State of California
AIR RESOURCES BOARD

SAN JOAQUIN VALLEY PM2.5 STATE IMPLEMENTATION PLAN

Resolution 15-9

May 21, 2015

Agenda Item No.: 15-4-4

WHEREAS, the Legislature in Health and Safety Code 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, ARB 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 ARB 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, ARB 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, ARB 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, 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 ARB 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 NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, 40701, 40702, 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) is the air quality planning agency for the San Joaquin Valley;

WHEREAS, in July 1997, the United States Environmental Protection Agency (U.S. EPA) promulgated 24-hour and annual NAAQS for fine particulate matter (PM2.5) of 65 $\mu g/m^3$ and 15 $\mu g/m^3$, respectively;

WHEREAS, effective April 5, 2005, U.S. EPA designated the San Joaquin Valley as nonattainment for the 1997 PM2.5 NAAQS;

WHEREAS, in March 2007, U.S. EPA finalized the PM2.5 implementation rule (Rule) which established the framework and requirements that states must meet in developing PM2.5 SIPs based on provisions of Subpart 1 of the Act;

WHEREAS, in April 2008, the District adopted a SIP for the 1997 PM2.5 NAAQS (2008 PM2.5 Plan) which set out a strategy to attain the federal standards by April 5, 2015;

WHEREAS, on November 9, 2011, U.S. EPA approved the District's 2008 PM2.5 Plan per the Rule requirements in place at that time;

WHEREAS, on January 4, 2013, the U.S. Court of Appeals, D.C. Circuit found that U.S. EPA erred in solely implementing the PM2.5 NAAQS under the Subpart 1 general provisions of the Act without considering the more specific particulate matter provisions in Subpart 4 and remanded the Rule back to U.S. EPA to re-promulgate pursuant to Subpart 4;

WHEREAS, on June 2, 2014, U.S. EPA classified the San Joaquin Valley as a moderate nonattainment area under Subpart 4 with an attainment date of April 5, 2015 and required the area to submit additional documentation, as needed, to fulfill all Subpart 4 requirements;

WHEREAS, through ongoing implementation of the control strategy contained in the SIP, the Valley had met the 24-hour standard and had been nearing attainment of the annual standard;

WHEREAS, the stagnant weather conditions and persistent lack of rainfall associated with California's drought increased PM2.5 levels in 2013, impacting both 24-hour and annual average concentrations;

WHEREAS, in accordance with Subpart 4, the District submitted a request for the San Joaquin Valley to be classified as a serious nonattainment area because the San Joaquin Valley could not practicably attain the 1997 PM2.5 standards by the April 5, 2015, attainment date;

WHEREAS, on March 17, 2015, U.S. EPA signed a notice to classify the San Joaquin Valley as a serious nonattainment area under Subpart 4, establishing a new attainment date of December 31, 2015;

WHEREAS, the District developed the 2015 Plan (2015 PM2.5 Plan) to fulfill the planning requirements of the Act for a serious nonattainment area;

WHEREAS, consistent with the Act, the 2015 PM2.5 Plan includes a comprehensive, accurate, current inventory of emissions data for directly emitted PM2.5 and its precursors: oxides of nitrogen (NOx), volatile organic gases (VOC), sulfur oxides (SOx), and ammonia for all sources of the relevant pollutants in the area;

WHEREAS, the 2015 PM2.5 Plan includes documentation that attainment by December 31, 2015, is impracticable due to the weather conditions associated with the drought and, as provided by Subpart 4, requests an extension of the attainment deadline;

WHEREAS, the 2015 PM2.5 Plan includes a modeled attainment demonstration based on photochemical modeling conducted for the 2008 PM2.5 Plan, plus supplemental weight of evidence analysis including PM2.5 and emission inventory trend;

WHEREAS, the modeling and supporting weight of evidence analysis demonstrate that the emissions reductions achieved through the 2015 PM2.5 Plan control strategy will bring the entire Valley into attainment of the federal 24-hour PM2.5 standard of 65 $\mu g/m^3$ by 2018 and of the annual PM2.5 standard of 15 $\mu g/m^3$ by 2020;

WHEREAS, the attainment control strategy relies upon emission reductions from on-going ARB and District measures, as well as a District commitment to achieve further reductions from commercial charbroiling between;

WHEREAS, the 2015 PM2.5 Plan includes a Best Available Control Measure (BACM) demonstration for all significant stationary, area, and mobile sources as required for serious nonattainment areas under Subpart 4;

WHEREAS, the 2015 PM2.5 Plan includes a Most Stringent Measures (MSM) demonstration for stationary, mobile, and area sources as required for a serious area nonattainment date extension request under Subpart 4;

WHEREAS, the 2015 PM2.5 Plan identifies emission levels that demonstrates generally linear progress in emission reductions towards attainment of the annual standard in 2020 meeting the Reasonable Further Progress (RFP) requirements of the Act;
WHEREAS, the 2015 PM2.5 Plan provides quantitative milestones as required under the Act, and ARB commits to provide U.S. EPA with a letter reporting on the quantitative milestones within ninety days of these milestone dates;

