

State of California
AIR RESOURCES BOARD

Resolution 09-4

January 22, 2009

Agenda Item No.: 09-1-5

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the State Air Resources Board (ARB or the Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, ARB has responsibility for ensuring that local air districts meet their responsibilities under the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.) pursuant to sections 39002, 39500, 39602, 40406, 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 duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, ARB is responsible for the preparation of the State Implementation Plan (SIP) for making reasonable progress towards meeting the national goal of improving visibility in mandatory federal Class I Areas as required by the Act 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, in 1977 Congress amended the Act to establish a national visibility goal at 156 mandatory Class 1 Areas where visibility is an important value and impairment was a result of man-made pollution;

WHEREAS, 29 mandatory Class 1 Areas are located in California;

WHEREAS, on July 1, 1999, the United States Environmental Protection Agency (U.S. EPA) finalized the Regional Haze Rule which established requirements states must consider in developing SIPs to reduce visibility impairment and meet the goal of natural visibility by 2064 at all mandatory Class 1 Areas;

WHEREAS, the Regional Haze Rule requires that states consult with neighboring states and Federal Land Managers, describe visibility conditions and set reasonable progress goals for each mandatory Class 1 Area, include a Best Available Retrofit Technology (BART) analysis for sources meeting specific criteria, include a long-term strategy to reduce visibility impairment, include a long-term monitoring strategy, and commit to periodic SIP reviews and revisions;

WHEREAS, on July 6, 2005 and October 13, 2006, U.S. EPA amended the provisions of the Regional Haze Rule pertaining to BART-eligible sources that must be listed in the Regional Haze Plan; these sources must be evaluated for visibility impact (subject-to-BART modeling) and further review (BART determination) for appropriate retrofit control;

WHEREAS, due to the regional nature and complexity of visibility impairment, U.S. EPA established five regional planning organizations (RPO) to assist states in conducting the common technical and policy analysis in addition to facilitating the required inter-state consultation and other RPO planning tasks;

WHEREAS, the Western Regional Air Partnership (WRAP) was designated by U.S. EPA to implement the regional planning process for the western Class 1 Areas, including California;

WHEREAS, California has actively participated in the WRAP via in-person meetings, conference calls of WRAP working groups and forums, and public conferences, and has relied upon the WRAP to meet the inter-state consultation requirement of the Regional Haze Rule;

WHEREAS, federal agencies manage the Class 1 Areas throughout the country and are one of the key stakeholders for this Regional Haze Plan;

WHEREAS, the Regional Haze Rule requires states to provide the federal agencies (referred to as Federal Land Managers) an opportunity for consultation in person and at least 60 days prior to a public hearing;

WHEREAS, on November 21, 2006, ARB staff held an in-person consultation meeting with the Federal Land Managers to discuss visibility conditions at California Class 1 Areas, sources contributing to visibility degradation, reasonable progress goals, California's long-term strategy, and a future Federal Land Manager consultation process;

WHEREAS, ARB and the Federal Land Managers developed a consultation protocol for California's consultation process including monthly conference calls during Plan development and procedures for future planning consultation;

WHEREAS, on January 30, 2007, ARB began monthly conference calls with the Federal Land Managers and U.S. EPA to discuss visibility at California's Class 1 Areas and progress on the Regional Haze Plan;

WHEREAS, on November 12, 2008, ARB provided a copy of the Regional Haze Plan to the Federal Land Managers for their 60-day review;

WHEREAS, in January 2009, the Federal Land Managers provided comments on the Regional Haze Plan;

WHEREAS, ARB will include the Federal Land Manager comments as part of the Regional Haze Plan;

WHEREAS, the Regional Haze Plan includes procedures for future Federal Land Manager consultation for subsequent Regional Haze Plan reviews or revisions;

WHEREAS, for each Class 1 Area in California, the Regional Haze Plan specifies baseline visibility conditions, natural conditions, reasonable progress goals, uniform rate of progress calculations, a description of sources causing visibility impairment, and a long-term monitoring strategy;

