State of California
AIR RESOURCES BOARD

PROPOSED SAN DIEGO 8-HOUR OZONE STATE IMPLENTATION PLAN SUBMITTAL

Resolution 20-29

November 19, 2020

Agenda Item No.: 20-12-1

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 the Board 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 (standards) as required by the federal Clean Air Act (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) as 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 area 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 pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

WHEREAS, CARB 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, on March 27, 2008, the United States Environmental Protection Agency (U.S. EPA) promulgated an 8-hour ozone standard of 75 parts per billion (ppb) (75 ppb ozone standard);[1]

WHEREAS, effective July 20, 2012, U.S. EPA designated San Diego County as nonattainment for the 75 ppb ozone standard with a Marginal classification and an attainment date of July 20, 2015;[2]

WHEREAS, the San Diego County Air Pollution Control District (District) is the local air district and planning agency for San Diego County;

WHEREAS, San Diego County did not attain the standard by the Marginal attainment deadline, and, effective June 3, 2016, U.S. EPA classified San Diego County as a Moderate nonattainment area for the 75 ppb ozone standard with an attainment date of July 20, 2018;[3]

WHEREAS, following a public hearing on December 14, 2016, the District Hearing Board approved the 2008 Eight-Hour Ozone Attainment Plan for San Diego County to address requirements of the Act that are applicable to a Moderate 8-hour ozone nonattainment area and CARB submitted the SIP to U.S. EPA;

WHEREAS, effective September 23, 2019, U.S. EPA determined the area did not meet the 75 ppb ozone standard by the July 20, 2018 deadline and classified San Diego County as a Serious nonattainment area with an attainment date of July 20, 2021;[4]

WHEREAS, on October 1, 2015, and effective January 16, 2018, U.S. EPA promulgated a more health-protective 8-hour ozone standard of 70 ppb (70 ppb ozone standard);[5]

WHEREAS, effective August 3, 2018, U.S. EPA designated San Diego County as nonattainment for the 70 ppb ozone standard with a Moderate classification and an attainment date of August 3, 2024;[6]

WHEREAS, the Act requires that a Severe nonattainment area ozone SIP includes an emissions inventory, attainment demonstration, emissions statement rule, reasonably

---

[1] 73 FR 16436
[2] 77 FR 30088
[3] 81 FR 26697
[4] 84 FR 44238
[5] 82 FR 54232
[6] 83 FR 25776

available control measures (RACM) demonstration, reasonable further progress (RFP) demonstration, contingency measures for RFP and attainment, milestone compliance demonstrations (MCDs), transportation conformity budgets, enhanced inspection and maintenance program, clean fuels for fleets program, and section 185 fee program;

WHEREAS, the District determined that a Severe classification with an attainment date of July 20, 2027, was the most expeditious attainment date for the 75 ppb ozone standard with an attainment year of 2026;

WHEREAS, the District determined that a Severe classification with an attainment date of August 3, 2033, was the most expeditious attainment date for the 70 ppb ozone standard with an attainment year of 2032;

WHEREAS, the District developed the *2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County* (2020 Plan) to fulfill the initial planning requirements of the Act and Implementation Rules[7, 8] for a Severe ozone nonattainment area;

WHEREAS, CARB developed a written report, *Staff Report: CARB Review of the 2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County* (Staff Report), reviewing the 2020 Plan for satisfaction of the Act's requirements, which was published on CARB's website on October 16, 2020;

WHEREAS, air quality modeling conducted by CARB determined that additional 5.7 tons per day of oxides of nitrogen (NOx) emission reductions were needed in San Diego County to meet the 70 ppb standard by the Severe area attainment date;

WHEREAS, the *2016 State Strategy for the State Implementation Plan for Federal Ozone and PM2.5 Standards* (State SIP Strategy) included CARB commitments for updated and new heavy-duty vehicle programs and allows CARB to quantify area- and year-specific reductions as part of individual attainment plans;

WHEREAS, CARB commits in the 2020 Plan to achieve an aggregate commitment of 4.0 tons per day of NOx reductions in 2032 and to propose to the Board CARB's Heavy-Duty Engine and Vehicle Omnibus Regulation, Advanced Clean Trucks Regulation, and Heavy Duty Vehicle Inspection Program and Periodic Smoke Inspection Program by the schedule specified in the 2020 Plan;

WHEREAS, the District commits to 1.7 tons per day of NOx reductions, to be achieved through rules aimed at reducing emissions from stationary reciprocating internal combustion engines and small and medium boilers, process heaters, and steam generators in 2032;

---

[7] 80 FR 12264
[8] 83 FR 62998

WHEREAS, consistent with the Act, the 2020 Plan includes a comprehensive, accurate, current inventory of emissions data for ozone and its precursors: NOx and reactive organic gases (ROG) for all sources of the relevant pollutants in the areas for both the 75 ppb and 70 ppb ozone standards;

