

State of California
AIR RESOURCES BOARD

**2018 PM2.5 STATE IMPLEMENTATION PLAN
FOR THE SAN JOAQUIN VALLEY**

Resolution 19-1

January 24, 2019

Agenda Item No.: 19-1-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and 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 Legislature in Health and Safety Code section 39602 has designated CARB as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, CARB is responsible for preparing the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards (NAAQS or standards) 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, section 41650 of the Health and Safety Code requires CARB 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, 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 CARB 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 standards within their boundaries, under sections 39002, 40000, 40001, 40701, 40702, and 41650 of the Health and Safety Code;

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

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

WHEREAS, the San Joaquin Valley Air Pollution Control District (District) was established under section 40002 of the Health and Safety Code as the air pollution control district responsible for carrying out these responsibilities in the San Joaquin Valley;

WHEREAS, in 1997, the United States Environmental Protection Agency (U.S. EPA) promulgated a 24-hour NAAQS for fine particulate matter (PM_{2.5}) at a level of 65 micrograms per cubic meter (µg/m³) (65 µg/m³ 24-hour standard) and an annual standard of 15 µg/m³ (15 µg/m³ annual standard);¹

WHEREAS, effective April 5, 2005, U.S. EPA designated the San Joaquin Valley as nonattainment for the 65 µg/m³ 24-hour standard and 15 µg/m³ annual standard;²

WHEREAS, effective July 2, 2014, U.S. EPA classified the San Joaquin Valley as a Moderate nonattainment area for the 65 µg/m³ 24-hour standard and 15 µg/m³ annual standard with an attainment date of April 5, 2015;³

WHEREAS, U.S. EPA determined that the San Joaquin Valley could not practicably attain the 65 µg/m³ 24-hour standard and 15 µg/m³ annual standard by the Moderate attainment date of April 5, 2015, and, effective May 7, 2015, classified the San Joaquin Valley as Serious nonattainment for the 65 µg/m³ 24-hour standard and 15 µg/m³ annual standard, establishing a new attainment date of December 31, 2015;⁴

WHEREAS, effective December 23, 2016, U.S. EPA found that the San Joaquin Valley failed to attain the 65 µg/m³ 24-hour standard and 15 µg/m³ annual standard by the December 31, 2015, Serious area deadline;⁵

WHEREAS, in 2006, U.S. EPA revised the 24-hour PM_{2.5} standard from 65 µg/m³ to 35 µg/m³ (35 µg/m³ 24-hour standard);⁶

WHEREAS, effective December 14, 2009, U.S. EPA designated the San Joaquin Valley as nonattainment for the 35 µg/m³ 24-hour standard;⁷

WHEREAS, effective July 2, 2014, U.S. EPA classified the San Joaquin Valley as a Moderate nonattainment area for the 35 µg/m³ 24-hour standard;⁸

¹ 62 Fed. Reg. 38,652 (July 18, 1997).

² 70 Fed. Reg. 944 (January 5, 2005).

³ 79 Fed. Reg. 31,566, 31,569 (June 2, 2014).

⁴ 80 Fed. Reg. 18,528 (April 7, 2015).

⁵ 81 Fed. Reg. 84,481 (November 23, 2016).

⁶ 71 Fed. Reg. 61,144 (October 17, 2006).

⁷ 74 Fed. Reg. 56,987 (November 13, 2009).

⁸ 79 Fed. Reg. 31,565 (June 2, 2014).

WHEREAS, the District prepared a SIP for the 35 $\mu\text{g}/\text{m}^3$ 24-hour standard and adopted it December 20, 2012, and whereas CARB adopted it January 24, 2013, and forwarded it to U.S. EPA, and whereas U.S. EPA approved the Moderate area elements of the SIP on August 31, 2016;⁹

WHEREAS, effective February 19, 2016, U.S. EPA classified the San Joaquin Valley as Serious nonattainment for the 35 $\mu\text{g}/\text{m}^3$ 24-hour standard with an attainment date of December 31, 2019;¹⁰

WHEREAS, in 2012, U.S. EPA revised the annual $\text{PM}_{2.5}$ standard from 15 $\mu\text{g}/\text{m}^3$ to 12 $\mu\text{g}/\text{m}^3$ (12 $\mu\text{g}/\text{m}^3$ annual standard);¹¹

