State of California
AIR RESOURCES BOARD

Resolution 03-23

October 23, 2003

Agenda Item No.: 03-8-3

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, the 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, sections 39602 and 40460 of the Health and Safety Code also provide that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, sections 41650 and 40469 of the Health and Safety Code require the ARB to approve the nonattainment plan approved 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, the ARB has responsibility 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, the local air districts have primary responsibility for the control of 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 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, 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 South Coast Air Basin (SCAB) includes Orange County, the southwestern two-thirds of Los Angeles County, southwestern San Bernardino County, and western Riverside County;

WHEREAS, the South Coast Air Quality Management District (District) is the local air district with jurisdiction over the SCAB, and the Riverside County portion of the Salton Sea Air Basin (Coachella Valley), pursuant to sections 40410 and 40413 of the Health and Safety Code;

WHEREAS, the Southern California Association of Governments (SCAG) is the regional transportation agency for the SCAB and Coachella Valley and has responsibility for preparing and implementing transportation control measures to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling and traffic congestion for the purpose of reducing motor vehicle emissions pursuant to sections 40460(b) and 40465 of the Health and Safety Code;

WHEREAS, the SCAB is designated as a nonattainment area with a classification of "extreme" for the one-hour ozone NAAQS, "serious" for the inhalable particulate matter (PM10) 24-hour and annual NAAQS, and "serious" for the eight-hour carbon monoxide NAAQS;

WHEREAS, the Act requires the SCAB to attain the one-hour ozone NAAQS by November 15, 2010, the PM10 NAAQS by December 31, 2001, and the eight-hour carbon monoxide NAAQS by December 31, 2000;

WHEREAS, the Coachella Valley is designated as a nonattainment area with a classification of "serious" for the PM10 NAAQS;

WHEREAS, the Act requires the Coachella Valley to attain the PM10 NAAQS by December 31, 2001;

WHEREAS, the Act requires the Ozone SIP for the SCAB to include air quality and emissions data, a control strategy, a modeled attainment demonstration, rate of progress milestones, conformity emission budgets, and contingency measures;

WHEREAS, the Act requires the PM10 SIPs for the SCAB and Coachella Valley to include air quality and emissions data, a control strategy, a modeled

attainment demonstration, reasonable further progress milestones, conformity emissions budgets, and contingency measures;

WHEREAS, the Act requires the carbon monoxide SIP for the SCAB to include air quality and emissions data, a modeled attainment demonstration, a control strategy, conformity emissions budgets, and contingency measures;

WHEREAS, the Act requires the nitrogen dioxide SIP for the SCAB to include air quality and emissions data, a control strategy, conformity emissions budgets, and contingency measures;

WHEREAS, on November 8, 1996, the District adopted the 1997 Air Quality Management Plan (1997 AQMP), which included attainment demonstration SIPs for ozone, PM10, and carbon monoxide for the SCAB, a request to extend the federal PM10 attainment date for the SCAB from December 31, 2001 to December 31, 2006, and a nitrogen dioxide maintenance plan for the SCAB;

WHEREAS, the 1997 AQMP revised the emission inventory, modeling, and local control commitments in the attainment demonstration, and did not revise the State SIP commitments adopted in the 1994 SIP;

WHEREAS, the Board approved the 1997 AQMP on January 23, 1997, and submitted it to U.S. EPA as a SIP revision on February 5, 1997;

WHEREAS, U.S. EPA approved the carbon monoxide and nitrogen dioxide elements of the 1997 AQMP as revisions to the California SIP on April 21, 1998 and July 24, 1998, respectively;

WHEREAS, the District amended the ozone element of the 1997 AQMP on December 10, 1999; the Board approved this amendment on January 27, 2000, and U.S. EPA approved the resulting “1997/1999 Ozone SIP” on April 10, 2000;

WHEREAS, on June 7, 2002, the District adopted an updated implementation schedule and updated transportation conformity emission budgets for the PM10 elements of the 1997 AQMP (1997 PM10 Plan Update);

WHEREAS, on April 18, 2003, U.S. EPA approved the PM10 elements of the 1997 AQMP and the 1997 PM10 Plan Update, and granted an extension to December 31, 2006 of the PM10 attainment deadline for the SCAB (Federal Register, Vol. 68, No. 5);

WHEREAS, on June 21, 2002, the District adopted the 2002 Coachella Valley PM10 Plan and requested an extension of the PM10 attainment deadline from December 31, 2001 to December 31, 2006;

