

State of California  
AIR RESOURCES BOARD

Resolution 99-2b

February 25, 1999

Agenda Item No: 99-2-2

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 local air pollution control and air quality management 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, section 40918 of Health and Safety Code requires each district plan to include reasonably available transportation control measures (TCMs) sufficient to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

WHEREAS, ARB staff initially recommended that district plans include such TCMs as trip reduction (“ridesharing”) programs, high-occupancy vehicle systems, improved transit service, and land use strategies that increase access to transit and promote walking and bicycling;

WHEREAS, section 40717.9 of the Health and Safety Code, (added by Stats. 1995, Ch 607, Sec.1), prohibits air districts and other public agencies from requiring employers to implement mandatory employee-oriented trip reduction programs, unless the program is expressly required by federal law and the elimination of the program will result in federal sanctions;

WHEREAS, in response to State law, air districts with mandatory employer trip reduction rules have removed them and, in several cases, have replaced them with voluntary measures;

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, 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 40924(b) of the Health and Safety Code, each district, before the end of 1994 and once every three years thereafter, is to assess progress toward attainment of the State standards and incorporate this assessment into the district’s triennial plan revision which 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, each district, before the end of 1994, and once every three years thereafter, is to review and revise its attainment plan (“triennial plan revision”) 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, a 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 January 3, 1992, pursuant to section 40911 of the Health and Safety Code, the Santa Barbara County District submitted its 1991 Clean Air Plan (1991 Plan) which was adopted by the District's Governing Board on December 17, 1991;

WHEREAS, the Santa Barbara County's 1991 Plan could not demonstrate district-wide emissions reductions of 5 percent per year for each nonattainment pollutant or its precursors, (averaged every consecutive three-year period) and instead committed to the adoption of every feasible measure on an expeditious adoption schedule;

WHEREAS, on August 13, 1992, pursuant to section 41503 of the Health and Safety Code, the ARB conditionally approved the 1991 Plan;

WHEREAS, on November 2, 1994, the District Governing Board adopted Santa Barbara County's 1994 Clean Air Plan as a triennial revision to the 1991 Plan and as a revision to the State Implementation Plan (SIP);

WHEREAS, in response to the 1990 amendments to the Federal Clean Air Act, (FCAA) the districts in cooperation with the ARB and other state and federal agencies prepared California's 1994 State Implementation Plan for ozone (1994 SIP); this effort more than accomplished what was envisioned in the California Clean Air Act for the triennial progress report and plan revisions and also fulfilled the requirements of sections 40924 and 40925 of the Health and Safety Code due in 1994;

WHEREAS, a major control strategy revision was accomplished with the 1994 SIP, which established new control strategies that will be developed and implemented over the next decade in California; these strategies will ensure continued progress towards meeting federal standards, as well as progress towards California's more health protective state standards;

WHEREAS, Health and Safety Code section 40925(c) requires districts which cannot demonstrate attainment of applicable state standards by December 31, 1999, to submit a comprehensive plan update, unless the ARB determines that such an update is unnecessary;

WHEREAS, the ARB staff assessed the need for a comprehensive plan update and determined that with the 1994 SIP as the State's established control strategy for the future, a comprehensive update was not necessary in 1998, and the districts should instead focus their resources on implementing their existing controls strategies and SIP commitments;

WHEREAS, the adoption of every feasible measure is a critical planning element that supports efforts to meet both the federal and state ozone standards;

WHEREAS, the every feasible measure commitment is dynamic; as technology advances and conditions change, so will the every feasible measure commitment;

WHEREAS, the triennial progress report and plan revision requirements pursuant to sections 40924 and 40925 of the Health and Safety Code provide an opportunity to reaffirm the commitment to adopt every feasible measure and to incorporate new measures to reduce emissions;

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 entitled "Staff Report – Public Meeting to Consider Approval of the Santa Barbara County Air Pollution Control District's 1998 Clean Air Plan as a Revision to California's State Implementation (SIP) and as a Triennial Progress Report and Plan Revision Under the California Clean Air Act," which is incorporated by reference herein, and by the Board's and staff's responses to comments on the record;

WHEREAS, on December 17, 1998, the Santa Barbara District Governing Board approved the 1998 Clean Air Plan (1998 Plan) and submitted it to the ARB for review;

WHEREAS, the 1998 Plan sets forth modifications to the control strategy including the addition of new measures, deletion and rescheduling of others, and revised emissions estimates; updated growth forecasts and emissions inventory;

WHEREAS, the 1998 Plan is designed to address both the requirements of the federal Clean Air Act, and the requirements of the California Clean Air Act for districts to submit triennial progress reports and plan revisions;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Santa Barbara District prepared an Initial Study/Mitigated Negative Declaration (Negative Declaration) for the 1998 Clean Air Plan which concluded that no new significant adverse environmental effects will result from implementation of the 1998 Plan;

WHEREAS, ARB has reviewed and considered the 1998 Plan as amended along with the Negative Declaration prepared for the Plan, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the 1998 Plan includes the following major components:

1. a detailed emission inventory, which projects air quality trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt three new control measures:
  - Control of Emissions from Adhesives and Sealants
  - Residential and Commercial Space and Water Heaters
  - Control of Emissions from Reciprocating Internal Combustion Engines
3. a cost-effectiveness ranking for mobile, transportation, indirect source control, stationary and area source control measures;
4. population exposure assessments for ozone;

WHEREAS, based upon the 1998 Plan, the Negative Declaration prepared for the Plan, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

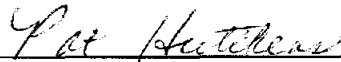
1. The control strategy incorporated by the 1998 Plan is at least as effective as the previous control strategy, which it replaced;
2. Santa Barbara County exceeds the State health-based ozone standard, on average, 20 days per year;
3. The Santa Barbara County District must continue to pursue all feasible control strategies to ensure expeditious attainment of the State ozone standard;
4. The 1998 Plan substantially meets the triennial progress reporting and plan revision requirements of the California Clean Air Act;
5. The Negative Declaration prepared for the 1998 Plan meets the requirements of CEQA, and environmental documentation for individual measures identified in the Plan will be prepared as necessary as each measure is considered for adoption.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby conditionally approves the 1998 Plan approved by the Santa Barbara District Governing Board and submitted to the ARB in fulfillment of the triennial progress report and plan revision requirements of the California Clean Air Act, with the following condition:

That the District is to submit a schedule to the ARB for reviewing the feasibility of fourteen stationary source control measures identified in the 1998 Plan under the "further study" category, complete this review, and make any appropriate rulemaking commitments based on the review.

BE IT FURTHER RESOLVED, that the conditional approval be converted to full approval once the Executive Officer determines that the Santa Barbara District has met the condition identified above.

I hereby certify that the above is a true and correct copy of Resolution 99-2b, as adopted by the Air Resources Board.

  
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Pat Hutchens, Clerk of the Board