

California Air Resources Board

Notice of Public Meeting to Consider the Proposed Eastern Kern 8-Hour Ozone Plan

The California Air Resources Board (CARB or Board) will conduct a public meeting at the date and time noted below to consider the adoption of the 2023 Eastern Kern 8-Hour Ozone Plan (2023 Plan). If adopted, CARB will submit the 2023 Plan to the U.S. Environmental Protection Agency (U.S. EPA) for inclusion in the California State Implementation Plan (SIP).

Date: June 22, 2023

Time: 9:00 A.M.

In-Person Location:

California Air Resources Board
Byron Sher Auditorium
1001 I Street, Sacramento, California 95814

Remote Option:

Zoom

This public meeting may continue at 9:00 a.m., on June 23, 2023. Please consult the public agenda, which will be posted ten days before the June 22, 2023, Board Meeting for important details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

Background

The federal Clean Air Act (Act) establishes planning requirements for areas that exceed the health-based national ambient air quality standards (standards). States with areas that exceed the standards must develop and implement a SIP that meets the requirements of the Act and demonstrates attainment of the standard by a specified date.

In 2008, U.S. EPA strengthened the 8-hour ozone standard from 80 ppb to a more health-protective level of 75 ppb, and further strengthened the 8-hour ozone standard to 70 ppb in 2015. At the time of the release of this public notice, the Eastern Kern nonattainment area, which is a portion of Eastern Kern County, is classified as a Severe nonattainment area to the 75-ppb standard (effective July 7, 2021) and a Serious nonattainment area to the 70-ppb standard (effective November 29, 2021). The Eastern Kern Air Quality Control District (District) also requests that CARB formally submit a request to U.S. EPA to reclassify the Eastern Kern nonattainment area as Severe to the 70-ppb standard. Under the Act and applicable guidance, the District must develop a SIP that addresses relevant Act planning requirements and demonstrates attainment of the 75-ppb ozone standard by July 15, 2027, and the 70-ppb ozone standard by August 3, 2033.

The 75-ppb and 70-ppb ozone standards have different attainment dates but share many of the same required emissions reductions, strategies, and plan requirements. The District and CARB developed the 2023 Plan to address requirements of the Act for the Eastern Kern nonattainment area, including emission inventories, attainment demonstrations, reasonable further progress demonstrations, associated motor vehicle emissions budgets, reasonably available control measures, and contingency measures. The District approved the 2023 Plan on May 4, 2023. The 2023 Plan demonstrates attainment of the 75-ppb and 70-ppb ozone standards in the Eastern Kern nonattainment area by the end of 2026 and 2032, respectively, which are the last full ozone seasons prior to the respective attainment deadlines.

To support attainment of the 70 ppb ozone standard in the State, including nonattainment areas like Eastern Kern, CARB staff developed the 2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy). The 2022 State SIP Strategy describes the control measures for State-regulated sources that CARB will pursue to reduce emissions to the levels needed for attainment of the 70 ppb ozone standard in the Eastern Kern nonattainment area and across California. The measures in the 2022 State SIP Strategy will also reduce emissions in the many low-income and underserved communities that continue to experience disproportionately high levels of air pollution and will also support other CARB planning efforts. The Board approved the 2022 State SIP Strategy and the commitments to pursue the measures included therein on September 22, 2022.

The 2023 Plan incorporates emissions reductions from the measures in the 2022 State SIP Strategy in order to demonstrate attainment of the 70 ppb ozone standard in the Eastern Kern nonattainment area in 2032. Alongside the 2023 Plan, in the CARB Staff Report, CARB staff is proposing to commit to aggregate emissions reductions from State measures in the 2022 State SIP Strategy that will achieve the necessary reductions for attainment in 2032.

As detailed in the CARB Staff Report, CARB staff has reviewed the 2023 Plan and has concluded that, along with the aggregate emissions reduction commitment in the CARB Staff Report, it meets the requirements of the Act for the 75 ppb and 70 ppb ozone standards. Details of this recommendation are described in the CARB Staff Report.

