

STATE OF CALIFORNIA
AIR RESOURCES BOARD

EXECUTIVE ORDER G-03-057

East Kern County Federal One-Hour Ozone Maintenance Plan and
Redesignation Request

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

WHEREAS, the ARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS or standard) as required by the federal Clean Air Act (the "Act" or CAA; 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 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 the ARB to approve the nonattainment plan approved 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, the ARB has responsibility for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, the local air districts have primary responsibility for the control of air pollution from nonvehicular 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, the ARB 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, 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, on February 8, 1979, the United States Environmental Protection Agency (U.S. EPA) promulgated a 0.12 parts per million (ppm) primary one-hour NAAQS for ozone;

WHEREAS, pursuant to sections 107(d)(1)(C) and 181(a)(1) of the CAA as amended on November 15, 1990, the San Joaquin Valley nonattainment area (including all of Kern County) one-hour ozone nonattainment area was classified as "serious" by operation of law;

WHEREAS, East Kern County is under the jurisdiction of the Kern County Air Pollution Control District (District);

WHEREAS, CAA section 182(c)(2) required serious nonattainment areas to submit a State Implementation Plan (SIP) by November 15, 1994, that demonstrates attainment of the standard by November 15, 1999;

WHEREAS, on December 1, 1994, the District Board adopted a serious one-hour ozone nonattainment area SIP (1994 SIP) projecting attainment of the standard by the 1999 statutory deadline;

WHEREAS, the 1994 SIP was approved by the ARB and submitted to U.S. EPA on December 28, 1994, and U.S. EPA approved the 1994 SIP in February of 1997 (40 CFR Part 52, January 8, 1997);

WHEREAS, in December 2001, U.S. EPA formally recognized East Kern as a separate ozone nonattainment area;

WHEREAS, the western portion of Kern County remained part of the San Joaquin Valley air basin federal ozone nonattainment area and was reclassified as "severe";

WHEREAS, the eastern portion of Kern County, within the portion of the Southeast Desert Air Basin that has since been renamed Mojave Desert Air Basin, was designated as a separate nonattainment area retaining the "serious" classification;

WHEREAS, effective December 10, 2001, U.S. EPA granted the District two one-year attainment date extensions pursuant to CAA section 181(a)(5), thus establishing a new attainment deadline of November 15, 2001;

WHEREAS, the District recorded no exceedances of the standard in 1999, 2000, 2001, and 2002, completing over three consecutive years of compliance with the standard and thereby attaining the one-hour ozone NAAQS by November 15, 2001;

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WHEREAS, the District's attainment of the standard is a significant public health accomplishment and a reflection of a successful cooperative effort to improve air quality in the District;

WHEREAS, section 107(d)(3)(E) of the Act sets forth the following requirements that must be met for U.S. EPA to redesignate an area from nonattainment to attainment:

- (i) A determination by the Administrator that the area has attained the NAAQS;
- (ii) An implementation plan fully approved by the Administrator under section 110(k);
- (iii) A determination by the Administrator that the improvement in air quality is due to permanent and enforceable reductions in emissions;
- (iv) A maintenance plan for the area that meets the requirements of section 175(A) of the Act and has been approved by the Administrator; and
- (v) A demonstration of compliance with the implementation plan requirements of section 110 and part D.

WHEREAS, on May 1, 2003, the District Board adopted the Ozone Attainment Demonstration, Maintenance Plan, and Redesignation Request (Plan), which provides for maintenance of the standard for ten years after redesignation and contains contingency provisions;

WHEREAS, the Plan establishes on-road motor vehicle emissions budgets that are consistent with the projected emissions inventory, were developed using ARB's on-road motor vehicle emission factor model, and reflect the benefits of adopted motor vehicle and fuels programs;

WHEREAS, federal law set forth in section 110 (l) of the Act and title 40, Code of Federal Regulations (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 the adoption and submittal to the U.S. EPA of any SIP revision;

WHEREAS, the Plan was available for public review and comment for at least 30 days, and a noticed public hearing was conducted in the District prior to consideration of the Plan;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding

considerations are identified that outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Plan is categorically exempt from CEQA review as per CEQA guidelines section 15308, which exempts actions by regulatory agencies that will maintain, restore, or enhance the environment;

WHEREAS, ARB finds that the Plan meets the applicable requirements of the CAA and State Law;

WHEREAS, Appendix A of the plan contains ambient air quality data for East Kern County and demonstrates that the region has not exceeded the ozone NAAQS since the beginning of 1999;

WHEREAS, Appendix B of the Plan contains emission inventory data for the 1999 attainment year;

WHEREAS, emission inventory data in Appendix B as summarized in Table 5-1 demonstrate that East Kern County's future ozone precursor inventory will not exceed the 1999 attainment year inventory;

WHEREAS, Chapter 6 of the Plan identifies contingency measures sufficient to ensure any exceedence of the NAAQS that occurs after designation will be corrected;

WHEREAS, attainment of the ozone NAAQS is the result of permanent and enforceable emission reductions from the District's control program and the State's mobile source, fuels, and consumer products control programs; and

WHEREAS, the Plan also contains an attainment demonstration element not required by the CAA to support redesignation to attainment for an area with monitored air quality data meeting the NAAQS.

NOW, THEREFORE, IT IS ORDERED, that the ARB hereby adopts the following elements of the East Kern County Ozone Maintenance Plan and Redesignation Request and submits them to U.S. EPA as a revision to the California State Implementation Plan:

1. Appendix A of the plan containing ambient air quality data for East Kern County.
2. Appendix B of the Plan containing emission inventory data for the 1999 attainment year and future year emission inventory data that demonstrate that East Kern County's future ozone precursor inventory will not exceed the 1999 attainment year inventory.

3. Chapter 6 of the Plan containing contingency measures sufficient to ensure any exceedence of the NAAQS that occurs after designation will be corrected.
4. Emission budgets contained in Table 5-2.

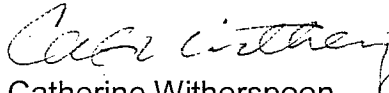
BE IT FURTHER ORDERED, that ARB commits to work with the Kern County Air Pollution Control District to ensure continued ozone air quality monitoring in the East Kern County nonattainment area, in accordance with 40 CFR Part 58, for at least ten years following redesignation of the area to attainment, in order to verify the attainment status of the area.

BE IT FURTHER ORDERED, that the ARB requests that the U.S. EPA act expeditiously to redesignate the East Kern County serious ozone nonattainment area to attainment for the one-hour ozone standard.

I certify, pursuant to 40 CFR 51.102, that the Redesignation Request and Maintenance Plan being submitted as a SIP revision was adopted after notice of public hearing as required by 40 CFR 51.102.

Executed at Sacramento, California this 9th day of Dec 2003.

CALIFORNIA AIR RESOURCES BOARD



Catherine Witherspoon
Executive Officer