

State of California  
AIR RESOURCES BOARD

**Resolution 07-45**

Adoption and Submittal of 2007 Maintenance Plan  
for Particulate Matter in the San Joaquin Valley

Agenda Item No.: 07-10-4

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, 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, ARB has responsibility for ensuring that local air districts meet their responsibilities under the Act pursuant sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

WHEREAS, ARB is authorized by section 39600 of the Health and Safety Code to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any power, duty, purpose, function or jurisdiction of the Board may be delegated to the Board's Executive Officer as the Board deems appropriate;

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 San Joaquin Valley Air Pollution Control District (District) was established pursuant to sections 40150 and 40151 of the Health and Safety Code as the unified air pollution control district responsible for carrying out these responsibilities in the San Joaquin Valley Air Basin;

WHEREAS, the San Joaquin Valley Air Basin includes Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare, and western Kern Counties;

WHEREAS, the San Joaquin Valley Air Basin is designated as a nonattainment area with a classification of “serious” for the inhalable particulate matter (PM10) 24-hour and annual NAAQS;

WHEREAS, sections 189(b) and 188(c)(2) of the Act required the State to submit a SIP revision for the San Joaquin Valley demonstrating attainment of the PM10 NAAQS by the December 31, 2001 deadline;

WHEREAS, the District adopted the 1997 PM10 Demonstration Plan on May 15, 1997;

WHEREAS, ARB approved the 1997 Attainment Demonstration Plan on June 26, 1997, and submitted it to the U.S. Environmental Protection Agency (U.S. EPA) on July 17, 1997;

WHEREAS, on February 21, 2002, the District approved a resolution requesting withdrawal of the 1997 PM10 Attainment Demonstration Plan from consideration by U.S. EPA;

WHEREAS, in a February 26, 2002 letter to U.S. EPA, the Executive Officer formally withdrew the prior 1997 PM10 Attainment Demonstration Plan submittal;

WHEREAS, in the March 18, 2002 *Federal Register* (67 FR 11925), the U.S. EPA determined that California failed to submit a serious PM10 nonattainment area SIP for the San Joaquin Valley effective February 28, 2002;

WHEREAS, on July 23, 2002, U.S. EPA published in the *Federal Register* (67 FR 48039) a final notice finding that the San Joaquin Valley had failed to attain the federal PM10 standards by the December 31, 2001 attainment date, thereby triggering provisions of section 189(d) of the Act;

WHEREAS, section 189(d) of the Act required the State to submit by December 31, 2002, plan revisions which provided for attainment of the PM10 NAAQS by the most expeditious date practicable, and an annual reduction in PM10 and PM10 precursor emissions of no less than five percent in the San Joaquin Valley;

WHEREAS, the District adopted the 2003 PM10 Attainment Plan on June 19, 2003, which presented the District’s and State’s strategy for attaining the NAAQS by December 31, 2010;

WHEREAS, ARB approved the 2003 Attainment Plan on June 26, 2003, and submitted it to U.S. EPA;

WHEREAS, in October 2003, U.S. EPA requested that the District amend the 2003 PM10 Plan to address several issues in order to assist U.S. EPA in approving the 2003 PM10 Plan;

WHEREAS, following a public hearing on December 18, 2003, the District adopted amendments to the 2003 PM10 Plan to address the issues specified by U.S. EPA in October 2003 and to update the status of rulemaking efforts;

WHEREAS, the District submitted the 2003 PM10 Plan Amendments to the ARB as a proposed SIP revision on December 19, 2003, along with proof of public notice publication and environmental documents in accordance with State and federal law;

WHEREAS, ARB transmitted the 2003 PM10 Plan Amendments to U.S. EPA on December 30, 2003;

WHEREAS, in the May 26, 2004 *Federal Register* (69 FR 30006), U.S. EPA approved the 2003 PM10 Attainment Plan (as amended in December 2003) for the San Joaquin Valley Air Basin, except for the contingency measures;

WHEREAS, on April 24, 2006, the District transmitted to ARB a Request for Determination of PM10 Attainment for the San Joaquin Valley, based on 2003-2005 air quality monitoring data demonstrating that each monitoring site in the Valley attained the NAAQS;

WHEREAS, ARB concurred with the District's assessment of attainment and submitted the request for PM10 attainment determination to U.S. EPA on May 8, 2006;

WHEREAS, on October 30, 2006, U.S. EPA published in the *Federal Register* (71 FR 63642) a final rule determining that the San Joaquin Valley attained the PM10 NAAQS based on 2003-2005 air quality data and suspended the contingency measure requirement under their Clean Data Policy;

WHEREAS, this final rule referenced monitoring data showing PM10 exceedances in 2006 that the State indicated were likely due to exceptional events and committed to evaluate the State's exceptional event request;

WHEREAS, on March 21, 2007, April 20, 2007, and May 23, 2007, the District submitted to ARB documentation demonstrating that the PM10 exceedances in 2006 were due to exceptional events;

WHEREAS, ARB concurred with the District's assessment that the 2006 PM10 exceedances were caused by exceptional events, and submitted the required documentation to U.S. EPA;

WHEREAS, on August 27, 2007, U.S. EPA published in the *Federal Register* (72 FR 49046) a proposed continued affirmation of PM10 attainment for the San Joaquin Valley based on 2006 data and proposed to concur with ARB's request to flag the 2006 PM10 exceedances as exceptional events;

WHEREAS, section 107(d)(3)(D) of the Act provides that a state may request U.S. EPA to redesignate an area from nonattainment to attainment for the NAAQS;

