RESOLUTION 08-02

A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING THE FEDERAL 8-HOUR OZONE ATTAINMENT PLAN (WESTERN MOJAVE DESERT NON-ATTAINMENT AREA) AND DIRECTING STAFF ACTIONS.

On May 20, 2008, on motion by Member MCCOY, seconded by Member HAWKINS, and carried, the following resolution is adopted:

WHEREAS, the Antelope Valley Air Quality Management District (AVAQMD) has authority pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, on March 9, 2006, USEPA shifted its ozone standard from measurement on a one-hour basis to an eight hour basis (8-hour ozone standard); and

WHEREAS, the United States Environmental Protection Agency (USEPA) designated the Western Mojave Desert non-attainment area as non-attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS) pursuant to the provisions of the Federal Clean Air Act (FCAA); and

WHEREAS, the AVAQMD is included in the Western Mojave Desert non-attainment area; and

WHEREAS, the AVAQMD and its predecessor agencies have adopted State and Federal attainment plans for the region to comply with the one-hour ozone designation within its jurisdiction; and

WHEREAS, the most recent such plan that was approved by USEPA is the AVAQMD 2004 Ozone Attainment Plan adopted in 2004 to comply with the 8-hour ozone planning requirements; and

WHEREAS, the AVAQMD has reviewed and updated all elements of the AVAQMD 2004 Ozone Attainment Plan adopted in 2004; and

WHEREAS, the AVAQMD will be in attainment of the 8-hour NAAQS for ozone by 2021; and

WHEREAS, the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) includes the latest planning assumptions regarding population, vehicle activity and industrial activity within the jurisdiction of the AVAQMD; and

WHEREAS, the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) addresses all existing and forecast ozone precursor-producing activities within the jurisdiction of the AVAQMD through the year 2020; and

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WHEREAS, the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) includes all necessary information to allow general and transportation conformity findings to be made within the Antelope Valley; and

WHEREAS, the proposed adoption of the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) is necessary to update AVAQMD planning to include the latest planning assumptions regarding population, vehicle activity and industrial activity; addresses all existing and forecast ozone precursor-producing activities within the Antelope Valley through the year 2020; and includes all necessary information to allow general and transportation conformity findings to be made within the Antelope Valley; and

WHEREAS, the AVAQMD has the authority pursuant to H & S Code §40702 to do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the District by this division and other statutory provisions; and

WHEREAS, the proposed adoption of the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) is clear in that the meaning can be easily understood by the persons impacted by the Plan; and

WHEREAS, the proposed adoption of the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) is in harmony with, and not in conflict with, or contradictory to existing statutes, court decisions, or state or federal regulations because the AVAQMD has experienced ambient ozone concentrations in excess of the 8-hour ozone NAAQS and this document: (1) demonstrates that the AVAQMD will meet the primary required Federal ozone planning milestones, attainment of the 8-hour ozone NAAQS by June 2021; (2) presents the progress the AVAQMD will make towards meeting all required ozone planning milestones; and (3) discusses the newest 0.075 part per million 8-hour ozone NAAQS, preparatory to an expected non-attainment designation for the new NAAQS. This document satisfies 42 U.S.C. §§7410, 7502, 7504 and 7511a (FCAA §§110, 172, 174, and 182) regarding implementation plans, non-attainment plan provisions, planning procedures, and ozone plan submissions and requirements for the 8-hour NAAQS; and

WHEREAS, the proposed adoption of the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) does not impose the same requirements as any existing state or...
federal regulation because USEPA has revoked the one-hour standard which was the basis for all previous ozone plans. The proposed plan is being promulgated in response to the new 8-hour ozone standard. As a result, this document replaces the obsolete one-hour plan; and

WHEREAS, the proposed adoption is needed because this document includes the latest planning assumptions regarding population, vehicle activity and industrial activity; addresses all existing and forecast ozone precursor-producing activities within the Antelope Valley through the year 2020; and includes all necessary information to allow general and transportation conformity findings to be made within the Antelope Valley; and

WHEREAS, a public hearing has been properly noticed and conducted, pursuant to H & S Code §40725, concerning the proposed adoption of the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area); and

WHEREAS, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed adoption of the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area), completed in compliance with the California Environmental Quality Act (CEQA), has been presented to the AVAQMD Board; each member having reviewed, considered and approved the information contained therein prior to acting on the proposed adoption of the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area), and the AVAQMD Board having determined that the proposed adoption will not have any potential for resulting in any adverse impact upon the environment; and

WHEREAS, the Board has considered the evidence presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the AVAQMD finds that the proposed adoption of the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area) is necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

BE IT FURTHER RESOLVED, that the Governing Board of the AVAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of Exemption for the proposed adoption of the Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area); and
BE IT FURTHER RESOLVED, that the Board of the AVAQMD does hereby adopt, pursuant to
the authority granted by law, the proposed adoption of the Federal 8-Hour Ozone Attainment Plan
(Western Mojave Desert Non-Attainment Area), as set forth in the attachments to this resolution and
incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption,
that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions
of CEQA.

PASSED, APPROVED AND ADOPTED by the Governing Board of the Antelope Valley Air Quality
Management District by the following vote:

AYES: 4 MEMBER: HAWKINS, MARQUEZ, MCCOY, SMITH
NOES:
ABSENT: 3 MEMBER: LEDFORD, LAWSON, DISPENZA
ABSTAIN:

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Crystal Bates, Deputy Clerk of the Governing Board of the Antelope Valley Air Quality
Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the
action as the same appears in the Official Minutes of said Governing Board at its meeting of May 20,
2008.

Deputy Clerk of the Governing Board,
Antelope Valley Air Quality Management District.