

California Air Resources Board

Notice of Public Meeting to Consider the Western Mojave Desert 70 parts per billion Ozone Attainment Plan

The California Air Resources Board (CARB or Board) will conduct a public meeting at the date and time noted below to consider the approval of the Western Mojave Desert 70 parts per billion Ozone Attainment Plan (70 ppb Plan) developed by the Mojave Desert Air Quality Management District (Mojave Desert AQMD) and the Antelope Valley Air Quality Management District (Antelope Valley AQMD). If adopted, CARB will submit the 70 ppb Plan, a State aggregate emissions reduction commitment, and corrected motor vehicle emissions budgets to the U.S. Environmental Protection Agency (U.S. EPA) for inclusion in the California State Implementation Plan (SIP).

Date: February 23, 2023

Time: 4:00 P.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 8:30 A.M., on February 24, 2023. Please consult the public agenda, which will be posted ten days before the February 23, 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 nonattainment areas must develop and implement a SIP that demonstrates attainment of the standard by specified dates, and meets other requirements of the Act.

In 2015, U.S. EPA strengthened the 8-hour ozone standard from 75 parts per billion (ppb) to a more health protective level of 70 ppb (70 ppb ozone standard). On August 3, 2018, U.S. EPA designated and classified the Western Mojave Desert as a Severe nonattainment area. The Western Mojave Desert includes a portion of San Bernardino County (served by the Mojave Desert AQMD), and the Antelope Valley portion of Los Angeles County (served by the Antelope Valley AQMD). Under the Act and applicable guidance, the Mojave Desert AQMD and Antelope Valley AQMD must develop a SIP that addresses the Severe area planning requirements and demonstrates attainment of the standard by 2032. The Antelope Valley AQMD Governing Board will consider approval of the Antelope Valley portion of the 70 ppb Plan on January 17, 2023, and the Mojave Desert AQMD Governing Board will consider approval of the Mojave Desert portion of the 70 ppb Plan on January 23, 2023.

To support attainment of the 70 ppb ozone standard in the State, including nonattainment areas like the Western Mojave Desert, 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 in order to reduce emissions to the levels needed for attainment in the Western Mojave Desert 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 support other CARB planning efforts. The Board adopted the 2022 State SIP Strategy and the commitments to pursue the measures included therein on September 22, 2022.

The 70 ppb 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 Western Mojave Desert in 2032. Alongside the 70 ppb Plan, in the CARB Staff Report, CARB staff is proposing to commit to aggregate emissions reductions from State measures that will achieve the necessary reductions for attainment in 2032. Also, an error was made during the development of the motor vehicle emissions budgets, resulting in the incorrect values being attributed to oxides of nitrogen (NOx) and reactive organic gases (ROG) in the motor vehicle emissions budgets present within the 70 ppb Plan. Therefore, the CARB Staff Report also includes corrected motor vehicle emissions budgets for the Western Mojave Desert.

In totality, together with the CARB Staff Report, the 70 ppb Plan addresses requirements of the Act for the Western Mojave Desert ozone nonattainment area under the 70 ppb ozone standard including an emission inventory, attainment demonstration, reasonable further progress (RFP) demonstration and associated motor vehicle emissions budgets, and discussion of contingency measures. Additional requirements as applicable under the 70 ppb ozone standard have already been addressed through separate submittals.

As detailed in the Staff Report, CARB staff has reviewed the 70 ppb Plan and has concluded that, along with the aggregate emissions reduction commitment and motor vehicle emissions budgets contained in the CARB Staff Report, it meets the Severe area requirements of the Act for the 70 ppb ozone standard.

Proposed Action

If the Districts adopt the 70 ppb Plan as provided to CARB for consideration, CARB staff recommends that the Board adopt the State commitment to achieve specified emissions reductions by 2032 and the corrected motor vehicle emissions budgets as included in the CARB Staff Report, adopt the 70 ppb Plan for the Western Mojave Desert, and direct staff to submit the relevant portions of the 70 ppb Plan along with CARB's aggregate emissions reduction commitment contained in the Staff Report to the U.S. EPA as a revision to the California SIP.

CARB staff will present a written report at the meeting. Copies of the report may be obtained from CARB's website at <https://ww2.arb.ca.gov/resources/documents/western-mojave-desert-70-ppb-ozone-attainment-plan>, on January 13, 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 February 13, 2023**, and addressed to the following:

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

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code section 6250 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 Angelica Carrazco, Air Pollution Specialist, South Coast Air Quality Planning Section at (279) 216-0321, or Ariel Fideldy, Manager, South Coast Air Quality Planning Section at (279) 208-7225.

Environmental Analysis

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 the California Environmental Quality Act (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 70 ppb 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 to which CARB 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. The Final EA for the 2022 State SIP Strategy fully address the implementation of the 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 projects do 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 Section 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 likely 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. 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: January 13, 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).