Proposed Action

Staff recommends the Board adopt the State commitment to achieve specified emissions reductions by 2032 as well as the 2023 Plan, and direct staff to submit the 2023 Plan along with the CARB Staff Report to U.S. EPA as a revision to the California SIP. Staff will present the written Staff Report at the meeting. Copies of the Staff Report may be obtained from CARB's website at <https://ww2.arb.ca.gov/resources/documents/2023-eastern-kern-8-hour-ozone-plan>, May 12, 2023. Please contact Chris Hopkins, Regulations Coordinator, at Chris.Hopkins@arb.ca.gov or (279) 208-7347 if you need physical copies of the documents.

Interested members of the public may present comments orally or in writing during the meeting and may provide comments by postal mail or by electronic submittal before the meeting. To be considered by the Board, written comments not submitted during the meeting, must be received **no later than June 12, 2023**, and addressed to the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <https://ww2.arb.ca.gov/applications/public-comments>

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Further inquiries regarding this matter should be directed to Peishi (Bob) Gu, Air Resources Engineer, Central Valley Air Quality Planning Section, at (279) 208-7370 or Ali Adams, Manager, Central Valley Air Quality Planning Section, at (279) 208-7154.

Environmental Analysis

The District prepared a Notice of Exemption (NOE) to comply with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) for the 2023 Plan, determining that the 2023 Plan is exempt from CEQA under the Application by Public Agencies exemption (California Code of Regulations, title 14, section 15300.4). Further, when the 2022 State SIP Strategy was proposed, CARB prepared an environmental analysis (EA) under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of CEQA (Public Resources Code section 21080.5). The EA, included as Appendix B to the Proposed 2022 State SIP Strategy entitled Final Environmental Analysis for the proposed 2022 State Strategy for the State Implementation Plan, dated September 16, 2022, determined the 2022 State SIP Strategy could result in the following short-term and long-term impacts: beneficial impacts to air quality (long-term operational-related) and greenhouse gases; less-than-significant impacts to energy demand, mineral resources, population and housing, public services, recreational services and wildfire; and potentially significant and unavoidable adverse impacts to aesthetics, agriculture and forest resources, air quality (short-term construction-related), biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, transportation/traffic, tribal cultural resources, and utilities and service systems. The CARB Staff Report for the 2023 Plan includes CARB's commitment for quantified emissions reductions from measures already analyzed in the Final EA for the 2022 State SIP Strategy. There is no possibility that CARB's quantification of these emissions reductions resulting from measures already committed to pursue may result in a significant adverse impact on the environment, nor any substantial evidence indicating this proposal could adversely affect air quality or any other environmental resource area. CARB staff has determined that no subsequent or supplemental environmental analysis is required for the proposed 2023 Plan and associated CARB Staff Report. The NOE for the 2023 Plan and Final EA for the 2022 State SIP Strategy fully address the implementation of the 2023 Plan and CARB Staff Report, and no additional environmental analysis is required. CARB does not propose to modify any of these previous commitments. There are no changes in circumstances or new information that would otherwise warrant any subsequent or supplemental environmental review. CARB has determined that the proposed project does not involve any changes that result in any new significant adverse environmental impacts or a substantial increase in the severity of the significant adverse impacts previously disclosed in the Final EA for the 2022 State SIP Strategy. The basis for reaching this conclusion is provided in Chapter VII of the CARB Staff Report.

Furthermore, while in an abundance of caution CARB has prepared an addendum-equivalent analysis, CARB notes that this SIP action also does not constitute a CEQA "project" in the

first instance. As to the District-proposed measures, CARB lacks jurisdiction to modify or remove these measures for any purpose other than compliance with the Clean Air Act requirements. Therefore, CARB's review of those components is effectively ministerial. (See *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 934.) As to the CARB-proposed measures, CARB has already committed to pursuing these measures as part of the State SIP Strategy, which have already been analyzed under CEQA. CARB's action here does not modify those previous commitments made at the time CARB approved the State SIP Strategy; rather, it amounts to quantifying the anticipated reductions from those commitments, and reaffirming CARB's commitment to those reductions.

Special Accommodation Request

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or (916) 322-5594 as soon as possible, but no later than ten business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al cotb@arb.ca.gov o (916) 322-5594 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

California Air Resources Board



Steven S. Cliff, Ph.D.
Executive Officer

Date: May 12, 2023

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see [CARB's website](http://www.arb.ca.gov) (www.arb.ca.gov).