WHEREAS, on April 18, 2003, U.S. EPA approved the 2002 Coachella Valley PM10 Plan and granted an extension of the PM10 attainment deadline to December 31, 2006 for the Coachella Valley (Federal Register, Vol. 68, No. 5);

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 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to the U.S. EPA of any SIP revision;

WHEREAS, following a noticed public hearing on August 1, 2003, as required by the Act and U.S. EPA regulations the District adopted the Final 2003 Air Quality Management Plan for the SCAB (2003 Plan), which contains the following technical and local control strategy elements of the proposed 2003 SIPs:

1. Revisions to the applicable ozone SIP for the SCAB, including the local ozone control strategy, attainment demonstration, rate-of-progress demonstrations, emission inventory, and conformity emissions budgets;

2. Revisions to the applicable PM10 SIP for the SCAB, including the local control strategy, attainment demonstration, rate-of-progress demonstrations, emission inventory, and conformity emission budgets;

3. Revisions to the applicable carbon monoxide SIP for the SCAB, including the local control strategy, attainment demonstration, emission inventory, and conformity emission budgets;

4. Revisions to the applicable nitrogen dioxide maintenance SIP for the SCAB, including conformity emission budgets;

WHEREAS, the 2003 Plan relied upon the measures and emission reductions identified in the Proposed 2003 State and Federal Strategy for the California SIP (Proposed Statewide Strategy) released on May 12, 2003 as a placeholder pending final ARB action to adopt new commitments;

WHEREAS, on August 25, 2003, ARB staff released a revised Statewide Strategy that incorporated changes based on public comments; such changes include references to recent ARB action on emission reduction commitments to reduce particulate matter pollution in the San Joaquin Valley, low-sulfur

standards for diesel fuel, consolidation of two measures targeting large off-road spark-ignition engine emissions, further definition of ARB's proposal concerning long-term emission reductions for the South Coast Air Basin, and other minor updates and corrections;

WHEREAS, in response to public comments, on October 23, 2003, ARB staff proposed changes to the revised Statewide Strategy and the Board increased the State commitments to reduce reactive organic gases (ROG) and oxides of nitrogen (NOx) in the SCAB in 2010, as described in Attachment A to Resolution 03-22;

WHEREAS, in Resolution 03-22, the Board adopted the Final Statewide Strategy, which incorporated the aforementioned modifications;

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, the District prepared an Environmental Impact Report (EIR) for the 2003 Plan, pursuant to CEQA, which sets forth the potential adverse environmental impacts identified in the EIR and related documents, as well as methods and procedures for monitoring and reporting on the mitigation measures;

WHEREAS, the District has prepared and adopted a Mitigation, Monitoring, and Reporting Plan for the 2003 Plan, which sets forth measures to mitigate the adverse environmental impacts of adopting and implementing the 2003 Plan;

WHEREAS, the District approved and certified the 2003 Plan EIR on August 1, 2003, after a public review and comment period as required by CEQA;

WHEREAS, on August 1, 2003, following a noticed public hearing, the District adopted the 2003 Coachella Valley PM10 Plan, which revises the applicable PM10 SIP for Coachella Valley, including the attainment demonstration, emission inventory, and conformity emission budgets;

WHEREAS, on August 1, 2003, the District certified a Notice of Exemption (NOE) for the 2003 Coachella Valley PM10 Plan, pursuant to CEQA Guidelines Section 15002(k), based on its determination that the plan is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), since it does not alter the

2002 Coachella Valley PM10 Plan control strategy, and it can be determined with certainty that there is no possibility that the plan has the potential to have a significant adverse effect on the environment;

WHEREAS, the 2003 Coachella Valley PM10 Plan was available for public review and comment for at least 30 days, and a noticed public hearing was conducted in the Coachella Valley prior to its consideration by the District Board, as required by the Act and U.S. EPA regulations;

WHEREAS, the 2003 Plan and 2003 Coachella Valley PM10 Plan were submitted to ARB as SIP revisions on August 7, 2003 and August 8, 2003, respectively, along with proof of public notice publication and environmental documents in accordance with State and federal law;

WHEREAS, the Board finds that:

1. Combined emissions of ROG and NOx are projected to decline by over 960 tons per day (tpd), between 1997 and 2010 due to adopted State, federal, and local controls.

