State of California
AIR RESOURCES BOARD

Resolution 11-24

April 28, 2011

Agenda Item No.: 11-2-4

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 the preparation of the State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) 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, ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the Districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

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

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

WHEREAS, in July 1997 U.S. EPA promulgated a particulate matter NAAQS for particulates that are less than two and a half microns in diameter (PM2.5);

WHEREAS, the Act and U.S. EPA regulations require California to submit to U.S. EPA a SIP to demonstrate attainment of the PM 2.5 NAAQS for the South Coast and San Joaquin Valley nonattainment areas;

WHEREAS, because ARB has the primary responsibility for ensuring that California complies with the Act, California has committed to achieve the specified emission reductions by the required deadline in the event sources that U.S. EPA regulates do not provide the expected emission reductions;

WHEREAS, the *Air Resources Board's State Strategy for California's 2007 State Implementation Plan* (State Strategy) relies on emission reductions from already adopted State control programs and expected reductions from proposed new State measures;

WHEREAS, the State's SIP commitments in the State Strategy consist of three components: a commitment to achieve aggregate emission reductions by specific dates, a commitment to propose defined new SIP measures, and a long-term strategy commitment;

WHEREAS, the State Strategy identifies emission targets by pollutant with each target equal to the emissions levels needed (i.e., the remaining emissions) to demonstrate attainment;

WHEREAS, the State Strategy commits to achieving total aggregate emission reductions from all control measures in the State Strategy; there is no commitment to achieve an emission reduction target for each individual control measure;

WHEREAS, ARB has determined that the State Strategy will meet aggregate emission reduction commitments for PM2.5 on a NOx equivalency basis in the South Coast;

WHEREAS, ARB has determined that the State Strategy will meet aggregate emission reduction commitments for PM2.5 on a PM2.5 equivalency basis in the San Joaquin Valley;

WHEREAS, on November 16, 2007, ARB submitted the adopted State Strategy to U.S. EPA as a revision to the California SIP;

WHEREAS, in 2007 and 2008 ARB approved PM2.5 Attainment Plans for the South Coast Air Basin and the San Joaquin Valley, respectively;

WHEREAS, in 2007 and 2008 ARB adopted regulations for 10 measures that were identified in the 2007 State Strategy and three regulations that will achieve fine particulate matter precursor reductions that were not identified as specific measures at the time the State Strategy was adopted;

WHEREAS, on April 24, 2009, ARB adopted a Status Report and SIP Revision that reflected implementation of the State Strategy in 2007 and 2008, made changes to the long-term strategy commitment, and made other clarifying changes to the State Strategy to aid U.S. EPA in its approval of California's SIP revision;

WHEREAS, the 2009 Status Report and SIP Revision contained a commitment that ARB would revise the 2007 State Strategy as may be appropriate and submit any revisions to U.S. EPA as a SIP revision;

WHEREAS, in 2009 and 2010 ARB continued its implementation of the 2007 State Strategy;

WHEREAS, in December 2010, U.S. EPA proposed to approve certain elements of California's PM2.5 SIPs for the South Coast and San Joaquin Valley and outlined a need to revise the 2007 State Strategy to approve the remaining elements;

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

WHEREAS, on March 29, 2011, ARB staff circulated for public review a proposed *Progress Report on Implementation of the PM2.5 State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions* (Progress Report and SIP Revision);

WHEREAS, the proposed Progress Report and SIP Revision quantifies the emission progress achieved to date for the South Coast and the San Joaquin Valley Air Basins;

WHEREAS, the proposed Progress Report and SIP Revision make changes to ARB's commitment to achieve specified emission reductions by specific dates; these changes reflect implementation of the State Strategy that has occurred since the State Strategy was adopted;

WHEREAS, the proposed SIP Revision:

1. Updates the RFP tables and associated reductions for contingency purposes to reflect the impact of the recession and recent changes to the In-Use Heavy-Duty Truck and Off-Road Equipment regulations;

2. Updates ARB's Rulemaking Calendar to reflect the current status of adopted measures and expected action dates for measures still under development;

3. Updates the transportation conformity budgets applicable to the PM2.5 standards for the South Coast and San Joaquin Valley, consistent with emission levels in the revised reasonable further progress tables, and in response to ARB action amending the truck and bus regulation;

4. Makes other minor technical changes to the State Strategy.

WHEREAS, in consideration of the proposed Progress Report and SIP Revision and the written and oral testimony presented by the public, industry, and government agencies, the Board finds that:

