WHEREAS, the California 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 has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and part 5 (commencing with section 43000) of the Health and Safety Code, and 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 non-vehicular 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, 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 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, 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 March 12, 2008, the U.S. Environmental Protection Agency (U.S. EPA) promulgated an 8-hour standard for ozone of 75 parts per billion (ppb);

WHEREAS, on May 21, 2012, the U.S. EPA assigned federal classifications for the 75 ppb 8-hour ozone nonattainment areas including the Eastern Kern Air Pollution Control District (District) which was classified as marginal;

WHEREAS, effective June 3, 2016, U.S. EPA reclassified the District as a moderate nonattainment area for the 75 ppb 8-hour ozone standard;

WHEREAS, on June 6, 2013, U.S. EPA promulgated the Proposed Rule, "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements," (78 FR 34178 et seq.), which requires the submission of Reasonably Available Control Technology (RACT) SIPs for nonattainment areas classified as moderate or above;

WHEREAS, U.S. EPA has published Control Technique Guidelines (CTG) that establish RACT control limits for volatile organic compounds emissions from specific stationary source categories and establish various major source threshold limits for classified ozone nonattainment areas;

WHEREAS, U.S. EPA requires districts to review their rules for CTG and major non-CTG sources located in the district to determine if those rules meet RACT requirements and to update or adopt new rules if necessary;

WHEREAS, U.S. EPA requires districts not having a listed CTG or major non-CTG source, and consequently lacking a RACT rule for these categories, to make a negative declaration stating this;

WHEREAS, following U.S. EPA requirements, the District reviewed its existing rules to determine if its rules continue to meet RACT and concluded that all but three existing SIP-approved rules either continue to meet RACT or are not subject to RACT requirements;

WHEREAS, the District plans to revise three SIP-approved rules in order to comply with the RACT requirement;

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 review, must
be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, following a duly noticed public hearing on May 11, 2017, the District Board adopted the Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) for the 2008 Ozone National Ambient Air Quality Standards (NAAQS), or RACT SIP;

WHEREAS, the California Environmental Quality Act (CEQA) requires that any proposed action for which significant adverse environmental impacts have been identified shall not be approved if there are feasible mitigation measures or feasible alternatives which would substantially reduce or eliminate such impacts; if economic, social or other conditions make infeasible project alternatives or mitigation measures, the project may be approved if specific overriding considerations are identified which outweigh the adverse impacts;

WHEREAS, to meet the CEQA requirements, the District filed a Notice of Exemption for the RACT SIP with the Kern County Clerk on May 22, 2017;

WHEREAS, section 39515 and 39516 delegate to the Executive Officer the authority to act for the Board in this matter;

NOW, THEREFORE, IT IS ORDERED that the Executive Officer hereby adopts as a SIP revision the RACT SIP adopted by the Eastern Kern Air Pollution Control District.

BE IT FURTHER ORDERED that CARB hereby submits to U.S. EPA the RACT SIP and requests that U.S. EPA approve it as a revision to the California SIP.

I certify, pursuant to 40 CFR section 51.102 that the RACT SIP prepared by the Eastern Kern Air Pollution Control District being submitted as a SIP revision was adopted after notice and public hearing as required by 40 CFR 51.102.

Executed at Sacramento, California this 9th day of August, 2017.

Richard W. Corey
Executive Officer