

State of California
AIR RESOURCES BOARD

Resolution 99-30

July 22, 1999

Agenda Item No.: 99-6-1

WHEREAS, the Legislature in Health and Safety Code 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 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 approve the nonattainment area 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 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 Division 26 of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, the local air 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, 40701, 40702, and 41650 of the Health and Safety Code;

WHEREAS, the Bay Area Air Quality Management District (the Bay Area District) is the local air district for the San Francisco Bay Area Air Basin, which includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma Counties, pursuant to section 40200 of the Health and Safety Code;

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation agency for the San Francisco Bay Area and has responsibility for preparing and implementing transportation control measures to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling and traffic congestion for the purpose of reducing motor vehicle emissions pursuant to sections 40233 and 40717 of the Health and Safety Code;

WHEREAS, air quality planning in the Bay Area is the joint responsibility of three agencies: the Bay Area District, the MTC, and the Association of Bay Area Governments (ABAG);

WHEREAS, the San Francisco Bay Area Air Basin did not violate the federal one-hour ozone standard during the years 1990 to 1994 and the Bay Area District developed and adopted a redesignation request and maintenance plan;

WHEREAS, on December 28, 1994, the ARB approved and submitted the redesignation request and maintenance plan to the United States Environmental Protection Agency (U.S. EPA);

WHEREAS, on May 22, 1995, pursuant to section 107(d)(3) of the Act, the U.S. EPA approved the redesignation request and maintenance plan, and redesignated the San Francisco Bay Area from a moderate nonattainment area for the federal one-hour ozone standard to attainment;

WHEREAS, the federal one-hour ozone standard was violated in the San Francisco Bay Area in 1995 and 1996;

WHEREAS, in the July 10, 1998 Federal Register (63 FR 37258), the U.S. EPA determined that air quality in the San Francisco Bay Area did not meet the federal one-hour ozone standard, and therefore redesignated the San Francisco Bay Area as an ozone nonattainment area under the Act;

WHEREAS, the U.S. EPA determined in the July 10, 1998 Federal Register that, because of the unique attainment history of the San Francisco Bay Area, the classification system in Section 181(a) of the Act does not apply to the San Francisco Bay Area;

WHEREAS, the U.S. EPA redesignated the San Francisco Bay Area under the general nonattainment provisions of the Act, which have no associated classifications and set the new attainment date as November 15, 2000;

WHEREAS, in the July 10, 1998 Federal Register, in recognition of the short timeframe for plan development and implementation, U.S. EPA specified streamlined planning requirements which required the submission of a SIP revision with the following elements:

- (1) the 1995 emissions inventory for volatile organic compounds (VOC) and nitrogen oxides (NO_x) in the Bay Area,
- (2) an assessment, using available data and technical analyses, of emission reductions needed to attain the federal one-hour ozone standard,
- (3) adopted regulations and/or control measures with enforceable commitments to adopt and implement the control measures in regulatory form by specified dates to achieve those reductions, and
- (4) contingency measures to go into effect if the San Francisco Bay Area does not attain the one-hour ozone standard by the attainment date.

WHEREAS, on April 29, 1999, the U.S. EPA stated in a letter to the Bay Area District, the MTC, and ABAG, that under section 176(c) of the Act, the SIP revision should also include new transportation conformity budgets for motor vehicle emissions;

WHEREAS, on June 16, 1999, the Bay Area District's Governing Board adopted the San Francisco Bay Area Ozone Attainment Plan for the One-Hour National Ozone Standard (Bay Area Plan) as a SIP revision;

WHEREAS, on June 17, 1999, ABAG's Executive Board adopted the Bay Area Plan;

WHEREAS, on June 23, 1999, the MTC approved the Bay Area Plan;

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 Bay Area Plan was available for public review and comment for at least 30 days, and a noticed public hearing was conducted in San Francisco prior to adoption of the Bay Area Plan by the Bay Area District Governing Board, as required by the Act and U.S. EPA regulations;

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 Bay Area District prepared an Initial Study/Negative Declaration (Negative Declaration) for the Bay Area Plan which concluded that there would be no significant adverse environmental impacts from adoption and implementation of the Bay Area Plan;

WHEREAS, the Bay Area Plan was submitted to the ARB as a SIP revision on July 1, 1999, along with proof of public notice publication and environmental documents, in accordance with state and federal law;

WHEREAS, the control strategy in the Bay Area Plan relies primarily on existing local, state, and federal programs to achieve the emission reductions needed for attainment;

WHEREAS, the Bay Area Plan includes commitments by the Bay Area District to achieve new VOC reductions of 13.5 tons per day from improved enforcement and permitting actions associated with gasoline station vapor recovery controls, and 6.6 tons per day of VOC reductions from the adoption of five additional measures;

WHEREAS, there is technical uncertainty as to the amount of emission reductions needed to ensure attainment and maintenance of the federal one-hour ozone standard in the Bay Area under all conditions;

WHEREAS, the ARB finds that the quantity of new emission reductions in the Bay Area Plan is reasonable given the short timeframe for implementation and the lack of up-to-date modeling;

WHEREAS, the Board has conducted a public hearing to consider approval of the Bay Area Plan and its submittal to the U.S. EPA as a SIP revision;

WHEREAS, the ARB has reviewed and considered the entire Bay Area Plan 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, and finds that the Plan is consistent with the requirements of the Act as stated by the U.S. EPA in the July 10, 1998 Federal Register and subsequent correspondence; and

WHEREAS, the ARB finds that the Negative Declaration prepared for the Bay Area Plan meets the requirements of CEQA, and environmental documentation for individual measures identified in the Plan will be prepared as necessary as each new measure is considered for adoption.

NOW, THEREFORE BE IT RESOLVED, that the Board hereby approves as a revision to the SIP the Bay Area Plan, which contains the following:

- 1) a 1995 Emissions Inventory for VOCs and NOx,
- 2) an assessment of the VOC and NOx reductions needed to attain the federal one-hour ozone standard by 2000,
- 3) a control strategy comprised of control measures that provide sufficient emissions reductions to attain the federal ozone standard,
- 4) contingency measures, and
- 5) new transportation conformity budgets for motor vehicle emissions.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to submit the Bay Area Plan, together with the appropriate supporting documentation, to the U.S. EPA for approval as a SIP revision as soon as possible, and to work with the U.S. EPA to resolve any issue, regarding plans completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 CFR section 51.102 that the Bay Area Plan was adopted after notice and public hearing as required by 40 CFR section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 99-30, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Clerk of the Board