WHEREAS, the Regional Haze Plan includes a long-term strategy consisting of adopted rules through 2004 that address visibility impairment at all Class 1 Areas and commitments for periodic reviews and revisions;

WHEREAS, the Regional Haze Rule requires states to list the BART-eligible sources, determine which BART-eligible sources cause or contribute to visibility impairment at any Class 1 Area, analyze emission control retrofits (BART determination), and require retrofit controls if appropriate;

WHEREAS, the WRAP developed a list of potential BART-eligible sources for all states in the WRAP region including California;

WHEREAS, using this list ARB worked with local air districts to further refine the list based on which sources met all of the Regional Haze Rule criteria for a BART-eligible source and which were already controlled to BART level by existing rules, permit conditions, or technology;

WHEREAS, the Regional Haze Plan identified eight facilities with BART-eligible sources that were evaluated via CalPuff air quality modeling to determine if they caused or contributed to visibility impairment at any Class 1 Area;

WHEREAS, the modeling identified the Valero Refinery Company, located in the San Francisco Bay Area, as having BART-eligible sources that contribute to visibility impairment at one Class 1 Area;

WHEREAS, the local air district, the Bay Area Air Quality Management District (BAAQMD), conducted the BART determination for the Valero Refinery Company and determined that emission controls were appropriate on certain units at the facility;

WHEREAS, subsequent to the release of the Regional Haze Plan, BAAQMD clarified that existing regulatory requirements along with emission limits specified in a consent decree meet the BART requirements and requested ARB to replace Table 5-4 in the Regional Haze Plan with a new Table 5-4, as set forth in Attachment B to this Resolution;

WHEREAS, the BART-level limits will be incorporated in Valero Refinery Company's Title V permit by 2013;

WHEREAS, ARB consulted with neighboring states regarding ARB's long-term strategy and its benefits for reducing the impact of California emissions on visibility in these states;

WHEREAS, on December 5, 2008, ARB released the Regional Haze Plan for public review;

WHEREAS, on December 15, 2008, ARB held a public workshop in Sacramento that was also webcast for remote participation;

WHEREAS, as certified State regulatory program, ARB is the lead agency under the California Environmental Quality Act (CEQA) for the Regional Haze Plan;

WHEREAS, ARB staff has analyzed the Regional Haze Plan as required by CEQA and has determined that there are no feasible alternatives to the project;

WHEREAS, the Board finds that:

1. All California Class 1 Areas will make reasonable further progress towards natural visibility conditions through 2018;
2. The existing control program provide all of the emission reductions needed to demonstrate reasonable progress in 2018;
3. It is appropriate to replace Table 5-4 in the Regional Haze Plan with the revised Table 5-4 as provided by BAAQMD and as set forth in Attachment B to this Resolution;
4. California commits to submit to U.S. EPA a mid-course review every five years and a Plan revision every ten years evaluating new emission inventory information, air quality data, updated modeling, and control measures;

5. The Regional Haze Plan is consistent with the requirements of the Act and the Regional Haze Rule;
6. The Regional Haze Plan relies upon already adopted regulations that were subjected to appropriate environmental review at the time of adoption; and
7. Implementation of the Regional Haze Plan will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts the Regional Haze Plan as a revision to the California SIP as set forth in Attachment A hereto, with the modification set forth in Attachment B hereto;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to forward the Regional Haze Plan as approved to U.S. EPA for inclusion in the 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 U.S. EPA and take appropriate action to resolve any completeness or approvability issues that may arise regarding the Regional Haze Plan submission;

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

BE IT FURTHER RESOLVED that the Board hereby certifies pursuant to 40 CFR section 51.102 that the Regional Haze 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 09-4, as adopted by the Air Resources Board.

/s/

Monica Vejar, Clerk of the Board

Resolution 09-04

January 22, 2009

Identification of Attachments to the Resolution

Attachment A: ARB's Proposed Regional Haze Plan, released for public review
December 5, 2008

Attachment B: Modification to Table 5-4 (BART Determination for Selected Units
at Valero Refinery) of ARB's Proposed Regional Haze Plan