2. As part of the Final Statewide Strategy, ARB approved a State commitment to develop 19 new near-term ARB measures and one new BAR measure and to adopt these or other strategies by 2006 to achieve an additional 50 tpd ROG and 59 tpd NOx emission reductions in the SCAB in 2010, based on the summer planning inventory in the 2003 Plan.

3. As part of the Final Statewide Strategy, ARB also approved a State commitment to achieve an additional 97 tpd of combined ROG and NOx reductions in the South Coast Air Basin by 2010 from new measures to be adopted between 2005 and 2008, as set forth in Attachment A-7 to Resolution 03-22.

4. As part of the Final Statewide Strategy, ARB also approved a State commitment to evaluate additional control concepts between 2004 and 2006 as set forth in Attachment A-1 to Resolution 03-22. Measures found to be feasible will be brought to the Board for its consideration between 2005 and 2009; staff's feasibility evaluation will include analyses of cost-effectiveness, potential emission benefits, technical feasibility, socioeconomic impacts and environmental justice considerations as well as the identification of funding and legal constraints.

5. As part of the Final Statewide Strategy, ARB approved staff's proposal that the State achieve up to 66 tpd of the long-term ROG plus NOx

reduction commitment in the South Coast Air Basin in 2010 from concepts (including those described in Attachment A-1 of Resolution 03-22) that would require new authority or funding to implement, contingent on obtaining adequate authority and funding.

6. The Final Statewide Strategy provides more ROG and NOx reductions from new State measures to be adopted by 2008 than assumed in the 2003 Plan. These commitments will be submitted to U.S. EPA as a revision to the SIP as provided in Resolution 03-22.

7. The 2003 Plan includes a commitment by the District to achieve 5.4 tpd ROG, 1.02 tpd PM10, and 2.1 tpd sulfur oxides (SOx) emission reductions in the SCAB by 2006, and 21.5 tpd ROG, 5.1 tpd NOx, 2.2 tpd PM10, and 2.1 tpd SOx emission reductions in the SCAB in 2010 from new near-term measures.

8. The 2003 Plan includes a commitment by SCAG to achieve 15.7 tpd ROG and 7.8 tpd NOx emission reductions in the SCAB in 2010 from its Regional Transportation Plan, including transportation control measures.

9. Adopted regulations, together with enforceable near-term commitments to adopt and implement defined new state and local measures, will achieve over 70 percent of the ROG and NOx emission reductions needed, between 1997 and 2010, to attain the ozone NAAQS in the SCAB.

10. Section 182(e)(5) of the Act provides that SIPs for "extreme" ozone nonattainment areas may rely in part upon the development of new technologies or the improvement of existing technologies.

11. Sources under District authority contribute 20 percent of total SCAB ROG and NOx emissions in 2010. The 2003 Plan includes a commitment by the District to achieve 31 tpd ROG reductions in the SCAB in 2010 from new long-term measures. The District's near-term and long-term commitments contribute 10 percent of the total ROG and NOx emission reductions needed to attain the ozone NAAQS.

12. Sources of emissions under the legal or practical authority of the federal government account for 31 percent of NOx emissions and 8 percent of ROG emissions in the SCAB in 2010, and significant emission reductions from these sources are necessary. ARB and the District expect the federal government to achieve additional reductions of 18 tpd ROG and 68 tpd NOx from sources under its jurisdiction in the SCAB in 2010. The

2003 Plan and the Final Statewide Strategy define this level of future emission reductions as the federal obligation.

13. The ARB is charged with ensuring California's SIP compliance, and is thus ultimately responsible for ensuring that the remaining necessary long-term measures are identified by 2007 and the emission reductions achieved by 2010.

14. In Resolution 03-22**,** ARB committed to assume overall responsibility to assure that measures are identified by 2007 and implemented by 2010 to achieve the remaining reductions needed for ozone attainment in the South Coast.

15. The ARB will continue working with the U.S. EPA and other federal agencies on both near-term activities and the long-term strategy; however, ARB does not yet have assurance that the federal government will achieve its emission reduction targets in the needed timeframe.

16. If U.S. EPA does not accept the District's primary attainment strategy (called Option 1) that sets emission targets based on reductions from local, State, and federal elements, the District created an alternative strategy (Option 2) that excludes reductions from federal sources and modifies the attainment emission targets. If Option 2 is triggered, the District proposes to relax the NOx control target by 68 tpd NOx (the federal responsibility) and assign the 18 tpd ROG reductions to ARB.

