

State of California
AIR RESOURCES BOARD

Resolution 99-35

October 28, 1999

Agenda Item No: 99-8-2

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 ("CCAA;" 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 CCAA 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, 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 must the every feasible measure commitment evolve;

WHEREAS, to assist the districts in revising current and future plans to incorporate every feasible measure and identify potential opportunities for emission reductions, ARB staff prepared the "Identification of Performance Standards for Existing Stationary Sources: A Resource Document";

WHEREAS, sections 40918, 40919, 40920, and 40920.5 of Health and Safety Code require 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, pursuant to section 40924(b) of the Health and Safety Code, the districts, before the end of 1994 and once every three years thereafter, are to assess progress toward attainment of the State standards (triennial progress report); each triennial progress report 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 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 districts 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, 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 by December 31, 1997, unless the ARB determines that such an update is unnecessary;

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 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 CCAA;

WHEREAS, on August 27, 1992, pursuant to section 41503 of the Health and Safety Code, the ARB conditionally approved the San Joaquin Valley Unified Air Pollution Control District's (District's) 1991 CCAA Plan which committed to the adoption of every feasible measure on an expeditious adoption schedule;

WHEREAS, in response to the 1990 amendments to the Federal Clean Air Act (FCAA), the affected districts, in cooperation with ARB and other state and federal agencies, prepared California's 1994 State Implementation Plan (SIP) for Ozone which established new control measures to be adopted and implemented over the next decade to ensure continued progress towards meeting both the federal and State ozone standards;

WHEREAS, on November 14, 1994, the District Governing Board adopted its 1994 CCAA Plan and its local element of the 1994 Ozone SIP;

WHEREAS, the 1994 Ozone SIP accomplished what was envisioned in the CCAA for the triennial progress report and plan revisions in 1994 pursuant to sections 40924 and 40925 of the Health and Safety Code;

WHEREAS, ARB staff assessed the need for the comprehensive plan update required by Health and Safety Code section 40925(c) and determined that with the SIP as the State's established control strategy for the future, a comprehensive update was not necessary for any area in 1997, and the districts should instead focus their resources on adopting and implementing their existing control strategies and SIP commitments;

WHEREAS, on December 17, 1998, the District's Governing Board approved the CCAA Triennial Progress Report and Plan Revision 1995-1997 (1997 Triennial Update) and submitted it to ARB for review;

WHEREAS, the 1997 Triennial Update reflected the adoption of eight prior commitments that will reduce ozone precursors by 27 tons per day by 2001, delayed consideration of 22 other commitments, and deleted two measures that were no longer feasible or effective;

WHEREAS, in the 1997 Triennial Update, the District reviewed implementation of TCMs and emphasized the reliance on incentive and voluntary programs to reduce mobile source emissions;

WHEREAS, in the 1997 Triennial Update, the District committed to review and evaluate twelve control measures by July 1, 1999, and to incorporate any of these measures that are determined to be feasible into a rulemaking schedule in the next triennial update;

WHEREAS, the District's commitments in the 1997 Triennial Update to adopt or amend specific rules do not include all feasible measures;

WHEREAS, ARB staff identified eleven rules that the District needs to adopt or further amend to meet the all feasible measures requirement, but which the District did not commit in the 1997 Triennial Update to adopt or further amend;

WHEREAS, ARB staff identified one rule that the District needs to adopt or further amend to meet the all feasible measures requirement, which the District did commit in the 1997 Triennial Update to adopt or further amend, but not until the 2004-2006 planning period;

WHEREAS, the District provided ARB staff with a report prepared by Kraim Environmental Engineering Services entitled "San Joaquin Valley Unified Air Pollution Control District's Control Measure Evaluation Project" to further support the District's commitment to evaluate all feasible measures;

WHEREAS, in reviewing the 1997 Triennial Update, ARB staff focused on the control strategy to determine if the strategy continued to meet the every feasible measure requirement;

WHEREAS, ARB staff reviewed the 1997 Triennial Update to determine if the submittal fulfills the requirements specified in sections 40924 and 40925 of the Health and Safety Code;