WHEREAS, effective April 15, 2015, U.S. EPA designated the San Joaquin Valley as nonattainment for the 12 $\mu\text{g}/\text{m}^3$ annual standard with a classification of Moderate and an attainment date of December 31, 2021;¹²

WHEREAS, in August 2016, U.S. EPA finalized the $\text{PM}_{2.5}$ SIP implementation rule (Rule) which established the framework and requirements that states must meet in developing $\text{PM}_{2.5}$ SIPs based on provisions of Subpart 4 of the Act;¹³

WHEREAS, the Act and Rule specify a stepwise planning process for determining the appropriate classification and attainment date for $\text{PM}_{2.5}$ nonattainment areas;

WHEREAS, the Act requires that a $\text{PM}_{2.5}$ SIP for a Moderate nonattainment area include a comprehensive emissions inventory, an assessment of reasonably available control measures (RACM) plus additional reasonable measures, an attainment demonstration or demonstration that the area cannot practicably attain the standard by the Moderate attainment date, reasonable further progress (RFP) and quantitative milestones, contingency measures, and motor vehicle transportation conformity budgets;¹⁴

WHEREAS, the District developed the *2016 Moderate Area Plan for the 2012 $\text{PM}_{2.5}$ Standard* (2016 Moderate Plan) to fulfill the initial planning requirements of the Act and Rule for a $\text{PM}_{2.5}$ Moderate nonattainment area for the 12 $\mu\text{g}/\text{m}^3$ annual standard;

WHEREAS, consistent with the Act and the Rule, the 2016 Moderate Plan includes a comprehensive, accurate, current inventory of emissions data for directly emitted $\text{PM}_{2.5}$ and its precursors: oxides of nitrogen (NO_x), reactive organic gases (ROG), sulfur oxides (SO_x), and ammonia for all sources of the relevant pollutants in the area;

⁹ 81 Fed. Reg. 59,876 (August 31, 2016).

¹⁰ 81 Fed. Reg. 2,993 (January 20, 2016).

¹¹ 78 Fed. Reg. 3,086 (January 15, 2013).

¹² 80 Fed. Reg. 2,205 (January 15, 2015).

¹³ 81 Fed. Reg. 58,010 (August 24, 2016).

¹⁴ Clean Air Act, §§ 172(c), 176(c), 189(a), 42 U.S.C. §§ 7502(c), 7506(c), 7513a(a).

WHEREAS, the 2016 Moderate Plan includes a RACM and additional reasonable measures demonstration for all significant stationary, area, and mobile sources as required under the Act;

WHEREAS, the 2016 Moderate Plan modeling demonstrates that attainment of the 12 $\mu\text{g}/\text{m}^3$ annual standard by the Moderate deadline of December 31, 2021 is impracticable;

WHEREAS, in accordance with the Act, the 2016 Moderate Plan includes the District request for the San Joaquin Valley to be classified as a Serious nonattainment area for the 12 $\mu\text{g}/\text{m}^3$ annual standard;

WHEREAS, the 2016 Moderate Plan includes a comprehensive precursor analysis to determine the significant precursors to be addressed in meeting the Act's requirements, including for RACM, RFP, and contingency measures, and for developing inter-pollutant trading ratios;

WHEREAS, based on the comprehensive precursor analysis, directly emitted $\text{PM}_{2.5}$ and NO_x are determined to be significant 2016 Moderate Plan precursors, while ammonia, ROG and SO_x are not considered significant;

WHEREAS, the 2016 Moderate Plan identifies emissions levels that demonstrate generally linear progress in emissions reductions between 2013 and 2022 meeting the RFP requirements of the Act;

WHEREAS, the 2016 Moderate Plan provides quantitative milestones as required under the Act; and commits to provide U.S. EPA a report on the quantitative milestones within 90 days of these milestone dates;

WHEREAS, the 2016 Moderate Plan identifies sufficient contingency measures for the 2019 RFP milestone year;

WHEREAS, CARB staff prepared the *Review of the San Joaquin Valley 2016 Moderate Area Plan for the 2012 $\text{PM}_{2.5}$ Standard* report (CARB Staff Report for the 2016 Moderate Plan) which identifies sufficient contingency measures for the 2022 RFP milestone year to ensure that the 2016 Moderate Plan meets the RFP contingency requirements of the Act;

