

State of California
AIR RESOURCES BOARD

Resolution 04-20

July 22, 2004

Agenda Item No.: 04-7-7

WHEREAS, the Legislature in Health and Safety Code (H&SC) 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, the ARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining 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 H&SC section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (local air districts) necessary to comply with the Act;

WHEREAS, H&SC sections 39602 and 40460 also provide that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, ARB has responsibility for ensuring that local air districts meet their responsibilities under the Act pursuant to H&SC sections 39002, 39500, 39602, 40469, and 41650;

WHEREAS, local air districts have primary responsibility for the control of air pollution from non-vehicular sources and for adopting control measures, rules, and regulations to attain air quality standards within their boundaries pursuant to H&SC sections 39002, 40000, 40001, 40701, 40702, and 41650;

WHEREAS, ARB is authorized by H&SC section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, H&SC sections 39515 and 39516 provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, in 1985 the U.S. Environmental Protection Agency (U.S. EPA) promulgated a NAAQS for carbon monoxide (CO) of nine parts per million averaged over eight hours;

WHEREAS, under sections 107(d)(4)(A) and 186(a)(1) of the Act, U.S. EPA in 1991 designated the following areas as nonattainment for CO:

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Bakersfield Metropolitan Area
Fresno Urbanized Area
Lake Tahoe South Shore Area
Sacramento Area
San Francisco-Oakland-San Jose Area

Chico Urbanized Area
Lake Tahoe North Shore Area
Modesto Urbanized Area
San Diego Area
Stockton Urbanized Area

WHEREAS, between 1992-1995, air quality monitoring data demonstrated that each monitoring site in the ten federal planning areas listed above attained the federal 8-hour CO standard;

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, the Act requires that, before U.S. EPA can approve the redesignation of an area to attainment, there must be an approved maintenance plan for the area that includes air quality and emissions data, a maintenance demonstration, conformity emissions budgets, and contingency measures;

WHEREAS, on April 25, 1996, the Board adopted for the ten federal planning areas a request for redesignation to attainment for the federal 8-hour CO standard and a CO Maintenance Plan meeting the requirements of section 175A of the Act, and directed the Executive Officer to submit these documents to U.S. EPA as a SIP revision;

WHEREAS, effective June 1, 1998, U.S. EPA approved the CO Redesignation Request and Maintenance Plan for the ten federal planning areas (Federal Register, Volume 63, Number 61), finding that the State satisfied all of the requirements of section 107(d)(3)(E) of the Act for redesignation;

WHEREAS, the maintenance demonstration in the approved 1996 CO Maintenance Plan contains emission estimates incorporating the effects of the wintertime requirement for oxygen in gasoline (wintertime oxygenates requirement);

WHEREAS, on August 27, 1998, the Board rescinded the wintertime oxygenates requirement in certain areas that had attained the State and federal CO standards;

WHEREAS, on November 19, 1998, the Board approved Resolution 98-52, which adopted a revised Maintenance Plan (1998 Plan) incorporating CO emission inventory changes resulting from removal of the wintertime oxygenates requirement;

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WHEREAS, the Board found in Resolution 98-52 that even with no wintertime oxygenate in gasoline, CO emissions in each of the ten areas would remain below the 1995 attainment levels and that the contingency measures in the SIP provide an ample margin of safety to maintain the CO standard;

WHEREAS, in Resolution 98-52 the Board directed that "...if violations are monitored in any of the areas, staff will propose that appropriate action be taken regarding reinstatement of the minimum wintertime oxygen content in gasoline previously contained in section 2262.5, title 13, CCR, in the area at the beginning of the following winter season;"

WHEREAS, on December 11, 1998, ARB submitted the 1998 Plan to U.S. EPA as a SIP revision;

WHEREAS, U.S. EPA has not taken rulemaking action on the 1998 submittal;

WHEREAS, section 175A of the Act requires a maintenance plan to be revised with updated information eight years after an area is redesignated to attainment, in order to ensure that the federal CO air quality standard will be maintained for an additional ten years (i.e., a total of 20 years from the date an area is redesignated to attainment);

WHEREAS, ARB staff has prepared a "Proposed 2004 Revision to the California SIP for CO – Updated Maintenance Plan for Ten Federal Planning Areas" (2004 Update) that: (1) extends the CO maintenance demonstration to 2018, reflecting the existing CO control program without wintertime oxygenates, (2) incorporates significant improvements to the emission inventory, and (3) revises the on-road motor vehicle emission budgets for transportation conformity;

WHEREAS, sections 110(a)(2) and 110(l) of the Act and 40 CFR section 51.102 require that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal of any SIP revision to U.S. EPA;

WHEREAS, at least 30 days prior to the public hearing, public notices were placed in the major newspapers of the affected areas describing the proposed action and the place where materials describing the proposed action were available for review;

WHEREAS, the 2004 Update has been available for at least 30 days prior to the hearing;

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

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considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts; and

WHEREAS, the Board reaffirms the findings set forth in Resolution 98-52 and further finds that:

1. Each of the ten areas has continued to record CO air quality below attainment levels through 2003.
2. Through at least 2018, emissions in each of the ten areas are projected to remain below the levels that resulted in attainment of the federal CO standard in 1992-1995; this will occur because of the Board's existing mobile source emission control program and vehicle fleet turnover.
3. The proposed motor vehicle emission budgets are based on current emissions and activity data, and are adequate to ensure continued maintenance of the federal CO standard.
4. The contingency emission reductions from adopted ARB measures will generate progressively more benefits over time, decreasing CO emissions during the remainder of the maintenance period further below the levels that resulted in attainment.
5. The 2004 Update relies entirely on adopted regulations to demonstrate continued maintenance. ARB regulations which have been adopted and are reflected in the baseline emission projections in the SIP were subjected to environmental review by the Board at the time of their adoption and no further analysis is required at this time.
6. Because the 2004 Update relies entirely on adopted regulations and no new controls are proposed, there is no possibility that the 2004 Update will have a significant adverse impact on the environment and there will be no potential economic impacts.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the 2004 Update as a revision to the CO SIP for the specified ten federal planning areas and directs the Executive Officer to forward the revision to U.S. EPA.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the 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 certifies that the SIP revision was adopted after notice and public hearing as required by 40 CFR 51.102, and directs the Executive Officer to submit the appropriate supporting documentation to U.S. EPA.