

Proposed

State of California
Air Resources Board

South Coast PM10 Maintenance Plan State Implementation Plan Revision

Resolution 21-13

June 24, 2021

Agenda Item No.: 21-5-1

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 Standard (NAAQS) as required by the federal Clean Air Act (Act) (42 U.S.C. § 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) as necessary to comply with the Act;

Whereas, Health and Safety Code section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

Whereas, Health and Safety Code section 41650 requires CARB to approve the nonattainment area 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 in the Act;

Whereas, CARB has responsibility pursuant to Health and Safety Code sections 39002, 39500, 39602, and 41650 for ensuring that the districts meet their responsibilities under the Act;

Whereas, CARB 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, Health and Safety Code sections 39515 and 39516 provide that any power, duty, purpose, function, or jurisdiction of the Board may be delegated to the CARB 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 Health and Safety Code sections 39002, 40000, 40001, 40701, 40702, and 41650;

Whereas, the California Code of Regulations, title 17, section 60104 defines the South Coast Air Basin (South Coast) as 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 district with jurisdiction over the South Coast pursuant to Health and Safety Code sections 40410 and 40412;

Whereas, Health and Safety Code section 40469(a) requires CARB to determine the adequacy of the nonattainment area plan adopted by the District to meet the requirements of State law and the Act;

Whereas, the Southern California Association of Governments (SCAG) is the regional transportation agency for the South Coast 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 Health and Safety Code sections 40460(b) and 40465;

Whereas, on July 31, 1987, the United States Environmental Protection Agency (U.S. EPA) promulgated the 24-hour PM10 NAAQS of 150 micrograms per cubic meter (PM10 standard);

Whereas, on November 15, 1990, the South Coast was designated nonattainment for the PM10 standard;

Whereas, on January 8, 2010, the District adopted the 2009 South Coast PM10 Redesignation Request and Maintenance Plan (2009 PM10 Maintenance Plan) demonstrating that the South Coast attained the PM10 standard;

Whereas, on March 25, 2010, CARB adopted the 2009 PM10 Maintenance Plan and submitted it to U.S. EPA on April 28, 2010;

Whereas, on July 26, 2013, U.S. EPA approved the 2009 PM10 Maintenance Plan and designated the South Coast as attainment for the PM10 standard;

Whereas, section 175A(b) of the Act requires that areas redesignated to attainment must, after eight years from redesignation, submit a SIP revision demonstrating the area will remain in attainment for an additional ten years after the initial 10-year maintenance period (second maintenance plan);

Whereas, on May 4, 2021, the District released the second maintenance plan, the *Draft Final 2021 PM10 Maintenance Plan for the South Coast Air Basin* (2021 PM10 Plan) for 30-day public review;

Whereas, the 2021 PM10 Plan meets requirements of the Act for a PM10 maintenance plan and includes: a maintenance demonstration; a commitment to operating the monitoring network in the future; a verification of continued attainment; and a contingency plan that can promptly correct any violation of the PM10 standard that occurs through the maintenance period;

Whereas, section 176(c) of the Act requires transportation conformity to be demonstrated for maintenance plans;

Whereas, due to the timing of data availability and the required interagency consultation process, the motor vehicle emissions budgets required for transportation conformity were not included in the 2021 PM10 Plan;

Whereas, the CARB staff report, *CARB Review of the South Coast PM10 Maintenance Plan SIP Revision* (Staff Report), released on May 14, 2021, includes motor vehicle emission budgets for the South Coast for all milestone years included in the 2021 PM10 Plan, 2023, 2031 and 2035 along with a review of the 2021 PM10 Plan;

Whereas, the motor vehicle emission budgets in the Staff Report were developed through consultation between the District, CARB, SCAG, and U.S. EPA, and conform to maintenance emission levels in the 2021 PM10 Plan;

Whereas, federal law set forth in section 110(a)(1) of the Act and Title 40, Code of Federal Regulations, section 51.102, requires that one or more public hearings, preceded by at least a 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, on June 4, 2021, the District Governing Board approved the 2021 PM10 Plan;

Whereas, CARB staff has concluded that, together with the Staff Report, the 2021 PM10 Plan satisfies the requirements of the Act for a second maintenance plan;

Whereas, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of NAAQS, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; Cal. Code Regs., tit. 14, § 15251(d)), and CARB conducts its CEQA review according to this certified program (Cal. Code Regs., tit. 17, §§ 60000–60008);

Whereas, to meet its obligations under CEQA, the District determined that pursuant to CEQA Guidelines Sections 15002(k) and 15061, the 2021 PM10 Plan is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308. In addition, the

District determined there is no substantial evidence indicating that any of the exceptions in CEQA Guidelines Section 15300.2 apply to the proposed project;

Whereas, CARB has determined that its subsequent approval of the 2021 PM10 Plan is a "ministerial" approval for purposes of CEQA (Cal. Code Regs., tit. 14, § 15268) because CARB's review is limited to determining if the plan meets the requirements of the Act, and CARB lacks authority to modify or not approve the plan in response to environmental concerns; and

Whereas, the Board finds that:

CARB has reviewed and considered the 2021 PM10 Plan and finds that it meets the requirements of the Act;

The Staff Report includes motor vehicle emissions budgets for transportation conformity for all relevant years in the 2021 PM10 Plan;

The 2021 PM10 Plan was developed in an open public process, in consultation with affected parties, through numerous public workshops, individual meetings, and other outreach efforts, and these efforts are expected to continue;

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

CARB's review and approval of the 2021 PM10 Plan is a ministerial activity for purposes of CEQA.

Now, therefore, be it resolved that the Board hereby approves the 2021 PM10 Plan, released by the District to the public on May 4, 2021, along with the motor vehicle emissions budgets included in the Staff Report, as revisions in the California SIP.

Be it further resolved that the Board hereby directs the Executive Officer to submit the 2021 PM10 Plan and the Staff Report 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 District 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 Title 40 Code of Federal Regulations, section 51.102 that the 2021 PM10 Plan and the CARB Staff Report were adopted after notice and public hearing as required by Title 40 Code of Federal Regulations, section 51.102.