WHEREAS, consistent with the Act, the 2016 Moderate Plan meets the requirement for conformity budgets which were developed in consultation with the District, transportation agencies, and U.S. EPA, that conform to the RFP emission levels;

WHEREAS, federal law set forth in section 110(I) 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 of notice and opportunity for public review, must be conducted before adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, as required by federal law, the District made the 2016 Moderate Plan available for public review at least 30 days before the District hearing;

WHEREAS, following a public hearing on September 15, 2016, the District Governing Board approved the 2016 Moderate Plan including a request for classification of the San Joaquin Valley as a Serious PM_{2.5} nonattainment area for the 12 µg/m³ annual standard;¹⁵

WHEREAS, the 2016 Moderate Plan as supplemented by the CARB Staff Report for the 2016 Moderate Plan includes the applicable elements required by the Act;

WHEREAS, following a public hearing on October 20, 2016, CARB tabled the 2016 Moderate Plan and directed staff to work with the District to conduct a more thorough public process, explore opportunities for additional reductions of NO_x, and direct PM_{2.5} emissions from both mobile and stationary sources, and return to the Board with a path for attaining all PM_{2.5} standards in the Valley;¹⁶

WHEREAS, the Act requires that a PM_{2.5} SIP for a Serious nonattainment area include, among other things, a comprehensive emissions inventory, an assessment of Best Available Control Measure (BACM), an attainment demonstration, RFP and quantitative milestones, contingency measures, and motor vehicle transportation conformity budgets;¹⁷

WHEREAS, the San Joaquin Valley is a Serious nonattainment area for the 65 µg/m³ 24-hour standard, 15 µg/m³ annual standard, 35 µg/m³ 24-hour standard, and 12 µg/m³ annual standard;

WHEREAS, the Act requires that a PM_{2.5} SIP for a Serious nonattainment area that has requested an attainment date extension include, among other things, a most stringent measure (MSM) evaluation;¹⁸

WHEREAS, the San Joaquin Valley has requested an attainment date extension for the 35 µg/m³ 24-hour standard;

WHEREAS, a PM_{2.5} SIP for a Serious nonattainment area that cannot practicably attain by the end of the tenth calendar year following the date of designation must include, among other things, a MSM evaluation;¹⁹

¹⁵ San Joaquin Valley Air Pollution Control District Governing Board Reso. No. 16-9-10 (September 15, 2016).

¹⁶ CARB Board Hearing Tr., pp. 186:17-190:5 (October 20, 2016).

¹⁷ Clean Air Act, §§ 189, 172, 42 U.S.C. §§ 7502, 7513a.

¹⁸ Clean Air Act, § 188(e), 42 U.S.C. § 7513(e).

¹⁹ Clean Air Act, § 188(e), 42 U.S.C. § 7513(e); 40 C.F.R. § 51.1010(b).

WHEREAS, the San Joaquin Valley cannot practicably attain the 65 $\mu\text{g}/\text{m}^3$ 24-hour and 15 $\mu\text{g}/\text{m}^3$ annual standards by December 15, 2015, which is the end of the tenth calendar year following the initial date of designation;

WHEREAS, the Act requires that a $\text{PM}_{2.5}$ SIP for a Serious nonattainment area that has failed to attain by the Serious attainment date include, among other things, a plan showing the control strategy achieves a 5 percent annual reduction in either direct $\text{PM}_{2.5}$ emissions or in emissions of a $\text{PM}_{2.5}$ precursor (5 percent plan);²⁰

WHEREAS, the San Joaquin Valley has failed to attain the 65 $\mu\text{g}/\text{m}^3$ 24-hour and 15 $\mu\text{g}/\text{m}^3$ annual standards by the Serious attainment date deadlines;

WHEREAS, the District developed the *2018 Plan for the 1997, 2006, and 2012 $\text{PM}_{2.5}$ Standards* (2018 $\text{PM}_{2.5}$ Plan) to meet the Serious $\text{PM}_{2.5}$ nonattainment area planning requirements for the 65 $\mu\text{g}/\text{m}^3$ 24-hour standard, 15 $\mu\text{g}/\text{m}^3$ annual standard, 35 $\mu\text{g}/\text{m}^3$ 24-hour standard, and 12 $\mu\text{g}/\text{m}^3$ annual standard, consistent with the Act and Rule;

