

PROPOSED

State of California
AIR RESOURCES BOARD

**SUPPLEMENTAL DOCUMENT FOR THE SAN JOAQUIN VALLEY
24-HOUR PM2.5 STATE IMPLEMENTATION PLAN**

Resolution 14-37

October 24, 2014

Agenda Item No.: 14-8-8

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 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 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 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 December 2006, the U.S. Environmental Protection Agency (U.S. EPA) lowered the 24-hour PM_{2.5} NAAQS from 65 ug/m³ to 35 ug/m³;

WHEREAS, effective December 14, 2009, U.S. EPA designated the San Joaquin Valley Air Basin (SVJ) as nonattainment for the 35 ug/m³ 24-hour PM_{2.5} NAAQS;

WHEREAS, in March 2007, U.S. EPA finalized the PM_{2.5} implementation rule (Rule), which established the framework and requirements that states must meet in developing PM_{2.5} SIPs based on the provisions of Subpart 1 of the Act;

WHEREAS, on March 2, 2012, U.S. EPA issued a memorandum that provided further guidance on developing SIPs for the 35 ug/m³ 24-hour PM_{2.5} NAAQS and set an initial attainment date of 2014, with a provision for an attainment date extension to 2019;

WHEREAS, on December 20, 2012, the District prepared and adopted the San Joaquin Valley 2012 PM_{2.5} Plan (2012 PM_{2.5} Plan) to fulfill the planning requirements of Subpart 1 of the Act consistent with the Rule for the 35 ug/m³ 24-hour PM_{2.5} NAAQS;

WHEREAS, the 2012 PM_{2.5} Plan included, evaluations of all PM_{2.5} precursors, reasonable available control measure (RACM) analysis for sources emitting directly emitted PM_{2.5} and significant precursors, reasonable further progress (RFP) milestones and contingency measures;

WHEREAS, the 2012 PM_{2.5} Plan included analysis showing that 2019 is the most expeditious attainment date practicable and included an attainment demonstration for 2019;

WHEREAS, on January 4, 2013, the U.S. Court of Appeals, D.C. Circuit found that U.S. EPA erred in solely implementing the PM_{2.5} 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 January 24, 2013, the Board determined that it was appropriate to approve the 2012 PM_{2.5} Plan at that time and later provide any necessary supplemental information once U.S. EPA provided guidance in response to the D.C. Circuit Court decision;

WHEREAS, on March 4, 2013, ARB transmitted the SVJ 2012 PM_{2.5} Plan to U.S. EPA;

WHEREAS, on June 6, 2013, U.S. EPA withdrew the March 2, 2012 implementation guidance for the 35 ug/m³ 24-hour PM_{2.5} NAAQS and directed states to use the 1992 General Preamble and 1994 Addendum for PM₁₀ implementation guidance under Subpart 4 to implement the 35 ug/m³ 24-hour PM_{2.5} NAAQS;

WHEREAS, on June 2, 2014, U.S. EPA classified the SJV as a moderate nonattainment area for the 35 ug/m³ 24-hour PM_{2.5} NAAQS and set a December 31, 2014 deadline for SIP submissions meeting the moderate area requirements pursuant Subpart 4;

WHEREAS, on September 18, 2014, the District adopted the Supplemental Document: Clean Air Act Subpart 4: The 2012 PM_{2.5} Plan for the 2006 PM_{2.5} Standard and District Rule 2201 (New and Modified Stationary Source Review) (Supplemental Document) which shows that the 2012 PM_{2.5} Plan satisfies Subpart 4 requirements for a moderate PM_{2.5} nonattainment area;

WHEREAS, Subpart 4 of the Act establishes a moderate area attainment date of December 31, 2015, and a serious area attainment date of December 31, 2019, for the 35 ug/m³ 24-hour PM_{2.5} NAAQS;

WHEREAS, per Subpart 4 of the Act, U.S. EPA can classify a moderate nonattainment area as serious if the area cannot practicably attain by the 2015 moderate area deadline;

