

PROPOSED

State of California
AIR RESOURCES BOARD

70 Parts Per Billion Ozone State Implementation Plan Submittal

Resolution 20-17

June 25, 2020

Agenda Item No.: 20-6-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, CARB 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. § 7401 et seq.), and to this end is directed by the Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (districts) as 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, CARB has responsibility pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code for ensuring that the districts meet their responsibilities under the Act;

WHEREAS, CARB 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 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, in 2015, the United States Environmental Protection Agency (U.S. EPA) lowered the 8-hour NAAQS for ground-level ozone from 75 to 70 parts per billion (ppb);

WHEREAS, effective August 3, 2018, U.S. EPA designated the following 19 areas of California as nonattainment of the 70 ppb 8-hour ozone NAAQS: Amador County, Butte County, Calaveras County, Imperial County, Kern County (Eastern Kern), Los Angeles-San Bernardino Counties (West Mojave Desert), Los Angeles-South Coast Air Basin, Mariposa County, Nevada County (Western part), Riverside County (Coachella Valley), Sacramento Metro, San Diego, San Francisco Bay Area, San Joaquin Valley, San Luis Obispo (Eastern part), Sutter Buttes, Tuolumne County, Tuscan Buttes, and Ventura County;

WHEREAS, section 182(a)(1) of the Act, 42 U.S.C. section 7511a(a)(1), requires States and local governments to prepare volatile organic gases (VOC) and oxides of nitrogen (NOx) baseline emission inventories for all areas exceeding the NAAQS for ozone within two years of nonattainment designations;

WHEREAS, based upon the August 3, 2018, designation date for the 19 nonattainment areas identified above, the baseline emission inventories for these areas are due to U.S. EPA by August 3, 2020;

WHEREAS, the federal regulations in Title 40, Code of Federal Regulations (CFR), Part 51, set forth the requirements for preparation, adoption, and submittal of implementation plans as follows:

40 CFR, Part 51, subpart A, set forth the requirements for air emissions reporting under the Act; and

40 CFR, Part 51, Subpart CC, set forth that at the time of designation as nonattainment for an ozone NAAQS, the baseline emissions inventory shall be the emissions inventory for the most recent calendar year for which a complete triennial inventory is required to be submitted to the U.S. EPA or a year that corresponds with the year of the effective date of designation as nonattainment;

WHEREAS, CARB, in conjunction with the districts, has developed the 70 ppb Ozone SIP Submittal, in part, to address the baseline emission inventory requirements for the non-attainment areas in California, except San Diego County, to address the requirements of the Act;

WHEREAS, CARB selected 2017, which the most recent triennial National Emissions Inventory (NEI) year, as the baseline inventory year;

WHEREAS, this submittal contains the most up-to-date information of 2017 reactive organic gases (ROG) and NOx emissions for the following designated 8-hour ozone nonattainment areas: Amador County, Butte County, Calaveras County, Imperial County, Kern County (Eastern Kern), Los Angeles-San Bernardino Counties (West Mojave Desert), Los Angeles-South Coast Air Basin, Mariposa County, Nevada County (Western part), Riverside County (Coachella Valley), Sacramento Metro, San Francisco

Bay Area, San Joaquin Valley, San Luis Obispo (Eastern part), Sutter Buttes, Tuolumne County, Tuscan Buttes, and Ventura County;

WHEREAS, section 182(d)(1)(a) of the Act 42 U.S.C. section 7511a(d)(1), requires SIPs to submit enforceable transportation control strategies and transportation control measures to offset any growth in emissions from growth in Vehicle Miles Traveled (VMT) or number of vehicle trips (VMT Emissions Offset Demonstration) within two years for Severe or Extreme designated ozone nonattainment areas;

WHEREAS, four nonattainment areas were designated as Severe or Extreme for the 70 ppb 8-hour ozone standard: Los Angeles-South Coast Air Basin, Riverside County (Coachella Valley), Los Angeles-San Bernardino Counties (West Mojave Desert), and San Joaquin Valley;

WHEREAS, based upon the August 3, 2018, designation date for the nonattainment areas, the VMT Emissions Offset Demonstrations for the four areas identified above are due to U.S. EPA by August 3, 2020;

WHEREAS, consistent with the Act, CARB, in consultation with the respective metropolitan planning organizations and districts, has developed the 70 ppb Ozone SIP submittal, in part, to address the VMT Emissions Offset Demonstration for 70 ppb 8-hour ozone standard;

WHEREAS, the VMT Emissions Offset Demonstration contains the most up-to-date information for the following designated 8-hour ozone nonattainment areas: Los Angeles-South Coast Air Basin, Riverside County (Coachella Valley), and San Joaquin Valley;

WHEREAS, CARB and the metropolitan planning organization are still working to complete the VMT Offset Emissions Demonstration for West Mojave Desert and will submit it at a later date:

WHEREAS, the 70 ppb Ozone SIP Submittal includes both the VMT Emissions Offset Demonstration and the baseline emission inventories for all of the 70 ppb 8-hour ozone nonattainment areas excluding San Diego County;

WHEREAS, federal law set forth in section 110(1) of the Act, 42 U.S.C. section 7410(l), and Title 40, 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 the U.S. EPA of any SIP revision;

WHEREAS, as required by federal law, CARB made the 70 ppb Ozone SIP Submittal available for public review at least 30 days prior to the Board hearing;

WHEREAS, the 70 ppb Ozone SIP Submittal was released to the public on May 22, 2020;

WHEREAS, the Board finds that the 70 ppb Ozone SIP Submittal meets all applicable ozone planning requirements established by the Act in that it includes the 2017 baseline planning emission inventories (in tons/day) for the two precursors to ozone formation, NO_x and ROG_s, for the 18 areas in California designated nonattainment for the 8-hour NAAQS for ground-level ozone on August 3, 2018;

WHEREAS, the Board finds that the VMT Emissions Offset Demonstration meets all applicable requirements established by the Act in that it includes the calculations for ROG emissions, adopted transportation control strategies and transportation control measures for the Severe and Extreme ozone nonattainment areas in California for 2015 8-hour Ozone Standard;

WHEREAS, for all areas classified as Moderate or above for the 8-hour ozone NAAQS, the Act requires states to develop a SIP within the next four years (August 3, 2022);

WHEREAS, CARB and the districts will continue to improve the emission inventory during the SIP development process and any inventory updates will be submitted to U.S. EPA with those SIPs;

WHEREAS, the Board finds that:

CARB has reviewed and considered the 70 ppb Ozone SIP Submittal, along with comments presented by affected parties through public workshops, individual meetings, and other outreach efforts, and finds that it meets the requirements of the Act; and

The proposal is consistent with CARB's environmental justice policies and do not disproportionately impact people of any race, culture, or income.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the 70 ppb Ozone SIP Submittal, released on May 22, 2020.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the 70 ppb Ozone SIP Submittal to U.S. EPA for inclusion in the California 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 districts and U.S. EPA to 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 certifies under 40 C.F.R. section 51.102 that the 70 ppb Ozone SIP Submittal was adopted after notice and public hearing as required by 40 C.F.R. section 51.102.