

State of California
AIR RESOURCES BOARD

**Approval and Submittal of the Town of Mammoth Lakes
PM₁₀ Maintenance Plan and Redesignation Request**

Resolution 14-27

September 18, 2014

Agenda Item: 14-7-2

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 preparing 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 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 power, duty, purpose, function or jurisdiction of the Board may be delegated to the ARB 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 Great Basin Unified Air Pollution Control District (District) was established pursuant to section 40150 of the Health and Safety Code as the air pollution

control district responsible for carrying out these responsibilities in Alpine, Inyo, and Mono Counties;

WHEREAS, the Mammoth Lakes Planning Area (Mammoth Lakes) within Mono County was automatically designated as a “moderate” PM₁₀ nonattainment area for the 24-hour PM₁₀ standard of 150 µg/m³ with an attainment date of December 31, 1994;

WHEREAS, in December 1990, the District and the Town of Mammoth Lakes adopted the 1990 Air Quality Management Plan (1990 Plan) to control emissions from residential wood combustion and road sanding;

WHEREAS, the District submitted the 1990 Plan and subsequently-adopted plan amendments to ARB with requests that the 1990 Plan be approved and submitted to United States Environmental Protection Agency (U.S. EPA);

WHEREAS, ARB submitted the 1990 Plan and subsequent amendments to U.S. EPA on September 11, 1991, and March 11, 1992, respectively;

WHEREAS, U.S. EPA approved the 1990 Plan and amendments as a fully approved revision to the California SIP on June 24, 1996;

WHEREAS, implementation of the 1990 Plan reduced winter PM₁₀ emissions to the extent that an exceedance of the 24-hour PM₁₀ standard has not occurred since 1993 in Mammoth Lakes;

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, the District developed the Town of Mammoth Lakes PM₁₀ Maintenance Plan and Redesignation Request (Maintenance Plan/Redesignation Request) to address the requirements of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(i) of the Act, the District demonstrated continued attainment in Mammoth Lakes with no violations of the PM₁₀ NAAQS recorded since the 1991-1993 period, based on quality-assured federal reference monitoring method data from the local monitoring network;

WHEREAS, consistent with section 107(d)(3)(E)(ii) of the Act, the 1990 Plan was approved by U.S. EPA on June 24, 1996, with respect to the requirements of section 110(k) and other applicable requirements of the Clean Air Act;

WHEREAS, consistent with section 107(d)(3)(E)(iii) of the Act, the Maintenance Plan/Redesignation Request documents the changes in residential wood burning and

road sanding practices that resulted from implementation of Mammoth Lakes' town ordinances that were responsible for reductions in PM₁₀ emissions and improvements to PM₁₀ air quality in Mammoth Lakes between 1990 and 1993;

WHEREAS, consistent with section 107(d)(3)(E)(iv) of the Act, the District prepared the Maintenance Plan/Redesignation Request to document that PM₁₀ peak-day emissions in Mammoth Lakes remain substantially below levels that would result in an exceedance of the NAAQS and conform with U.S. EPA guidance;

WHEREAS, consistent with section 107(d)(3)(E)(v) of the Act, the District prepared the Maintenance Plan/Redesignation Request in part to meet the applicable requirements of section 110 and Title I, part D of the Act;

WHEREAS, consistent with section 176 of the Act, the District developed transportation conformity budgets for PM₁₀ using the most recent estimates of emissions for 2012 and projections to 2030;

WHEREAS, the District conducted a public hearing on May 5, 2014, after giving 30 day public notice of the Maintenance Plan/Redesignation Request availability for public review and comment prior to the hearing date;

WHEREAS, at the May 5, 2014, public hearing the District Board voted to:

1. Adopt the Maintenance Plan/Redesignation Request to fulfill the applicable requirements of the Act for maintenance of an attainment area for the PM₁₀ NAAQS; and
2. Request a redesignation for Mammoth Lakes to attainment of the PM₁₀ NAAQS;

WHEREAS, during the 30-day public comment period, the District modified the text of the publicly-available draft Maintenance Plan/Redesignation Request, including portions devoted to transportation conformity budgets;

WHEREAS, the District submitted the Maintenance Plan/Redesignation Request to ARB as a revision to the SIP on May 22, 2014, in accordance with State and federal law;

WHEREAS, ARB is providing a 30-day public comment period for the modified text related to the transportation conformity budgets;

WHEREAS, on August 18, 2014, ARB staff circulated for public review the proposed Maintenance Plan/Redesignation Request;

WHEREAS, the California Environmental Quality Act requires that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, the Maintenance Plan/Redesignation Request contains already adopted regulations and rules that were subject to environmental review at the time of their adoption, and any measure that may be developed or amended as a contingency provision 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 Mammoth Lakes;
2. The Maintenance Plan/Redesignation Request complies with the requirements of section 107(d)(3)(E) of the Act;
3. The Maintenance Plan/Redesignation Request is necessary for U.S. EPA to redesignate Mammoth Lakes to attainment for the PM₁₀ NAAQS;
4. The Maintenance Plan/Redesignation Request addresses current attainment and continued maintenance of the 24-hour PM₁₀ NAAQS through 2030;
5. The Maintenance Plan/Redesignation Request includes an attainment emission inventory; commitments by the District to continue operating the PM₁₀ monitoring network; and a process to verify continued PM₁₀ attainment;
6. The Maintenance Plan/Redesignation Request includes contingency provisions to assure prompt correction of any post-redesignation violation of the PM₁₀ NAAQS;
7. The Maintenance Plan/Redesignation Request has identified PM₁₀ emission budgets for transportation conformity for 2012 and 2030 based on current emissions and activity data, and the budgets are adequate to ensure continued maintenance of the PM₁₀ NAAQS;
8. The Maintenance Plan/Redesignation Request relies entirely on adopted regulations to demonstrate continued maintenance; and

WHEREAS, the Board further finds that ARB staff has reviewed and considered the Maintenance Plan/Redesignation Request along with the comments presented by interested parties and that ARB staff finds that the Maintenance Plan/Redesignation Request meets the requirements of the Act.

NOW, THEREFORE BE IT RESOLVED that the Board hereby adopts the Maintenance Plan/Redesignation Request as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to submit the Maintenance Plan/Redesignation Request together with the appropriate supporting documentation, to U.S. EPA for approval as a revision to the California SIP.

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 Maintenance Plan/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 14-27 as adopted by the Air Resources Board.

/s/

Tracy Jensen, Clerk of the Board