WHEREAS, section 107(d)(3)(E) of the Act sets forth the requirements which must be met for U.S. EPA to redesignate an area from nonattainment to attainment;

WHEREAS, consistent with section 107(d)(3)(E)(i) of the Act, the District has demonstrated attainment with no violations of the PM10 NAAQS in the 2003-2005 and 2004-2006 periods, based on quality-assured monitoring data from the State and local monitoring network;

WHEREAS, consistent with section 107(d)(3)(E)(ii) of the Act, ARB has met all applicable requirements and the condition that the San Joaquin Valley has an approved PM10 SIP pursuant section 110(k) of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(iii) of the Act, the District has demonstrated in the 2007 San Joaquin Valley PM10 Maintenance Plan and Request for Redesignation (2007 PM10 Maintenance Plan) that the improvement in air quality is due to permanent and enforceable emission control measures;

WHEREAS, consistent with section 107(d)(3)(E)(iv) of the Act, the District has prepared a maintenance plan meeting the requirements of section 175A of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(v) of the Act, the ARB and the District have met all applicable requirements under section 100 and part D of the Act;

WHEREAS, consistent with section 175A of the Act, the 2007 PM10 Maintenance Plan provides for maintenance of the PM10 NAAQS for at least ten years after redesignation and contains contingency provisions to assure prompt correction of any PM10 violation which occurs after the redesignation of the area to attainment;

WHEREAS, as required by federal law, the District made the 2007 PM10 Maintenance Plan available for public review at least 30 days prior to the hearing date;

WHEREAS, following a public hearing on September 20, 2007, the District adopted the 2007 PM10 Maintenance Plan to fulfill the applicable requirements of the Act for a serious PM10 nonattainment area to be redesignated to attainment;

WHEREAS, the District submitted the 2007 PM10 Maintenance Plan to the ARB as a SIP revision on September 24, 2007, along with proof of public notice publication and environmental documents in accordance with state and federal law;

WHEREAS, the transportation conformity emission budgets included in the 2007 PM10 Maintenance Plan have been updated to accommodate updated vehicle activity data provided by the San Joaquin Valley transportation agencies;

WHEREAS, updating the transportation conformity emission budgets do not result in a need to update the maintenance demonstration;

WHEREAS, the baseline emission inventory in the 2007 PM10 Maintenance Plan has been corrected to reflect emission reductions due to ARB measures adopted through December 31, 2006;

WHEREAS, the California Environmental Protection 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 2007 PM10 Maintenance Plan contains already adopted regulations and rules that have undergone environmental review at the time of their adoption and any measure that may be triggered as part of the contingency provision in the 2007 PM10 Maintenance Plan will undergo environmental review at the time of adoption;

WHEREAS, the Board finds that:

1. California's air pollution control programs have successfully reduced PM10 ambient concentrations leading to PM10 NAAQS attainment in the San Joaquin Valley;
2. The 2007 PM10 Maintenance Plan is necessary for U.S. EPA to redesignate the San Joaquin Valley Air Pollution Control District to attainment for the PM10 NAAQS;
3. The District's 2007 PM10 Maintenance Plan complies with the requirements of section 107(d)(3)(E) of the Act;
4. The 2007 PM10 Maintenance Plan addresses both the annual and 24-hour PM10 NAAQS, though U.S. EPA revoked the annual average PM10 NAAQS effective December 18, 2006 (71 FR 61144);
5. The 2007 PM10 Maintenance Plan provides for maintenance of the PM10 NAAQS through 2020;
6. Consistent with U.S. EPA guidance, the 2007 PM10 Maintenance Plan includes an attainment emission inventory, commitments by the District to continue operating the particulate matter monitoring network; and a process to verify continued PM10 attainment;
7. The 2007 PM10 Maintenance Plan includes contingency provisions to assure prompt correction of any post-redesignation violation of the PM10 NAAQS;
8. The 2007 PM10 Maintenance Plan has identified county-level NOx and PM10 emission budgets for transportation conformity for 2005 and 2020 based on

current emissions and activity data, and the budgets are adequate to ensure continued maintenance of the PM10 NAAQS; and

9. The 2007 PM10 Maintenance Plan relies entirely on adopted regulations to demonstrate continued maintenance. ARB regulations which have been adopted and are reflected in the baseline emission projections in the Maintenance Plan were subject to environmental review and no further analysis is required at this time.

WHEREAS, the Board further finds that:

ARB has reviewed and considered the 2007 PM10 Maintenance Plan along with the comments presented by interested parties and ARB staff finds that the 2007 PM10 Maintenance Plan meets the requirements of the Act and CEQA.

NOW, THEREFORE BE IT RESOLVED that the Board hereby adopts the 2007 PM10 Maintenance Plan and Redesignation Request including the updated transportation conformity budgets and corrected baseline emission inventory as a California SIP revision.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to submit the 2007 PM10 Maintenance Plan and Redesignation request, together with the appropriate supporting documentation, to U.S. EPA for approval as revision to the California SIP, to be effective, for purposes of federal law, upon approval by U.S. EPA.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District and U.S. EPA and take appropriate action to resolve any completeness or approvability issues that may arise regarding the SIP submission.

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Officer to include in the SIP submittal any technical corrections, clarifications, or additions that may be necessary to secure U.S. EPA approval.

BE IT FURTHER RESOLVED, that the Board hereby certifies pursuant to 40 CFR section 51.102 that the District's 2007 PM10 Maintenance Plan and Redesignation Request 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 07-45, as adopted by the Air Resources Board.

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Lori Andreoni, Clerk of the Board