State of California
AIR RESOURCES BOARD

SAN JOAQUIN VALLEY PM2.5 CONTINGENCY MEASURES UPDATE

Resolution 13-30

June 27, 2013

Agenda Item No.: 13-6-2

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) 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 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 duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the districts have primary responsibility for controlling air pollution from nonvehicular 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 includes Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare, and western Kern Counties;

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 µg/m3 and 15 µg/m3, respectively;

WHEREAS, in April 2005, U.S. EPA designated the San Joaquin Valley Air Basin as nonattainment for both the 65 µg/m3 and 15 µg/m3 PM2.5 NAAQS;

WHEREAS, in 2008, the San Joaquin Valley Air Pollution Control District (District) and ARB adopted the 2008 PM2.5 Plan to fulfill the applicable requirements of the Act for a PM2.5 nonattainment area and transmitted it to U.S. EPA as a SIP revision;

WHEREAS, on November 9, 2011, U.S. EPA approved all elements of the 2008 PM2.5 Plan, except for the contingency measures;

WHEREAS, the Act requires that contingency measures provide emission reductions without further regulatory action if an area fails to make reasonable further progress or attainment milestones;

WHEREAS, U.S. EPA guidance suggests that the amount of contingency measure reductions be equivalent to about one year of reasonable further progress;

WHEREAS, the District developed the Quantification of Contingency Reductions for the 2008 PM2.5 Plan (PM2.5 Contingency Measures Update) to address the contingency measure disapproval for the 2008 PM2.5 Plan;

WHEREAS, the PM2.5 Contingency Measures Update documents that the reasonable further progress milestones were met;

WHEREAS, the PM2.5 Contingency Measures Update relies on emission reductions from adopted regulations occurring between 2014 and 2015, contingency provision in the District's Wood Burning Fireplaces and Wood Burning Heaters Rule, and incentive-based projects for attainment contingency;

WHEREAS, the PM2.5 Contingency Measures Update relies on emission reductions that occur without further regulatory action and are equivalent to about one year of reasonable further progress;

WHEREAS, U.S. EPA has directed the District to develop a rule to receive SIP credit for incentive programs;

WHEREAS, the District developed Rule 9610 – State Implementation Plan Credit for Emission Reductions Generated though Incentive Programs in order to receive SIP credit;

WHEREAS, Rule 9610 provides the administrative framework to report to U.S. EPA emission reductions achieved through incentive programs that are eligible for SIP credit;

WHEREAS, federal law set forth 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 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, as required by federal law, the District made the PM2.5 Contingency Measures Update available for public review at least 30 days before the District hearing;

WHEREAS, the District determined that the PM2.5 Contingency Measure Update is not a project subject to the California Environmental Quality Act;

WHEREAS, following a noticed public hearing on June 20, 2013, the District approved the PM2.5 Contingency Measures Update; and

WHEREAS, the Board finds that:

1. The PM2.5 Contingency Measures Update meets the applicable Clean Air Act requirements; and

2. The PM2.5 Contingency Measures Update documents that there are sufficient contingency measures that provide emission reductions without further regulatory action if the area fails to meet the attainment milestones.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the PM2.5 Contingency Measures Update as a revision to the California SIP and directs the Executive officer to transmit it to the U.S. EPA as a revision to the SIP.

BE IT FURTHER RESOLVED that ARB certifies, pursuant to 40 CFR section 51.102, that the PM2.5 Contingency Measures Update being submitted as a SIP revision was adopted after notice and public hearing as required by 40 CFR section 51.1.

I hereby certify that the above is a true and correct copy of Resolution 13-30, as adopted by the Air Resources Board.

Katie Estah

for Tracy Jensen, Clerk of the Board