WHEREAS, in accordance with the Act, the 2020 Plan includes an emissions statement rules certification for the 75 ppb and 70 ppb 8-hour ozone standards;

WHEREAS, the 2020 Plan identifies emissions levels between 2017 and 2032 meeting the RFP requirements of the Act for the 70 ppb ozone standard;

WHEREAS, the 2020 Plan identifies emissions levels between 2011 and 2026 meeting the RFP requirements of the Act for the 75 ppb ozone standard;

WHEREAS, in accordance with the Act, the 2020 Plan includes a RACM demonstration, transportation conformity budgets, and programs for enhanced inspection and maintenance, clean fuels for fleets, and section 185 fees for both the 75 ppb and 70 ppb ozone standards;

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

WHEREAS, on March 23, 2017, the Board certified that the Final Environmental Analysis for the State SIP Strategy was completed in compliance with CARB's certified regulatory program to meet the requirements of CEQA, reflects the agency's independent judgment and analysis, and was presented to the Board whose members reviewed and considered the information therein before taking action to approve the State SIP Strategy; approved the Responses to Environmental Comments, released March 10, 2017, and Supplemental Responses to Environmental Comments, released March 21, 2017; and adopted the Findings and Statement of Overriding Considerations;

WHEREAS, staff has determined that the 2020 Plan is not a project under CEQA, or otherwise exempt from CEQA under California Code of Regulations, title 14, sections 15061(b)(3) ("common sense" exemption) and 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the record evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment and because the record evidence shows that the plan will enhance the environment by better protecting the public from health impacts associated with exposure to NOx, ROG, and ozone, as described in Chapter VI of the Staff Report;

WHEREAS, federal law sets forth in section 110(l) of the Act and Title 40, Code of Federal Regulations (CFR), section 51.102, a requirement 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, the 2020 Plan was made available for public review and comment by the District from July 1, 2020, to July 31, 2020;

WHEREAS, the District adopted the 2020 Plan on October 14, 2020, and transmitted it to CARB; and

WHEREAS, the Board finds that:

1. The 2020 Plan includes the required air quality and emissions data, modeled attainment demonstration, emissions statement, RACM demonstration, RFP demonstration, contingency measures for RFP and attainment, MCDs, transportation conformity budgets, enhanced inspection and maintenance program, clean fuels for fleets program, and section 185 fee program for both the 75 ppb and 70 ppb ozone standards;

2. The 2020 plan meets the statutory requirements for a Severe ozone nonattainment area identified in the Act for both the 75 ppb and 70 ppb ozone standards;

3. The 2020 Plan includes requests that San Diego County be classified as a Severe nonattainment area for the 70 ppb and 75 ppb ozone standards;

4. Ongoing implementation of CARB and District control programs provides the emission reductions needed for meeting the 75 ppb ozone standard by the attainment deadline of July 20, 2027, for a Severe classification;

5. An additional 5.7 tons per day of NOx reductions are needed to attain the 70 ppb ozone standard by the attainment deadline of August 3, 2033, for a Severe classification;

6. The additional NOx reductions will be achieved through a two-part commitment needed to attain the 70 ppb standard: 1) a CARB aggregate commitment of 4.0 tons per day of NOx reductions in 2032 and a commitment from CARB to propose to the Board the Heavy-Duty Engine and Vehicle Omnibus Regulation, Advanced Clean Trucks Regulation, and Heavy Duty Vehicle Inspection Program and Periodic Smoke Inspection Program; and 2) a District commitment of 1.7 tons per day of NOx reductions to be achieved through rules aimed at reducing emissions from stationary reciprocating internal combustion engines and small and medium boilers, process heaters, and steam generators in 2032;

7. The 2020 Plan is not a project under CEQA, or otherwise exempt from CEQA under California Code of Regulations, title 14, sections 15061(b)(3) (“common sense” exemption) and 15308 (“Class 8” exemption) because the

record evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment and because the record evidence shows that the plan will enhance the environment by better protecting the public from health impacts associated with exposure to NOx, ROG, and ozone;

8. The 2020 Plan is consistent with CARB's environmental justice policies and does not disproportionately impact people of any race, culture, or income.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the 2020 Plan as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board adopts CARB's commitment to achieve aggregate emission reductions in San Diego County outlined in the 2020 Plan of 4 tons per day of NOx reductions in San Diego County by 2032 in order to attain the 70 ppb 8-hour ozone standard.

BE IT FURTHER RESOLVED that the Board approves the request by San Diego County that it be classified as a Severe nonattainment area for the 75 ppb and 70 ppb 8-hour ozone standards 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 2020 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 to 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 2020 Plan was 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 20-29 as adopted by the California Air Resources Board.

Katie Estabrook

Katie Estabrook, Board Clerk