WHEREAS, the 2015 PM2.5 Plan identifies sufficient contingency measures to meet the requirements of the Act;

WHEREAS, consistent with the Act, the 2015 PM2.5 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 and attainment emission levels;

WHEREAS, because of the request for an attainment date extension, the 2015 PM2.5 Plan identifies a number of efforts to achieve further near-term emission reductions beyond those from existing control programs;

WHEREAS, as part of the 2015 PM2.5 Plan, the District commits to providing targeted incentive funds between 2016 and 2020 for the replacement of heavy-duty trucks and wood burning devices in the San Joaquin Valley, achieving additional NOx and PM2.5 emission reductions;

WHEREAS, as part of the 2015 PM2.5 Plan the District also commits to evaluate the potential for further emission reductions from rules that address flares, warm mix asphalt, and conservation management practices and to include any identified additional actions for emission reductions and implementation schedules in the 2016 SIP for the revised annual PM2.5 standard;

WHEREAS, ARB has identified actions for heavy duty trucks that focus on cleaner combustion technologies, as well as introduction of zero and near-zero emission equipment; These measures will be developed as part of the 2016 SIP;

WHEREAS, federal law, set out in section 110(l) 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, the District made the 2015 PM2.5 Plan available for public review at least 30 days before the District hearing as required by federal law;

WHEREAS, following a public hearing on April 16, 2015, the District Governing Board approved the 2015 PM2.5 Plan including a request for an extension of the attainment deadline from December 31, 2015, to December 31, 2018, for the 24-hour PM2.5 standard and December 31, 2020, for the annual PM2.5 standard;

WHEREAS, ARB staff prepared the "ARB Review of San Joaquin Valley PM2.5 State Implementation Plan" (ARB Staff Report) that includes an assessment of the 2015 PM2.5 Plan along with additional information requested by U.S. EPA staff regarding contingency measures, RFP, and quantitative milestones;

WHEREAS, the ARB Staff Report demonstrates that all requirements and commitments in the 2008 PM2.5 Plan have been fulfilled, as required for a request for extension of the attainment date for a serious nonattainment area under Subpart 4;

WHEREAS, the 2015 PM2.5 Plan as supplemented by the ARB Staff Report meets the Act requirements;

WHEREAS, the California Environmental Quality Act (CEQA) requires that any proposed action for which significant adverse environmental impacts have been identified shall not be approved if there are feasible mitigation measures or feasible alternatives that would substantially reduce or eliminate such impacts; if economic, social or other conditions make infeasible project alternatives or mitigation measures, the project may be approved if specific overriding considerations are identified that outweigh the adverse impacts;

WHEREAS, ARB'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 ARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

WHEREAS, the District found the 2015 PM2.5 Plan exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption); ARB staff determined the 2015 PM2.5 Plan, as supplemented by the ARB Staff Report, is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption) and California Code of Regulations, title 14, section 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the record evidence shows the 2015 PM2.5 Plan will enhance the environment by better protecting the public from health impacts associated with exposure to PM2.5, the regulatory process involves procedures for protection of the environment, and there is no possibility that the proposed activity may result in any significant adverse impacts on the environment as described in Section V of the ARB Staff Report;

WHEREAS, as required by federal law, ARB made the ARB Staff Report available for public review at least 30 days before the public hearing;

WHEREAS, the Board finds that:

1. The 2015 PM2.5 Plan demonstrates that the plan elements meet the requirements for a serious nonattainment area under Subpart 4 as well as requirements for requesting an attainment deadline extension from December 31, 2015, to December 31, 2018, for the 24-hour PM2.5 standard and December 31, 2020, for the annual PM2.5 standard.

2. The 2015 PM2.5 Plan includes the required air quality and emissions data, modeled attainment demonstration, RFP demonstration, quantitative milestones, transportation conformity emissions budgets, BACM/MSM demonstration, and contingency measures; and

3. Ongoing implementation of ARB and District control programs, combined with additional reductions from enhancements to the District's commercial charbroiling

rule slated for adoption in 2016, provide the emission reductions needed for meeting the 24-hour PM2.5 NAAQS by 2018 and the annual PM2.5 NAAQS by 2020.

4. The 2015 PM2.5 Plan is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) and section 15308 because substantial evidence in the record shows it will enhance the environment by better protecting the public from health impacts associated with exposure to PM2.5, the regulatory process involves procedures for protection of the environment, and there is no possibility that the proposal may result in a significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the San Joaquin Valley 2015 PM2.5 Plan as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the San Joaquin Valley 2015 PM2.5 Plan as adopted by the District along with the ARB Staff Report to U.S. EPA for inclusion in the 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 hereby certifies pursuant to 40 CFR section 51.102 that the San Joaquin Valley 2015 PM2.5 Plan and the Staff Report was adopted after notice and public hearing as required by 40 CFR section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 15-9 as adopted by the Air Resources Board.

Tracy Jensen, Clerk of the Board