

State of California  
AIR RESOURCES BOARD

**SOUTH COAST 8-HOUR OZONE STATE IMPLEMENTATION PLAN UPDATE**

Resolution 19-31

**December 12, 2019**

Agenda Item No.: 19-12-3

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the California Air Resources Board (CARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, CARB is responsible for preparing the State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards (standards) as required by the federal Clean Air Act (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) 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, section 41650 of the Health and Safety Code 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 of the Act;

WHEREAS, CARB 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, 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 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 standard within their boundaries pursuant to sections 39002, 40000, 40001, 40701, 40702, and 41650 of the Health and Safety Code;

WHEREAS, sections 40460 and 40463 of the Health and Safety Code require the South Coast Air Quality Management District (District) to adopt and update a comprehensive plan to achieve and maintain federal and state ambient air quality standards in the South Coast Air Basin (South Coast);

WHEREAS, under California Code of Regulations, title 17, section 60104, the South Coast includes Orange County, the southwestern two-thirds of Los Angeles County, southwestern San Bernardino County, and western Riverside County;

WHEREAS, the District is the district with jurisdiction over the South Coast, pursuant to sections 40410 and 40412 of the Health and Safety Code;

WHEREAS, section 40469(a) of the Health and Safety Code requires CARB to determine adequacy of the comprehensive plan adopted by the District to achieve and maintain federal and state ambient air quality standards in the South Coast and meet other applicable requirements of State law and the Act;

WHEREAS; on April 15, 2004, the United States Environmental Protection Agency (U.S. EPA) designated the South Coast nonattainment for the 80 parts per billion (ppb) 8-hour ozone standard with a Severe-17 classification;

WHEREAS, in 2007, CARB requested that U.S. EPA reclassify the South Coast to Extreme for the 80 ppb 8-hour ozone standard with an attainment deadline of June 15, 2024;

WHEREAS, Appendix I to Title 40 of the Code of Federal Regulations (CFR), Part 50, requires areas demonstrate attainment of the 80 ppb 8-hour ozone standard using three years of ambient ozone data that meet all the monitoring and quality assurance requirements, thus effectively rendering the attainment date for the 80 ppb 8-hour ozone standard in the South Coast to be the end of 2023;

WHEREAS, in 2007, the District and CARB adopted the District's 2007 Air Quality Management Plan (2007 AQMP) that demonstrated attainment of the 80 ppb 8-hour ozone standard by December 31, 2023;

WHEREAS, on November 28, 2007, CARB submitted the 2007 AQMP to U.S. EPA for inclusion in the California SIP;

WHEREAS, Section 182(e)(5) of the Act allows Extreme ozone nonattainment areas to include emissions reductions in the attainment demonstration from anticipated development of new control techniques or improvement of existing control technologies;

WHEREAS, the 2007 AQMP 80 ppb 8-hour ozone attainment strategy relied, in part, on the development of new control techniques, or the improvement of existing control technologies, as is allowed under Section 182(e)(5) of the Act;

WHEREAS, on July 21, 2011, CARB adopted the 2011 revision to the 2007 AQMP, in which CARB committed to develop, adopt, and submit contingency measures by 2020 to be implemented if anticipated technologies do not achieve planned reductions for the 80 ppb 8-hour ozone standard;

WHEREAS, on April 30, 2012, U.S. EPA approved the control strategy, emissions reductions commitment and attainment demonstration for the 80 ppb 8-hour ozone standard, in addition to CARB's commitment to develop, adopt, and submit contingency measures by 2020 if required;

WHEREAS, in 2017, the District and CARB adopted the 2016 Air Quality Management Plan (2016 AQMP) and CARB submitted the 2016 AQMP to U.S. EPA on April 27, 2017, for approval;

WHEREAS, the 2016 AQMP updated the South Coast 80 ppb 8-hour ozone attainment demonstration for 2023, and relied, in part, on reductions under Section 182(e)(5) of the Act to demonstrate attainment of the standard in 2023;

WHEREAS, the 2016 AQMP relied on Section 182(e)(5) of the Act for 108 tpd of NOx emissions reductions and 50 to 51 tpd of concurrent Reactive Organic Gas emissions reductions to attain the 80 ppb 8-hour ozone standard;

WHEREAS, on October 31, 2019, U.S. EPA approved the portion of the 2016 AQMP related to the 80 ppb 8-hour ozone standard;

WHEREAS, Section 182(e)(5)(B) requires ozone nonattainment areas utilizing Section 182(e)(5) of the Act to make an enforceable commitment to develop and adopt contingency measures if the anticipated technologies do not achieve planned reductions, to be submitted to the Administrator of U.S. EPA no later than 3 years before proposed implementation of the plan provisions, and adequate to produce emission reductions sufficient, in conjunction with other approved plan provisions, to achieve attainment by the applicable dates;

WHEREAS, on December 6, 2019, the District adopted the *CAA Section 182(e)(5) Contingency Measure Plan, Planning for Attainment of the 1997 80 ppb 8-Hour Ozone Standard in the South Coast Air Basin* (Ozone SIP Update) to meet the requirements of Section 182(e)(5)(B) of the Act;