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 Hearing to Consider Approval of the San Joaquin Valley Unified Air Pollution Control District's Triennial Progress Report and Plan Revision 1995-1997 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, based upon the 1997 Triennial Update, the information presented by ARB staff and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The air pollution control programs have improved air quality and reduced population exposure from historic levels, but the San Joaquin Valley Air Basin still violates both State and federal ozone standards.
2. During the triennial planning cycle 1995-1997, the San Joaquin Valley Air Basin exceeded the State health-based ozone standard, on average, 118 days per year.
3. The District has made progress in adopting commitments in the 1994 CCAA Plan and 1994 SIP that have significant emissions reductions.
4. The District did not adopt nine rules or rule amendments as scheduled during the 1995-1997 triennial planning cycle and the 1997 Triennial Update does not provide for correction of such deficiencies in the current triennial planning cycle.
5. Certain source categories remain uncontrolled or are subject to rules which are less than all feasible measures and the 1997 Triennial Update does not provide for correction of such deficiencies in the current triennial planning cycle.
6. The San Joaquin Valley Unified Air Pollution Control District must pursue all feasible measures to ensure expeditious attainment of the State ozone standard.
7. The District could obtain additional emission reductions by increasing the cost-effectiveness threshold for stationary source measures.
8. The District has actively implemented and supported local programs to reduce emissions from mobile sources, including incentives to accelerate the introduction of cleaner vehicles into the fleet.
9. The control strategy incorporated in the 1997 Triennial Update, with the conditions specified in this Resolution, is at least effective as the previous strategy which it replaced.
10. The 1997 Triennial Update, with the conditions specified in this Resolution, substantially meets the triennial progress reporting and plan revision requirements of the CCAA.
11. The District has the opportunity to gain full approval of the 1997 Triennial Update by fulfilling the conditions specified in this Resolution, including correcting the deficiencies in the next triennial plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby conditionally approves the 1997 Triennial Update adopted by the San Joaquin Valley Unified Air Pollution Control District's Governing Board and submitted to the ARB as a triennial progress report and plan revision for 1995-1997 under the CCAA, with the following conditions:

1. That the District adopts the following measures as soon as possible, but no later than the end of 2000, for purposes of the CCAA. Measures from the list below may be deleted if the District demonstrates that a measure is not technically feasible, not cost-effective, or the emission inventory does not justify rulemaking:

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| • Amendment to Rule 4601 | Architectural Coatings |
| • Amendment to Rule 4662 | Organic Solvent Degreasing Operations |
| • Amendment to Rule 4661 | Organic Solvent |
| • Amendment to Rule 4623 | Organic Liquid Storage |
| • Proposed New Rule (4411) | Well Cellars |
| • Proposed New Rule (4692) | Commercial Charbroiling |
| • Proposed New Rule (4663) | Organic Solvent Waste |
| • Amendment to Rule 4103 | Open Burning |

2. That the District prioritizes the following measures and adopt at least four of these measures per year in the next planning cycle (2001-2003) to achieve emission reductions. Measures from the list below may be deleted if the District demonstrates that a measure is not technically feasible, not cost-effective, or the emission inventory does not justify rulemaking:

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| • Proposed New Rule (4410) | Gas Plant Glycol Regenerators |
| • Proposed New Rule (4627) | Tank Cleaning and Venting |
| • Proposed New Rule (4307) | Dryers (as BARCT) |
| • or Amendment to Rule 4305 | |
| • Amendment to Rule 4305 | Boilers, Process Heaters, Steam Generators |
| • Amendment to Rule 4701 | Stationary and Portable Piston Engines |
| • Amendment to Rule 4403 | Components Serving Gas Production Facilities |
| • Amendment to Rule 4451 | Valves, Pressure Relief Valves, Flanges,
Threaded Connections and Process Drains at
Petroleum Refineries and Chemical Plants |
| • Amendment to Rule 4452 | Pump and Compressor Seals at Light Crude
Oil and Gases Production Facilities and
Components at Natural Gas Processing
Facilities |
| • Amendment to Rule 4703 | Stationary Gas Turbines |
| • Proposed New Rule | Bakery Ovens |
| • Proposed New Rule (4409) | Discharge of Produced Oil/Flashing Losses |
| • Proposed New Rule (4408) | Oil Pipeline Pumping Fugitives |
| • Proposed New Rule (4308) | Asphalt Batch Plants & Hot Mix Asphalt
Batch Plant Fugitives |

- Proposed New Rule (4643) Publicly Owned Water Treatment Works
- Amendment to Rule 4653 Adhesives
- Amendment to Rule 4602 Automotive Refinishing
- Proposed New Rule Pleasure Craft Coating
- Amendment to Rule 4682 Polystyrene Foam Manufacturing

3. That the District revises its cost-effectiveness thresholds to reflect the current range of cost-effectiveness thresholds in place in other districts with similar air quality problems and to enable the District to comply with the all feasible measures requirement.
4. That the next CCAA plan revision identifies the specific calendar year proposed for adoption and implementation of each commitment, along with an estimate of the expected emission reductions.
5. That beginning in 2000, the District submits annual reports containing the proposed and actual dates for the adoption and implementation of each measure scheduled for that year, pursuant to Health & Safety Code section 40924(a).

BE IT FURTHER RESOLVED, that if the Executive Officer determines that the San Joaquin Valley Unified Air Pollution Control District has met the conditions specified above, the conditional approval shall be converted to full approval.

BE IT FURTHER RESOLVED, that if the Executive Officer determines that the San Joaquin Valley Unified Air Pollution Control District has not met the conditions specified above, the conditional approval shall be converted to a disapproval.

I hereby certify that the above is a true and correct copy of Resolution 99-35, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Clerk of the Board