WHEREAS, the 2012 PM_{2.5} Plan included an analysis that 2019 is the most expeditious attainment date and the Supplemental Document further discusses that reaching attainment in the SJV by the moderate attainment date of 2015 is impracticable, and therefore a serious attainment date aligned with 2012 PM_{2.5} Plan 2019 attainment date is more appropriate;

WHEREAS, the Supplemental Document includes a request from the District to classify the SJV as a serious nonattainment area for the 35ug/m³ 24-hour PM_{2.5} NAAQS;

WHEREAS, Subpart 4 of the Act requires that all PM_{2.5} precursors must be evaluated for control measures unless they are not considered significant;

WHEREAS, the Supplemental Document summarizes the information in the 2012 PM_{2.5} Plan that demonstrates based on a large body of scientific evidence, including technical analyses and photochemical modeling, that reductions in ammonia and reactive organic gases would not significantly advance PM_{2.5} attainment in the SJV;

WHEREAS, the Supplemental Document substantiates that the 2012 PM_{2.5} Plan meets the precursor requirements in Subpart 4 as it includes directly emitted PM_{2.5}, sulfur oxides (SO_x), and nitrogen oxides (NO_x) as the significant precursors to control;

WHEREAS, the 2012 PM2.5 Plan includes a RACM demonstration for PM2.5, NOx, and SOx as required for moderate nonattainment areas under Subpart 4;

WHEREAS, the 2012 PM2.5 Plan RFP milestones meet the requirement for quantitative milestones under Subpart 4;

WHEREAS, the 2012 PM2.5 Plan contingency measures meet the requirements for contingency measures under Subpart 4;

WHEREAS, U.S. EPA also set a deadline of December 31, 2014 for the District to demonstrate their permitting program complies with Subpart 4 requirements;

WHEREAS, the Supplemental Document shows that the District New Source Review Rule 2201 satisfies Subpart 4 moderate area requirements by including NOx and SOx as PM2.5 precursors for permitting requirements, and by including the appropriate emission thresholds for PM2.5, NOx, and SOx;

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 of notice and opportunity for public review, must be conducted before adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, as required by federal law, the District made the Supplemental Document available for public review at least 30 days before the District hearing;

WHEREAS, following a public hearing on September 18, 2014, the Governing Board of the District voted to approve the Supplemental Document including a request to classify the SJV as serious for the 35 ug/m³ 24-hour PM2.5 NAAQS;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, the District determined that the Supplemental Document is not a project subject to CEQA;

WHEREAS, on September 19, 2014, the District transmitted the Supplemental Document to ARB as a SIP revision, along with proof of public notice publication in accordance with federal law; and

WHEREAS, the Board finds that:

1. The Supplemental Document demonstrates that all of the elements in the previously adopted 2012 PM2.5 Plan meet the requirements for a moderate

nonattainment area under Subpart 4 provisions of the Clean Air Act because it substantiates that:

- a. The 2012 PM2.5 Plan meets the precursor requirements in Subpart 4 since all precursors were evaluated for control and demonstrated that directly emitted PM2.5, SOx, and NOx are the significant precursors to control to reach attainment, and further ammonia and ROG reductions would not significantly advance PM2.5 attainment in the SJV; and
 - b. The 2012 PM2.5 Plan includes a RACM demonstration for significant precursors; RFP milestones that meet the requirement for quantitative milestones under Subpart 4; and contingency measures that meet the requirements under Subpart 4.
2. The District request for classification as a serious nonattainment area is consistent with the attainment demonstration in the 2012 PM2.5 Plan because, 2019 is the most expeditious attainment date and the moderate attainment date of 2015 is impracticable.
 3. The District New Source Review Rule 2201 satisfies Subpart 4 moderate area requirements by including NOx and SOx as PM2.5 precursors for permitting requirements, and by including the appropriate emission thresholds for PM2.5, NOx, and SOx.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the Supplemental Document and the District request to classify the SJV as a serious nonattainment area as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the Supplemental Document as adopted by the District 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 Supplemental Document was adopted after notice and public hearing as required by 40 CFR section 51.102.