1. The proposed Progress Report and SIP Revision accurately documents both the regulatory and air quality progress that has been made in the South Coast and San Joaquin Valley since the PM2.5 plans were adopted;

2. ARB and the local air districts have adopted regulations that will provide 94 percent of the reductions needed to meet the PM2.5 SIP attainment target in the South Coast, while the San Joaquin Valley has met its SIP attainment target;

3. The proposed Progress Report and SIP Revision provides what U.S. EPA needs to fully approve the PM2.5 plans for the South Coast and San Joaquin Valley;

4. The proposed Progress Report and SIP Revision meets the applicable requirements established by the Act and U.S. EPA regulations;

5. The Board certifies pursuant to 40 C.F.R. section 51.102 that the proposed SIP Revision meets the notice and public hearing requirements specified in 40 C.F.R. section 51.102.

6. The proposed SIP Revision will not result in any significant adverse environmental impacts for the reasons identified in Appendix G to the proposed Progress Report and SIP Revision;

WHEREAS, on March 4, 2011, the South Coast Air Quality Management District (SCAQMD) adopted revisions to their 2007 PM2.5 and Ozone SIP for the South Coast Air Basin and Coachella Valley (SCAQMD SIP Revision); the SCAQMD SIP Revision updates the implementation status of the District's control measures to meet the PM2.5 attainment date, revises the control measure adoption schedule, and modifies the District's emission reduction commitment to reflect improvements to the off-road emission estimates for 2014;

WHEREAS, with respect to the SCAQMD SIP Revision, the Board finds that:

1. The SCAQMD SIP revision meets the requirements of the federal Clean Air Act;

2. To comply with CEQA requirements for the SCAQMD SIP revision, SCAQMD prepared an Addendum to Final Program Environmental Impact Report (PEIR) for the 2007 Air Quality Management Plan (PEIR Addendum); the PEIR Addendum concluded that the SCAQMD SIP Revision would result in no significant adverse environmental impacts;

3. The PEIR Addendum prepared for the SCAQMD SIP Revision meets the requirements of CEQA.

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, Board regulations provide that prior to taking final action on any proposal for which significant environmental issues have been raised, the decision maker shall approve a written response to each such issue;

WHEREAS, the Executive Officer is the decision maker for the purposes of title 17, California Code of Regulations (CCR), section 60007.

NOW, THEREFORE, BE IT RESOLVED that the Board directs the Executive Officer to take the following actions regarding the proposed Progress Report and SIP revision, as set forth in Attachment A:

1. The Executive Officer is shall evaluate any comments received during the public comment period that raise significant environmental issues (if any), and prepare and approve written responses as required by CEQA and ARB regulations under its certified regulatory program. (title 17, CCR, section 60007)

2. If after reviewing the public comments, the Executive Officer determines that the proposed SIP Revision could result in one or more significant adverse environmental impacts, the Executive Officer shall determine whether there are feasible alternatives or mitigation measures that could be implemented to reduce or eliminate any such adverse environmental impacts, and shall make findings as required by Public Resources Code section 21081.

3. The Executive Officer shall take final action to adopt the proposed Progress Report and SIP Revision set forth in Attachment A to this Resolution, with any modifications that are necessary to ensure that all feasible mitigation measures or feasible alternatives that would substantially reduce any significant adverse environmental impacts have been incorporated into the final action.

4. The Executive Officer shall submit the adopted SIP revision to U.S. EPA for approval, along with the Progress Report and other appropriate supporting documentation.

5. The Executive Officer shall work with U.S. EPA and take appropriate action to resolve any completeness or approvability issues that may arise regarding the proposed SIP revision.

BE IT FURTHER RESOLVED that the Board hereby adopts the SCAQMD SIP Revision, as set forth in Attachment B, as a revision to the California SIP, and directs the Executive Officer to submit it to U.S. EPA for approval.

I hereby certify that the above is a true and correct copy of Resolution 11-24, as adopted by the Air Resources Board.

Mary Alice Morency, Clerk of the Board

Resolution 11-24

April 28, 2011

Identification of Attachments to the Board Resolution

Attachment A: *Progress Report on Implementation of PM2.5 State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP Revisions* (Progress Report and SIP Revision), released on March 29, 2011, including Appendices A through G, available at:
http://www.arb.ca.gov/planning/sip/2007sip/2007sip.htm

Attachment B: *Revisions to the 2007 PM2.5 and Ozone State Implementation Plan for South Coast Air Basin and Coachella Valley*, adopted by the South Coast Air Quality Management District on March 4, 2011; this document is included as Appendix to F to ARB's Progress Report and SIP Revision, and is available at the internet address listed above.