State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-125-304

Adoption and Submittal of New State Commitments for the San Joaquin Valley

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 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, the 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, section 41712 of the Health and Safety Code section authorizes the ARB to control volatile organic compound emissions from consumer products, and Health and Safety Code section 39650 et seq. authorizes the ARB to control toxic air contaminants;

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 Bureau of Automotive Repair (BAR) is authorized to adopt, implement, and enforce an enhanced vehicle inspection and maintenance (I/M) program pursuant to Health and Safety Code section 44000 et seq.;

WHEREAS, the Act requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for the San Joaquin Valley that achieves expeditious attainment of the NAAQS for particulate matter ten microns or less (PM10) and reduces PM10 or PM10 precursors by five percent per year until attainment;

WHEREAS, on June 19, 2003, the San Joaquin Valley Unified Air Pollution Control District (District) adopted the 2003 San Joaquin Valley PM10 Plan (2003 PM10 Plan) to fulfill the Act's requirement for an attainment demonstration plan for PM10 nonattainment areas classified as serious;

WHEREAS, the District's 2003 PM10 Plan relies on the adopted State control program and proposed new State commitments to achieve the majority of the emission reductions needed for attainment;

WHEREAS, on May 12, 2003, ARB staff released for public review the Proposed 2003 State and Federal Strategy for the California State Implementation Plan (Statewide Strategy), which includes a proposed State commitment in Section I.D.2 for new measures and emission reductions to help attain the PM10 NAAQS in the San Joaquin Valley by 2010;

WHEREAS, on June 26, 2003, the Board held a public hearing to consider the proposed Statewide Strategy for the San Joaquin Valley PM10 SIP;

WHEREAS, in response to public comment, at the June 26, 2003, hearing, the ARB staff proposed a modification to the proposed Statewide Strategy for the San Joaquin Valley PM10 SIP; the modification consolidated the two off-road measures for large spark-ignited equipment, OFF-RD LSI-2 and OFF-RD LSI-3, into a single measure titled OFF-RD LSI-2 Clean Up Off-Road Gas Equipment Fleet Through Retrofit Controls and New Emission Standards (Spark Ignition Engines 25 hp and Greater);

WHEREAS, following the June 26, 2003, public hearing, the Board adopted Resolution 03-14, which is appended to this Executive Order as Appendix A;

WHEREAS, the recitals set forth in Resolution 03-14 describe the proposed Statewide Strategy for the San Joaquin Valley PM10 SIP, and Attachment A to Resolution 03-14 summarizes the revised proposal for new State measures and emission reductions, including a description of the consolidated OFF-RD LSI-2 measure which was made available to the public at the June 26, 2003, hearing prior to public testimony and Board action;

WHEREAS, federal law as set forth in section 110(l) of the Act and title 40, C.F.R., 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 U.S. EPA of any SIP revision;

WHEREAS, the Statewide Strategy, which includes the contents of the proposed SIP revision, the requirements applicable to the SIP revision, and the environmental impacts of the defined statewide measures, along with alternatives and mitigation to reduce such impacts, was available for public review 45 days prior to the June 26, 2003, 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 considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts;

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, prior to close of the June 26, 2003, Board hearing, ARB received written comments raising significant environmental issues related to the proposed Statewide Strategy for the San Joaquin Valley PM10 SIP;

WHEREAS, in Resolution 03-14 the Board directed the Executive Officer to prepare and approve written responses to all significant environmental issues that have been raised, and then to either: (1) return the proposed SIP revision to the Board for further consideration if she determines that this is warranted, or (2) take final action to approve the SIP revision with such modifications as may be appropriate in light of the issues raised, including appropriate modifications to assure that all feasible mitigation measures or feasible alternatives that would substantially reduce any significant adverse environmental impacts have been incorporated into the final action;

WHEREAS, once final action has been taken to approve the SIP revision, Resolution 03-14 directed the Executive Officer to forward the ARB and BAR commitments to the U.S. EPA for inclusion in the SIP to be effective, for purposes of federal law, upon approval by the U.S. EPA;

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 03-14 are incorporated by reference herein, including the findings pursuant to CEQA that are set forth on pages 4 and 5 of Resolution 03-14;

BE IT FURTHER ORDERED that pursuant to CEQA, the Executive Officer has prepared and hereby approves the written responses to significant environmental issues that have been raised regarding the new statewide measures included in this SIP revision, as set forth in Appendix B hereto;

BE IT FURTHER ORDERED that, in consideration of the written responses to significant environmental issues: (1) returning the proposed SIP revision to the Board for further consideration is not warranted, and (2) no modifications to the proposed SIP revision are appropriate in light of the issues that have been raised, except for the modifications set forth in Attachment A to Resolution 03-14, and (3) it is appropriate to take final action to adopt the proposed SIP revision;

BE IT FURTHER ORDERED that the Executive Officer hereby adopts the SIP commitments set forth in section I.D.2 of the Proposed 2003 State and Federal Strategy for the California State Implementation Plan, as modified in Attachment A to Resolution 03-14, including:

1. a commitment to achieve additional emission reductions in the San Joaquin Valley of 10 tpd of NOx and 0.5 tpd of direct PM10 by 2010.

2. a commitment that ARB staff will submit to the Board and propose for adoption the statewide ARB control measures set forth in Attachment A by the dates identified therein, except that for measure LT/MED-DUTY-1, the ARB staff commits to complete the pilot program and propose a control measure to the Board if the Executive Officer determines the approach described to be feasible and effective; and

3. a commitment by BAR to improve the existing Enhanced I/M program; this commitment would replace prior State SIP commitments for an Enhanced I/M program in the San Joaquin Valley with the combined benefits of the existing program, plus BAR's commitment to improve the existing program by achieving additional reductions.

BE IT FURTHER ORDERED that the ARB hereby submits these ARB and BAR commitments to the U.S. EPA for inclusion in the SIP to be effective, for purposes of federal law, upon approval by the U.S. EPA.

BE IT FURTHER ORDERED that the ARB certifies pursuant to 40 C.F.R. section 51.102 that the State elements being submitted as a SIP revision were adopted after notice and public hearing as required by 40 C.F.R. section 51.102.

Executed at Sacramento, California this 15th day August, 2003.

Catherine Witherspoon
Executive Officer