WHEREAS, the 2018 $\text{PM}_{2.5}$ Plan includes a comprehensive, accurate, current inventory of emissions data for directly emitted $\text{PM}_{2.5}$ and its precursors: NO_x , ROG, SO_x , and ammonia for all sources of the relevant pollutants in the area;

WHEREAS, the 2018 $\text{PM}_{2.5}$ Plan includes an attainment demonstration that shows attainment of the 65 $\mu\text{g}/\text{m}^3$ 24-hour standard and 15 $\mu\text{g}/\text{m}^3$ annual standard as expeditiously as practicable by December 31, 2020;

WHEREAS, the 2018 $\text{PM}_{2.5}$ Plan includes an attainment demonstration that shows attainment of the 35 $\mu\text{g}/\text{m}^3$ 24-hour standard as expeditiously as practicable by December 31, 2024;

WHEREAS, the 2018 $\text{PM}_{2.5}$ Plan includes an attainment demonstration that shows attainment of the 12 $\mu\text{g}/\text{m}^3$ annual standard as expeditiously as practicable by December 31, 2025;

WHEREAS, the 2018 $\text{PM}_{2.5}$ Plan demonstrates compliance with BACM, MSM, and 5 percent plan requirements, as required by the Act;

WHEREAS, the 2018 $\text{PM}_{2.5}$ Plan identifies emission levels that demonstrate RFP through the attainment year for each standard;

WHEREAS, the 2018 $\text{PM}_{2.5}$ Plan and the CARB *Review of the San Joaquin Valley 2018 Plan for the 1997, 2006, and 2012 $\text{PM}_{2.5}$ Standards* (CARB Staff Report for the 2018 $\text{PM}_{2.5}$ Plan) identify sufficient contingency measures for RFP and attainment;

²⁰ Clean Air Act, § 189(d), 42 U.S.C. § 7513a(d), 40 C.F.R. § 51.1010(c).

WHEREAS, the 2018 PM_{2.5} Plan establishes transportation conformity emissions budgets, developed in consultation with transportation agencies that are consistent with RFP and attainment year emission levels;

WHEREAS, Title 40, Code of Federal Regulations (CFR) section 93.105 requires CARB to submit transportation conformity emissions budgets to certain transportation and air quality agencies;

WHEREAS, CARB staff submitted the transportation conformity emissions budgets for the 2018 PM_{2.5} Plan to the District, U.S. EPA, and transportation agencies;

WHEREAS, following a public hearing on November 15, 2018, the District Governing Board approved the 2018 PM_{2.5} Plan;²¹

WHEREAS, the CARB Staff Report for the 2018 PM_{2.5} Plan includes supplemental air quality analyses to support air quality modeling results, referred to in U.S. EPA modeling guidance as a “Weight of Evidence” (WOE) analysis;

WHEREAS, the CARB Staff Report for the 2018 PM_{2.5} Plan also includes supplemental information on CARB contingency measures to fully address the contingency measure requirements of the Act;

WHEREAS, CARB staff has conducted a review of the 2018 PM_{2.5} Plan together with the supplemental information in the CARB Staff Report for the 2018 PM_{2.5} Plan, and has concluded that these documents satisfy all the requirements of the Act;

WHEREAS, to meet its obligations under the California Environmental Quality Act (CEQA),²² the District determined that the 2016 Moderate Plan is exempt from CEQA under the CEQA Guidelines,²³ in Section 15061(b)(3) (the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment);²⁴ and under Section 15308 (actions taken by a regulatory agencies for protection of the Environment),²⁵ because the record evidence shows with certainty that the 2016 Plan will enhance the environment by better protecting the public from health impacts associated with exposure to PM_{2.5}; the regulatory process involves procedures for protection of the environment; and there is no possibility that the proposed activity may result in a significant adverse impact on the environment;

WHEREAS, to meet its obligations under CEQA, the District prepared and adopted on November 15, 2018, a Negative Declaration demonstrating that the 2018 PM_{2.5} Plan would not have a significant adverse impact on air quality and would have a less than significant impact on the environment;

²¹ San Joaquin Valley Air Pollution Control District Governing Board Reso. 18-11-16 (November 15, 2018).