WHEREAS, the Ozone SIP Update demonstrates that the emissions reductions in the 2016 AQMP that relied upon Section 182(e)(5) of the Act to meet the 80 ppb 8-hour ozone standard can be met by: 1) newly identified emission reduction strategies and innovative new measures; 2) additional incentive funding to transition to the cleanest available technologies; and 3) significant federal action and/or funding to achieve the required reductions from sources primarily under federal jurisdiction, which staff anticipate U.S. EPA will take consistent with its obligations under the federal Clean Air Act;

WHEREAS, the Ozone SIP Update includes State commitments to submit control measures to provide three tons per day of NOx reductions from recently identified innovative new measures in the South Coast to meet the 182(e)(5) requirements;

WHEREAS, CARB has petitioned U.S. EPA for actions to better control locomotive emissions, and U.S. EPA is also considering requests to act upon a range of other sources, and CARB committed to working with U.S. EPA on these and other source primarily under federal jurisdiction;

WHEREAS, although recent U.S. EPA actions, including attacks on CARB's vehicle emissions authority undermine attainment efforts, it is reasonable to anticipate that U.S. EPA ultimately will adhere to its independent responsibilities under the federal Clean Air Act to promote attainment of ambient air quality standards;

WHEREAS, CARB staff reviewed and has concluded that the Ozone SIP Update identifies the anticipated reductions and additional contingency measures that, in conjunction with other plan provisions, meet the requirements of Section 182(e)(5)(B) of the Act for the South Coast 80 ppb 8-hour ozone standard;

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 60000-60008);

WHEREAS, to meet its obligations under the CEQA, the District, as lead agency under CEQA, has reviewed the proposed project and has determined that the proposed Contingency Measure Plan is considered a later activity within the scope of the project covered by the March 2017 Final Program Environmental Impact Report (PEIR) for the 2016 Air Quality Management Plan (AQMP) because no substantial changes or revisions to the project are necessary and no new significant environmental effects and no substantial increase in the severity of previously identified significant effects will occur as result of this later activity. As such, in accordance with CEQA Guidelines Section 15168(e)(2), the District found that the March 2017 Final PEIR for the 2016 AQMP adequately describes and analyzes the environmental effects of the project for the purposes of CEQA. Thus, the District found that no new environmental document is required pursuant to CEQA Guidelines Section 15168(c) and no subsequent CEQA document is required pursuant to CEQA Guidelines Section 15162;

WHEREAS, CEQA Guidelines, section 15096 dictates the responsible agency's role when reviewing a project that has been approved by a lead agency. Specifically, CARB, as a responsible agency for this project, must consider the environmental effects of the

project as shown in the District's March 2017 Final PEIR prior to reaching a decision on the project. Under section 15096 of the CEQA Guidelines, if CARB finds that there are aspects of the EIR that do not adequately analyze the components of the Proposed Project that are within its authority to carry out, like the CARB measures, then CARB "shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

WHEREAS, federal law set forth in Section 110(l) of the Act and Title 40, CFR, 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 adopting and submitting any SIP revision to U.S. EPA; and

WHEREAS, as required by the Act, the Ozone SIP Update was made available for public review at least 30 days prior to the District's December 6, 2019, public hearing on the Ozone SIP Update.

NOW, THEREFORE BE IT RESOLVED, the Board finds that:

1. The Ozone SIP Update provides the anticipated reductions and contingency measures that in conjunction with other plan provisions would meet the requirements of Section 182(e)(5)(B) of the Act to attain the 80 ppb 8-hour ozone standard, provided the federal government acts upon sources primarily under its jurisdiction;
2. Implementation of District, CARB and federal measures identified in the Ozone SIP Update would provide the emissions reductions in the 2016 AQMP that relied upon Section 182(e)(5) of the Act to meet the 80 ppb 8-hour ozone standard; and
3. CARB, as a responsible agency under CEQA, has considered the environmental effects of the proposed Contingency Measure Plan as shown in the District's March 2017 Final PEIR and finds, as supported by the findings in the staff report, that there are no additional alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effects that those parts of the project which it carries out would have on the environment.

BE IT FURTHER RESOLVED that the Board adopts the commitment to bring to the Board for consideration innovative new measures, including from among those outlined in the Ozone SIP Update and included in Attachment A.

BE IT FURTHER RESOLVED the Board hereby adopts the Ozone SIP Update as an amendment to the California SIP and directs the Executive Officer to forward the Ozone SIP Update as adopted 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 hereby certifies the Ozone SIP Update was adopted after notice and public hearing as required by Section 110(l) of the Act and 40 CFR section 51.102.

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.

I hereby certify that the above is a true and correct copy of Resolution 19-31 as adopted by the California Air Resources Board.

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Patricia Carlos, Board Clerk

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**December 12, 2019**

Identification of Attachments to the Board Resolution

**Attachment A:**     *CARB Innovative New Measures*



**Resolution 19-31**

**Attachment A**

**CARB Innovative New Measures**

<b>Innovative New Measures</b>	<b>Reductions</b>
Tier 5 Off-Road Diesel Engine Standard	
State Green Contracting	
Reduction in Growth of Single-Occupancy Vehicle Travel	
Locomotive Emission Reduction Measure	
Regional VMT Reductions	
Co-benefits from Electrification of Buildings due to 2017 Climate Change Scoping Plan	3.0