

State of California  
AIR RESOURCES BOARD

**SAN JOAQUIN VALLEY 2013 PLAN FOR THE FEDERAL  
1-HOUR OZONE STANDARD**

Resolution 13-45

November 21, 2013

Agenda Item No.: 13-10-6

WHEREAS, the Legislature in Health and Safety Code section 39602 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 preparing the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards (NAAQS or standard) 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 41650 of the Health and Safety Code requires ARB to approve the nonattainment plan adopted 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, ARB has responsibility for ensuring that the districts meet their responsibilities under the Act pursuant to 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 duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the districts have primary responsibility for controlling air pollution from non-vehicular 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 Basin includes Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare, and western Kern Counties;

WHEREAS, the San Joaquin Valley Air Pollution Control District (District) is the air quality planning agency for the San Joaquin Valley;

WHEREAS, on November 6, 1991, the United States Environmental Protection Agency (U.S. EPA) designated the San Joaquin Valley as nonattainment for the 1-hour ozone standard with an attainment date of November 15, 1999;

WHEREAS, the San Joaquin Valley did not attain the 1-hour ozone standard by its attainment date of November 15, 1999;

WHEREAS, U.S. EPA reclassified the San Joaquin Valley as severe effective December 10, 2001;

WHEREAS, on December 18, 2003, the District Board requested a reclassification to extreme with a November 15, 2010, attainment date;

WHEREAS, U.S. EPA reclassified the San Joaquin Valley to extreme effective May 17, 2004;

WHEREAS, on October 8, 2004, the District Board adopted the Extreme Ozone Attainment Demonstration Plan (2004 Plan) to attain the federal 1-hour ozone standard by November 15, 2010;

WHEREAS, on June 15, 2005, U.S. EPA revoked the 1-hour ozone standard when it promulgated a more health protective 8-hour ozone standard, but subsequent decisions by the federal courts determined that most of the SIP planning obligations for that standard remain in effect;

WHEREAS, on March 8, 2010, U.S. EPA approved the District 2004 Plan;

WHEREAS, in 2012, U.S. EPA found that the San Joaquin Valley failed to attain the 1-hour ozone standard by November 15, 2010;

WHEREAS, on July 10, 2012, the District requested U.S. EPA to withdraw the 2004 Plan as a revision to the SIP;

WHEREAS, on September 19, 2012, U.S. EPA proposed withdrawal of its March 8, 2010, approval of the 2004 Plan;

WHEREAS, on October 15, 2012, ARB withdrew the 2004 Plan, to be effective immediately upon finalization of U.S. EPA's proposal to withdraw its approval of the 2004 Plan;

WHEREAS, on November 26, 2012, U.S. EPA finalized its proposal and withdrew approval of the District 2004 Plan;

WHEREAS, on November 26, 2012, following ARB's withdrawal of the 2004 Plan, U.S. EPA found California had failed to submit an extreme area SIP for the 1-hour ozone standard;

WHEREAS, on November 26, 2012, U.S. EPA also withdrew a portion of its final rule approving the District's 2007 Ozone Plan related to the vehicle miles traveled (VMT) offset demonstration for the 0.08 parts per million (ppm) 8-hour ozone standard and found California failed to submit VMT offsets for the 0.08 ppm 8-hour ozone standard;

WHEREAS, to meet its extreme area SIP obligations for 1-hour ozone, the District prepared the 2013 1-Hour Ozone Plan to demonstrate attainment of the 1-hour ozone standard by 2017;

WHEREAS, to address U.S. EPA's finding of failure to submit VMT offsets for the 0.08 ppm 8-hour ozone standard, the 2013 1-Hour Ozone Plan also includes a VMT offset demonstration for the 0.08 ppm 8-hour ozone standard pertinent to the District's 2007 Ozone Plan;

WHEREAS, the District hosted a public workshop to present, discuss, and take comments on the 2013 1-Hour Ozone Plan on April 16, 2013;

WHEREAS, the District Board adopted the 2013 1-Hour Ozone Plan on September 19, 2013;

WHEREAS, consistent with section 172(c)(3) of the Act, the 2013 1-Hour Ozone Plan includes a comprehensive, accurate, current inventory of emissions data for oxides of nitrogen (NOx) and volatile organic compounds (VOC);

WHEREAS, consistent with sections 182(c)(2) and 172(a)(2) of the Act, the 2013 1-Hour Ozone Plan includes an attainment demonstration that shows attainment as expeditiously as practicable within the required five years;

WHEREAS, consistent with section 172(c)(1) of the Act, the 2013 1-Hour Ozone Plan includes reasonably available control measures;

WHEREAS, consistent with sections 172(c)(2) and 182 (c)(2) of the Act, the 2013 1-Hour Ozone Plan includes a reasonable further progress (RFP) demonstration that includes targets until attainment;

WHEREAS, consistent with sections 172(c)(9) and 182 (c)(9) of the Act, the 2013 1-Hour Ozone Plan includes contingency measures that provide extra emissions reductions that go into effect without further regulatory action if the area fails to make RFP or attain on time;

WHEREAS, consistent with section 182(e)(3) of the Act, the 2013 1-Hour Ozone Plan satisfies the requirements for clean fuels/clean technologies for boilers;

WHEREAS, consistent with section 182(d)(1)(A) of the Act, the 2013 1-Hour Ozone Plan satisfies the requirements for the vehicle miles traveled provisions for both the 1-hour and 8-hour ozone standards;

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 adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, the District made the 2013 1-Hour Ozone Plan available for public review at least 30 days before a public hearing held on September 19, 2013;

WHEREAS, the District determined that the 2013 1-Hour Ozone Plan is exempt from the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15061(b)(3) (no possibility of a significant adverse effect on the environment);

WHEREAS, on September 19, 2013, the District Governing Board adopted the 2013 1-Hour Ozone Plan;

WHEREAS, on September 25, 2013, the District transmitted the 2013 1-Hour Ozone Plan to ARB as a SIP revision, along with proof of public notice publication and environmental documentation in accordance with State and federal law; and

WHEREAS, the Board finds that:

1. Adopted regulations will provide the emission reductions needed to meet the 1-hour ozone NAAQS by 2017;
2. NO<sub>x</sub> and VOC emissions in the San Joaquin Valley are projected to decline through 2017 and continue to decline thereafter due to adopted State, federal, and local controls; and
3. The 2013 1-Hour Ozone Plan meets all applicable Clean Air Act planning requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the 2013 1-Hour Ozone Plan as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to forward the 2013 1-Hour Ozone Plan as adopted by the District 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 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 2013 1-Hour Ozone 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 13-45, as adopted by the Air Resources Board.

---

Tracy Jensen, Clerk of the Board