²² Cal. Pub. Resources Code, § 21000 et seq.

²³ Cal. Code Regs, tit. 14, § 15000 et seq.

²⁴ Cal. Code Regs, tit. 14, § 15061(b)(3).

²⁵ Cal. Code Regs, tit. 14, § 15308.

WHEREAS, CARB has determined that its subsequent approval of the District's 2018 PM_{2.5} Plan and 2016 Moderate Plan is "ministerial" for purposes of CEQA²⁶ because CARB's review is limited to determining if those plans meet the requirements of the Act, and CARB lacks authority to modify or not approve any plan in response to environmental concerns, as described in Chapter VII of the CARB Staff Report for the 2018 PM_{2.5} Plan;

WHEREAS, as required by the Act, the 2018 PM_{2.5} Plan was made available for public review at least 30 days prior to the November 15, 2018, public hearing during which the District Governing Board approved the 2018 PM_{2.5} Plan; and

WHEREAS, the CARB Staff Report for the 2018 PM_{2.5} Plan was made available for public review at least 30 days prior to the Board's public hearing.

NOW, THEREFORE, BE IT RESOLVED, the Board finds that:

1. The 2016 Moderate Plan includes the elements required for a Moderate PM_{2.5} nonattainment area under Subpart 4 of the Act;
2. The 2016 Moderate Plan modeling shows it is impracticable for the San Joaquin Valley to attain the 12 µg/m³ annual PM_{2.5} standard by the Moderate attainment deadline of December 31, 2021;
3. The 2016 Moderate Plan includes the request that the San Joaquin Valley be classified as a Serious nonattainment area for the 12 µg/m³ annual PM_{2.5} standard;
4. The 2016 Moderate Plan includes the required air quality and emissions data, RACM and additional reasonable measures demonstration, RFP demonstration, quantitative milestones, contingency measures for RFP, and transportation conformity emissions budgets;
5. The CARB Staff Report for the 2016 Moderate Plan includes accounting for additional contingency emissions reductions for RFP to ensure the 2016 Plan meets the Act requirements;
6. CARB's review and approval of the 2016 Moderate Plan submitted by the District for inclusion in the California SIP is a ministerial activity for purposes of CEQA;
7. The 2018 PM_{2.5} Plan includes the elements required for a Serious PM_{2.5} nonattainment area under Subpart 4 of the Act;
8. The 2018 PM_{2.5} Plan modeling shows the San Joaquin Valley will attain the 65 µg/m³ 24-hour PM_{2.5} standard by December 31, 2020, the 15 µg/m³ annual standard by December 31, 2020, the 35 µg/m³ 24-hour standard by December 31, 2024, and the 12 µg/m³ annual standard by December 31, 2025;

²⁶ Cal. Code Regs, tit. 14, § 15268.

9. The 2018 PM_{2.5} Plan includes the required air quality and emissions data, BACM, MSM, and 5 percent plan demonstrations, RFP demonstration, quantitative milestones, contingency measures, and transportation conformity emissions budgets;
10. The CARB Staff Report for the 2018 PM_{2.5} Plan includes accounting for additional contingency emission reductions for RFP to ensure the 2018 PM_{2.5} Plan meets the Act requirements; and
11. CARB's review and approval of the 2018 PM_{2.5} Plan submitted by the District for inclusion in the California SIP is a ministerial activity for purposes of CEQA.

BE IT FURTHER RESOLVED that the Board hereby adopts the 2016 Moderate Plan and 2018 PM_{2.5} Plan as revisions to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby approves the request by the San Joaquin Valley that it be classified as a Serious nonattainment area for the 12 µg/m³ annual PM_{2.5} standard and directs the Executive Officer to submit the request to U.S. EPA;

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the 2016 Moderate Plan and the 2018 PM_{2.5} Plan to U.S. EPA for inclusion in 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 certifies under 40 C.F.R. section 51.102 that the 2016 Moderate Plan and the 2018 PM_{2.5} Plan were adopted after notice and public hearing as required by 40 C.F.R. section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 19-1 as adopted by the California Air Resources Board.

Cristina Granados, Clerk of the Board