

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER # S-08-005

Adoption and Submittal of the 2007 Federal Maintenance Plan for
Maintaining the National 8-Hour Ozone Ambient Air Quality Standard
in Santa Barbara County

WHEREAS, the California Legislature in Health and Safety Code (H&SC) 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, ARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining national ambient air quality standards (standards) as required by the federal Clean Air Act (the Act) in 42 USC section 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 (districts) necessary to comply with the Act;

WHEREAS, H&SC sections 39602 and 40460 also provide that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, ARB has responsibility for ensuring that districts meet their responsibilities under the Act pursuant to H&SC sections 39002, 39500, 39602, 40469, and 41650;

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

WHEREAS, ARB 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, H&SC sections 39515 and 39516 provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, in 1992 the U.S. Environmental Protection Agency (U.S. EPA) designated Santa Barbara County as nonattainment for the 1-hour ozone standard;

WHEREAS, Santa Barbara County demonstrated attainment of the 1-hour ozone federal ambient air quality standard in 1999;

SIP Library

WHEREAS, in 2002 the Santa Barbara County Air Pollution Control District (the District) adopted a request for redesignation to attainment and a 1-hour ozone maintenance plan, which were approved by U.S. EPA in 2003;

WHEREAS, effective June 15, 2004, U.S. EPA designated Santa Barbara County as an attainment area for the 8-hour ozone standard;

WHEREAS, in 1997 U.S. EPA promulgated a federal air quality standard for ozone of 0.08 parts per million averaged over eight hours (federal 8-hour ozone standard);

WHEREAS, on April 30, 2004, in the "Final Rule to Implement the 8-Hour Ozone Standard National Ambient Air Quality Standard – Phase I" (Phase I Rule), the U.S. EPA adopted regulations at 40 CFR 51.095(a)(4)(ii) requiring the submittal of maintenance plans for areas that are attainment for the 8-hour standard and subject to maintenance plan requirements for the 1-hour standard;

WHEREAS, on December 22, 2006, the U.S. Court of Appeals vacated the Phase I Rule and remanded 8-hour ozone implementation requirements to U.S. EPA for further regulatory action;

WHEREAS, in the absence of substitute regulations, the District is desirous of submitting its 8-hour ozone maintenance plan in order to fully comply with Clean Air Act requirements;

WHEREAS, on August 16, 2007, the District Governing Board adopted the "2007 Clean Air Plan" (2007 Plan), which demonstrates continued attainment of the 8-hour ozone standard through 2020;

WHEREAS, the 2007 Plan indicates that projected increases in offshore emissions of Oxides of Nitrogen (NOx) attributed to marine vessels, noting that:

1. Offshore marine vessels may not directly correlate to increases in ozone levels in Santa Barbara County;
2. Santa Barbara County has experienced reduced ozone levels in the last several years while emissions by marine vessels have been increasing; and,
3. ARB is developing rules to reduce emissions from marine vessels, the effects of which are not included in the 2007 Plan emission projections.

WHEREAS, the adopted 8-hour ozone maintenance includes a contingency plan and trigger mechanism;

WHEREAS, the maintenance plan also contains provisions that address California Clean Air Act requirements exclusively;

WHEREAS, sections 110(a)(2) and 110(i) of the Act and 40 CFR section 51.102 require that one or more public hearings preceded by at least 30 days notice and opportunity for public review, must be conducted prior to adoption and submittal of any SIP revision to U.S. EPA;

WHEREAS, ARB has reviewed and considered each portion of the 2007 8-hour ozone maintenance plan and finds that it meet the requirements of the Act;

WHEREAS, ARB's State Strategy for California's 2007 SIP, adopted on September 27, 2007, includes strategies that will provide emission reductions from on-shore sources in Santa Barbara and off-shore sources operating near Santa Barbara that are not reflected in the 2007 Plan, but will contribute to continued maintenance of the 8-hour ozone standard;

WHEREAS, ARB has committed to the continued operation, in coordination with the District, of an ozone monitoring network in accordance with federal regulations to verify maintenance of the 8-hour ozone standard in the area;

NOW, THEREFORE, IT IS ORDERED that ARB hereby adopts the 2007 Plan, and submits the 2007 Plan, without those portions that address California Clean Air Act requirements exclusively, to U.S. EPA for approval as a revision to California's SIP;

BE IT FURTHER ORDERED that this submittal includes only those portions of the Plan needed to meet the requirements of the Act;

BE IT FURTHER ORDERED that ARB certifies that the maintenance plan was adopted after notice and public hearing as required by Title 40 CFR section 51.102.

Executed at Sacramento, California this 29th day of February, 2008.

CALIFORNIA AIR RESOURCES BOARD


James N. Goldstone
Executive Officer