

Proposed

State of California
Air Resources Board

**Coso Junction PM₁₀ Planning Area
Second 10-Year Maintenance Plan**

Resolution 21-19

September 23, 2021

Agenda Item No.: 21-9-1

Whereas, sections 39600 and 39601 of the Health and Safety Code (H&SC) 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 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 (Act) (42 U.S.C. §7401 et seq.), and to this end is directed by H&SC 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, CARB is authorized by H&SC section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

Whereas, the local air districts have primary responsibility for the control of air pollution from non-vehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to H&SC sections 39002, 40000, 40001, 40701, 40702, and 41650;

Whereas, CARB has responsibility for ensuring that local air districts meet their responsibilities under the Act pursuant to H&SC sections 39002, 39500, 39602, and 41650;

Whereas, on November 15, 1990, the U.S. Environmental Protection Agency (U.S. EPA) designated the Searles Valley Planning Area (Searles Valley) as a Particulate Matter (PM₁₀) nonattainment area for the then-current annual standard of 50 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), and the 24-hour standard of 150 $\mu\text{g}/\text{m}^3$ NAAQS (PM₁₀ NAAQS);

Whereas, U.S. EPA, on August 6, 2002, approved the split of the Searles Valley into three separate PM₁₀ planning areas, with the Inyo County portion then becoming separately designated as the Coso Junction PM₁₀ Planning Area (Coso Junction) and within the jurisdiction of the Great Basin Unified Air Pollution Control District (District);

Whereas, in September 2006, U.S. EPA rescinded the annual standard and retained the 24-hour standard of 150 µg/m³ as the PM₁₀ NAAQS.

Whereas, air quality monitoring data collected at the Coso Junction PM₁₀ monitoring station, the only station within the nonattainment area, demonstrated that Coso Junction did not exceed the 150 µg/m³ PM₁₀ 24-hour NAAQS (PM₁₀ NAAQS) during the three-year period from 2007 through 2009;

Whereas, the District adopted a 10-year PM₁₀ maintenance plan and redesignation request on May 17, 2010, which was approved by CARB on June 24, 2010, and U.S. EPA on September 3, 2010;

Whereas, the Coso Junction Planning Area was redesignated to attainment of the PM₁₀ NAAQS by U.S. EPA effective September 3, 2010;

Whereas, Section 175A(b) of the Act requires CARB to submit a second 10-year PM₁₀ maintenance plan before expiration of the first 10-year plan;

Whereas, following a public hearing, the District adopted the Coso Junction PM₁₀ Planning Area Second 10-Year Maintenance Plan (Second PM₁₀ Plan) on July 1, 2021, with the request that CARB approve it and forward it to U.S. EPA for submittal into the California SIP;

Whereas, pursuant to section 175A(b) of the Act, the second 10-year PM₁₀ maintenance plan must provide for continued maintenance of the PM₁₀ NAAQS for ten years after expiration of the first 10-year plan and must include the following components:

1. Attainment emission inventory;
2. Maintenance demonstration;
3. Commitment to continue operating the air monitoring network;
4. Commitment for verification of continued attainment; and
5. Contingency plan to promptly correct any violation of the PM₁₀ NAAQS;

Whereas, the Second PM₁₀ Plan demonstrates continued maintenance of the PM₁₀ NAAQS, when exceptional events are excluded, through the second maintenance period;

Whereas, the Second PM₁₀ Plan provides an annual average day emission inventory, which is consistent with the nature of the PM₁₀ air quality problem at Coso Junction;

Whereas, the Second PM₁₀ Plan emissions trend data for PM₁₀ and all precursors shows that maintenance of the PM₁₀ NAAQS will occur through 2030;

Whereas, the District is committed to continue monitoring of PM₁₀ pollution at Coso Junction to verify the attainment status of the area;

Whereas, the District will track the progress of its maintenance plan by annually reviewing the emissions inventory and verifying if any changes to the emissions inputs and assumptions need to be made;

Whereas, the Second PM₁₀ Plan contains a contingency plan in the event the area experiences any exceedances of the PM₁₀ NAAQS during the second 10-year maintenance period;

Whereas, as part of the contingency plan, the District will evaluate each exceedance of the PM₁₀ NAAQS within 60 days after each calendar quarter and determine if it needs to be classified as a natural or exceptional event in accordance with U.S. EPA requirements;

Whereas, if an exceedance does not qualify as a natural or exceptional event, the District will evaluate whether any new source area on Owens Lake requires control or whether additional control measures at Coso Junction need to be adopted and implemented;

Whereas, the District commits to completing its evaluation of each exceedance within 60 days after each calendar quarter, adopting and implementing additional control measures at Coso Junction within three months after an evaluation of an exceedance is completed, and issuing a Supplemental Control Requirements Determination within the timeframes set in the 2014 Stipulated Judgment between the District and the City of Los Angeles for new sources on Owens Lake;

Whereas, transportation conformity budgets are not established in the Second PM₁₀ Plan as transportation sources were not found to cause or significantly contribute to PM₁₀ exceedances at Coso Junction, and transportation-related projects at Coso Junction have been and will continue to be exempt from transportation conformity determination requirements under District Regulation XII;

Whereas, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, 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, as required by federal law, the District made the Second PM₁₀ Plan available for public review beginning on May 28, 2021, 30 days prior to the hearing held by the District on the Plan on July 1, 2021;

Whereas, on July 1, 2021, the District Governing Board approved the Second PM₁₀ Plan;

Whereas, CARB staff reviewed the Second PM₁₀ Plan and concluded it satisfies the requirements of the Act for a second maintenance plan, as explained in the Staff Report;

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

Whereas, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, 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; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

Whereas, the District determined that the Second PM₁₀ Plan is exempt from CEQA as an action taken by a regulatory agency for the protection of the environment (California Code of Regulations, title 14, section 15308);

Whereas, CARB has determined that its subsequent approval of the District's Second PM₁₀ Plan is a "ministerial" approval for purposes of CEQA (California Code of Regulations, title 14, section 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;

Whereas, the Board finds that:

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

CARB's review and approval of the Second PM₁₀ Plan submitted by the District for inclusion in the SIP is a ministerial act for purposes of CEQA; and

The Second PM₁₀ Plan 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, the Board hereby adopts the Second PM₁₀ Plan as a revision to the California SIP.

Be it further resolved that the Board hereby directs the Executive Officer to submit the Second PM₁₀ Plan together with the appropriate supporting documentation to the U.S. EPA for approval as a revision to 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 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 certifies pursuant to 40 CFR Section 51.102 that the proposed SIP revision was adopted after notice and public hearing as required by 40 CFR Section 51.102.