17. The attainment emission targets in Option 1 provide the greatest protection for public health and the best foundation for meeting multi-pollutant objectives, including attainment of the upcoming federal fine particulate and eight-hour ozone standards. Because stringent NOx control is essential for addressing the threat from fine particulate pollution, the Final Statewide Strategy adopted by the Board allows the federal reductions of 18 tpd ROG and 68 tpd NOx to be added to the ARB long-term commitment if U.S. EPA does not agree to carry out its legal responsibility. The State is providing this backstop as part of the Option 1 attainment strategy in order to maintain the primary attainment emission targets without modification at this time.

WHEREAS, the Board further finds that:

The ARB has reviewed and considered the 2003 Plan along with the EIR prepared for the Plan, as well as the significant issues raised in oral and

written comments presented by interested persons and ARB staff, and finds that the 2003 Plan is consistent with the requirements of the Act;

ARB finds that the EIR, together with the Mitigation, Monitoring, and Reporting Plan prepared for the 2003 Plan meets the requirements of CEQA, and environmental documentation for individual measures identified in the Plan will be prepared as necessary as each new measure is considered for adoption;

Whereas, the technical and local control strategy elements of the 2003 Plan, together with the commitments for the SCAB in the Final Statewide Strategy, comprise the proposed 2003 Revision to the Ozone SIP for the SCAB (2003 Ozone SIP); and

The ARB finds that the Notice of Exemption prepared for the 2003 Coachella Valley PM10 Plan meets the requirements of CEQA.

NOW THEREFORE BE IT RESOLVED, the Board hereby approves the 2003 Ozone SIP as a revision to the California SIP.

BE IT FURTHER RESOLVED, that the Board does not commit to adopt or implement measures in the 2003 Plan for which the District has listed ARB as an implementing agency, but which were not included in the Final Statewide Strategy. These include control measures TCB-01 - Transportation Conformity Backstop Measure, CTY-01 - Accelerated Implementation of Control Measures, and CTY-04 - Enhanced Oxygenated Fuels Content.

BE IT FURTHER RESOLVED, that the Board modifies the 2010 ozone transportation conformity emission budgets for NOx from 364 tpd to 352 tpd and for ROG from 156 to 155 to reflect the on-road State commitment to achieve an additional 12 tpd NOx reductions from ON-RD-HVY-DUTY-3 and LT/MED-DUTY-1, and achieve an additional 1 tpd ROG reductions from LT/MED-DUTY-1, as provided in Resolution 03-22.

BE IT FURTHER RESOLVED, that the Board urges U.S. EPA approve the Option 1 attainment demonstration and achieve the full emission reductions identified as the federal obligation. The State is providing this backstop as part of the Option 1 attainment strategy in order to maintain the primary attainment emission targets without modification at this time.

BE IT FURTHER RESOLVED, that the Board hereby adopts the technical and local control strategy elements for PM10, carbon monoxide, and nitrogen dioxide

in the District's 2003 Plan, as well as the 2003 Coachella Valley PM10 Plan, as revisions to the California SIP.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to submit as SIP revisions the 2003 South Coast SIP and 2003 Coachella Valley PM10 Plan, together with the appropriate supporting documentation to the U.S. EPA, to update and entirely replace the ozone, PM10, and carbon monoxide attainment demonstration plans and nitrogen dioxide maintenance plan for the SCAB and the PM10 attainment plan for the Coachella Valley and to work with the U.S. EPA to resolve any issues regarding plan completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board directs staff to work with the District, SCAG, and other stakeholders to update the ozone elements of the 2003 South Coast SIP by 2007, including the emission inventory, attainment demonstration, control strategy, and transportation conformity budgets.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer, as part of the plan submittal to U.S. EPA, to request expedited adequacy findings for the conformity emission budgets.

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Officer to include in the submittal any technical corrections, clarifications, or additions that staff or the local agencies may subsequently provide to secure U.S. EPA approval, provided such changes do not reduce the effectiveness of the control strategy in the 2003 South Coast SIP or 2003 Coachella Valley PM10 Plan adopted by the Board.

BE IT FURTHER RESOLVED, that the Board hereby certifies pursuant to 40 CFR section 51.102 that the 2003 South Coast SIP and 2003 Coachella Valley PM10 Plan were 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 03-23, as adopted by the Air Resources Board.

/s/

Stacey Dorais, Clerk of the Board