

State of California
AIR RESOURCES BOARD

Resolution 04-42

November 18, 2004

Agenda Item No. 04-10-8

WHEREAS, the Legislature in Health and Safety Code section 39003 has designated the State Air Resources Board (ARB or Board) as the State agency charged with coordinating efforts to attain and maintain ambient air quality standards;

WHEREAS, section 39600 of the Health and Safety Code authorizes the ARB to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

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 the Health and Safety Code, and for ensuring that the local air pollution control districts and air quality management districts (districts) meet their responsibilities under the Act pursuant to sections 39002 and 39500 of the Health and Safety Code;

WHEREAS, section 41712 of the Health and Safety Code section authorizes the ARB to control volatile organic compound emissions from consumer products, and Health and Safety Code section 39650 et seq. authorizes the ARB to control toxic air contaminants;

WHEREAS, sections 39002 and 40000 of the Health and Safety Code specify that local and regional authorities have the primary responsibility to control air pollution from all sources other than vehicular sources;

WHEREAS, the U.S. Environmental Protection Agency has adopted federal ambient air quality standards for particulate matter smaller than 10 microns in size (PM10) and for the subset of fine particles smaller than 2.5 microns in size (PM2.5);

WHEREAS the ARB has adopted more stringent State PM10 and PM2.5 ambient air quality standards;

WHEREAS, on August 27, 1998, following extensive scientific review and public hearings, and consistent with the conclusions of the Scientific Review Panel and the Office of Environmental Health Hazard Assessment, the Board formally identified particulate matter (PM) emissions from diesel-fueled engines as a toxic air contaminant and on September 28, 2000, approved a plan to reduce risk from diesel pollution by reducing harmful PM emissions from diesel engines;

WHEREAS, section 39614(b) of the Health and Safety Code requires that, by January 1, 2005, the ARB, in consultation with the districts, develop and adopt a list of the most readily available, feasible, and cost-effective measures that could be employed by the ARB and the districts to reduce PM and make progress toward attainment of State and federal ambient air quality standards for PM2.5 and PM10;

WHEREAS, the control measures included in the list are to be based on rules, regulations, and programs existing in California as of January 1, 2004 to reduce emissions from new, modified, and existing stationary, area, and mobile sources;

WHEREAS, sections 39614(d)(1) and (2) of the Health and Safety Code require that, by July 31, 2005, each district adopt an implementation schedule for the most-cost effective local measures from the list for that district after prioritizing the measures based on the effect individual measures will have on public health, air quality, and emission reductions, and on the cost-effectiveness of each control measure;

WHEREAS, section 39614(i) of the Health and Safety Code requires that by January 1, 2009, the ARB prepare a report and make available to the public, describing the actions taken by the ARB and the districts to fulfill the requirements of the legislation as well as recommendations for further actions to assist in achieving the State PM standards;

WHEREAS, ARB staff worked with the districts through conference calls with the California Air Pollution Control Officers Association planning managers and rule development committees, as well as with individual districts and sought public input through a workshop held on May 6, 2004 in Sacramento, providing the opportunity to present both oral and written comments on a draft version of the district measures list and the summary of ARB measures released on April 22, 2004, and through follow-up meetings with various stakeholders;

WHEREAS, on October 19, 2004 a Staff Report incorporating public and stakeholder comments was published and made available to the public;

WHEREAS, ARB staff has developed a proposed list of readily available, feasible, and cost-effective air measures existing in California as of January 1, 2004, that could be considered for adoption by the districts to make progress towards attainment of the State and federal standards;

WHEREAS, in preparing the proposed list of district measures, ARB staff reviewed existing district measures within the context of the statutory criteria specifying measures that were most readily available, feasible, and cost-effective from the perspective of attaining the PM standards, as well as an assessment of the types of measures that best reflect the nature of different PM source contributions on a statewide basis;

WHEREAS, the above-described list is not required to, and does not include all feasible and cost-effective measures for PM control;

WHEREAS, the districts have adopted other rules, for State Implementation Plan purposes or to meet State requirements, that are more stringent, feasible, and cost-effective (examples include SCAQMD Rule 1105.1 and some rules with phased-in emission limits);

WHEREAS, the districts are not precluded from adopting additional, or more stringent, control measures to meet State Implementation Plan requirements or to meet other State requirements;

WHEREAS, the State Board encourages the districts to consider adopting additional, more stringent control measures as necessary to meet State or federal requirements;

WHEREAS, for information purposes, ARB has also developed a summary of measures that ARB has adopted prior to January 1, 2004 (Appendix A of the Staff Report), as well as a summary of measures that ARB is considering for development as part of the Board adopted 2003 State Strategy and the ARB Diesel Risk Reduction Program (Appendix B of the Staff Report);

WHEREAS, in response to further public comment, ARB has proposed the measures described in Attachment A to this Resolution be added to the list of district measures, with the complete revised list of district measures provided in Attachment B to this Resolution; and

WHEREAS, based on the information in the Staff Report, comments received, and testimony provided at the meeting, the Board finds that:

1. Reducing PM air pollution is one on the ARB's highest public health priorities. Exposure to PM is linked to increased frequency and severity of asthma attacks, pneumonia and bronchitis, and even premature death in people with pre-existing cardiac or respiratory disease. Attainment of the State PM standards is expected to result in the yearly prevention of an estimated 6,500 premature deaths, approximately 400,000 incidences of lower respiratory symptoms among children ages seven to fourteen, and over two million lost work days;
2. Most of the State is nonattainment for the State PM10 standard, with most urban areas and several isolated sub-areas also nonattainment for the State PM2.5 standard. Section 39614 of the Health and Safety Code sets forth a framework for the implementation of measures to provide near-term reductions in PM throughout California, especially in those areas that have not been subject to federal planning requirements, and ensures continuing progress towards attaining the State PM standards;

3. The summary of ARB control measures adopted through January 1, 2004 includes regulations and programs addressing on-road and off-road gasoline- and diesel-fueled engines and vehicles, diesel fuels, stationary diesel-powered engines, and smoke management. This summary fulfills the requirement for a list of ARB measures and the corresponding implementation schedule;
4. The proposed list of district measures is comprised of measures for stationary sources (including combustion sources and commercial grilling operations), area-wide sources (including woodstoves and fireplaces, and construction and grading operations), transportation-related programs, and incentive programs; and
5. The proposed list of district measures provides a menu of control options to address the many different types of PM problems that exist throughout California. Each district will need to consider a different mix of measures to address the unique nature of the PM problem in their region.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the proposed list of district measures presented in Attachment B to this Resolution.

BE IT FURTHER RESOLVED that the Board directs ARB staff to continue providing assistance to districts in assessing the nature of their PM problem and developing control measures in support of the preparation of district implementation schedules.

BE IT FURTHER RESOLVED that the Board directs ARB staff to prepare a public information fact sheet on the implementation process.

BE IT FURTHER RESOLVED that the Board directs staff to prepare a report on the actions taken by the ARB and the districts to reduce PM as well as recommendations on further actions to assist in achieving the State PM ambient air quality standards, and make the report available to the public by January 1, 2009.

I hereby certify that the above is a true and correct copy of Resolution 04-42, as adopted by the Air Resources Board.

Lori Andreoni, Clerk of the Board

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Identification of Attachments to the Resolution

Attachment A: Summary of Proposed Additions to the List of District Measures

Attachment B: Revised List of District Measures

