuant to CEQA, which sets forth the potential adverse environmental impacts of the 1997 Plan, and the District has received and responded to public comments on the EIR;

WHEREAS, the District has prepared and adopted a Mitigation, Monitoring, and Reporting Plan, which sets forth measures to mitigate the adverse environmental impacts identified in the EIR and related documents, as well as methods and procedures for monitoring and reporting on the mitigation measures;

WHEREAS, the Board has conducted a public hearing to consider approval of the District's 1997 Plan as a triennial plan revision under the Act;

WHEREAS, the Board has reviewed and considered the Plan, along with the EIR prepared for the Plan, and has considered the oral and written comments presented by interested persons and Board staff;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the ARB Staff Report for the Plan, which is incorporated by reference herein, and by the Board's and staff's responses to comments on the record;

WHEREAS, the Board finds that the EIR prepared and certified for the Plan meets the requirements of CEQA, and environmental documentation for individual measures will be prepared as necessary as each measure is considered for adoption;

WHEREAS, the Board finds that the 1997 Plan substantially meets the extreme ozone nonattainment area planning requirements and the progress reporting and plan revision requirements of the Act;


WHEREAS, the Board finds that the 1997 Plan includes all feasible measures within the time frame of this plan (1997-1999), and that the 1997 Plan is at least as effective as the 1994 Plan's control strategy which it replaced; and

WHEREAS, the Board finds that the District needs to reassess five already-adopted rules in order for the District's overall control program to be considered to include all feasible measures.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby conditionally approves the 1997 Plan adopted by the District and submitted to the ARB as a triennial plan update under the Act, with the following conditions:

1. That the District add rule improvements for Rules 1102, 1103, 1104, 1130, and 1146 to its rulemaking calendar to determine if further reductions can be achieved, and if so, that the District adopt such improvements by December 1999;
2. That the District meet its rulemaking commitments according to the schedule set forth in the 1997 Plan;
3. That the District take actions, by July 1998, to ensure that its permitting program meets the requirements of the Act;
4. That the District submit to the ARB, by July 1998, the expected and revised emission reductions for each measure scheduled for adoption in 1994 through 1996, and that the District include in its 2000 Plan the expected and revised emission reductions for each measure scheduled for adoption in 1997 through 1999, pursuant to section 40924(b)(2) of the Health and Safety Code; and
5. That, beginning in 1998, the District submit annual reports containing the proposed and actual dates for the adoption and implementation of each measure scheduled for that year, pursuant to section 40924(a) of the Health and Safety Code.

I hereby certify that the above is a true and correct copy of Resolution 98-3, as adopted by the Air Resources Board.



Pat Hutchens, Clerk of the Board