November 15, 2018

Mr. Richard Corey  
Executive Officer  
California Air Resources Board  
1001 "I" Street  
P.O. Box 2815  
Sacramento, CA 95812

Dear Mr. Corey:

Enclosed is the State Implementation Plan (SIP) package for the San Joaquin Valley Unified Air Pollution Control District (District) 2018 Plan for the 1997, 2006, and 2012 PM2.5 Standards (2018 PM2.5 Plan). The District Governing Board adopted the 2018 PM2.5 Plan at a public hearing held on November 15, 2018. We request that the California Air Resources Board (CARB) transmit this plan and the appropriate documentation to the United States Environmental Protection Agency (EPA) as a SIP revision.

Included in this SIP package are the following attachments:
1. ARB SIP Completeness Checklist  
2. The 2018 PM2.5 Plan with appendices and attachments  
3. Governing Board Resolution adopting the 2018 PM2.5 Plan  
4. Governing Board Memo  
5. Evidence of Public Hearing  
6. CEQA Initial Study and Negative Declaration

If you have any questions regarding this plan, please contact Chay Thao at chay.thao@valleyair.org or at (559) 230-5800. The District thanks you and your staff for your assistance and collaboration.

Sincerely,

Jonathan Klassen  
Director of Strategies and Incentives

Attachments

cc: Sylvia Vanderspek

Samir Sheikh  
Executive Director/Air Pollution Control Officer

Northern Region  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-8000 FAX: (559) 230-8061

Southern Region  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com
WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (District) is a duly constituted unified district, as provided in California Health and Safety Code (CH&SC) sections (§)40150 to 40161; and

WHEREAS, the United States Environmental Protection Agency (EPA) adopted the first national ambient air quality standard (NAAQS) for particulate matter that is 2.5 microns or less in diameter (PM2.5) in July 1997 and directed states and air districts to implement this standard under federal Clean Air Act (CAA) Title 1, Part D, Subpart 1 (Subpart 1); and

WHEREAS, pursuant to Subpart 1, on January 5, 2005, EPA designated the San Joaquin Valley air basin (Valley) as nonattainment for the 1997 PM2.5 NAAQS in Volume 70, Number 3 of the Federal Register (pages 944-1019, effective April 5, 2005); and

WHEREAS, Subpart 1 §172(b) requires attainment plans to be submitted to EPA no later than three years after the effective date of the nonattainment designation; therefore, EPA required the State of California to submit a plan by April 2008 to satisfy the requirements of CAA §172, including a demonstration of attainment of the 1997 PM2.5 NAAQS in the Valley; and

WHEREAS, under Subpart 1, the initial attainment date for PM2.5 areas is no later than five years after the date of designation, or April 2010, but the EPA Administrator may revise the date, as appropriate, for a period of up to ten years from the date of designation, or April 2015, based on the availability and feasibility of control measures (40 CFR 51.1004 (a)); and
WHEREAS, the District adopted the 2008 PM2.5 Plan in April 2008 per EPA guidance under Subpart 1, which included an attainment demonstration of the 1997 PM2.5 NAAQS by April 2015; and

WHEREAS, on November 9, 2011, EPA approved the District's 2008 PM2.5 Plan, with the exception of the contingency provisions, and granted the District's request for an extension of the attainment date for the Valley to April 5, 2015 in Volume 76, Number 217 of the Federal Register (pages 69896-69926, effective January 9, 2012); and

WHEREAS, in Natural Resources Defense Council v. EPA, 706 F.3d 428 (D.C. Cir. 2013), the Court ruled that EPA erred by not using CAA Title 1, Part D, Subpart 4 (Subpart 4) in addition to Subpart 1 in establishing its PM2.5 implementation rule for the 1997 PM2.5 NAAQS and subsequent PM2.5 NAAQS; and

WHEREAS, pursuant to Subpart 4 requirements, on June 2, 2014, EPA classified the Valley, and all other PM2.5 nonattainment areas, as a Moderate nonattainment area and required all nonattainment areas to submit additional documentation, as needed, to fulfill all Subpart 4 requirements; and

WHEREAS, pursuant to Subpart 4 §188(b), on September 25, 2014, the District and California Air Resources Board (CARB) submitted an official request to EPA for reclassification from Moderate nonattainment to Serious nonattainment, including a demonstration that the Valley cannot attain the 1997 PM2.5 NAAQS by the April 5, 2015 attainment deadline; and

WHEREAS, on January 12, 2015, EPA proposed to reclassify the Valley as a Serious nonattainment area for the 1997 PM2.5 NAAQS based on EPA's determination that the Valley cannot practicably attain this NAAQS by the applicable attainment date of April 5, 2015 thus proposing to extend the attainment date to no later than December 31, 2015 in Volume 80, Number 7 of the Federal Register (pages 1482-1491); and

WHEREAS, in April 2015, EPA took final action to reclassify the Valley as a Serious nonattainment area based on EPA's determination that the area cannot practicably attain the 1997 PM2.5 NAAQS by the applicable attainment date of April 5, 2015; and
WHEREAS, as a result of this reclassification, California was required to submit a Serious area plan including a demonstration that the plan provides for attainment of the 1997 annual and 24-hour PM2.5 standards in the Valley by the applicable attainment date, which was no later than December 31, 2015 or by the most expeditious alternative date practicable in accordance with the requirements of Part D of the CAA; and

WHEREAS, the District and CARB submitted the 2015 Plan for the 1997 PM2.5 Standard (2015 PM2.5 Plan) to EPA to satisfy Subpart 1 and Subpart 4 requirements and to include a demonstration that attainment by December 31, 2015 was impracticable due to the extreme drought experienced in the winter of 2013/2014; and

WHEREAS, pursuant to §188(e) of Subpart 4, EPA may grant a one-time extension of the Serious area attainment date by no more than five years, or December 31, 2020, if the State submits a demonstration that attainment by the Serious area deadline is impracticable and that the plan provides for attainment by the most expeditious alternative date practicable; and

WHEREAS, on February 9, 2016, EPA proposed partial approval of the 2015 PM2.5 Plan and proposed approval of the District’s attainment date extension request; and

WHEREAS, EPA had until July 1, 2016 to finalize approval of its proposed approval on the 2015 PM2.5 Plan, however, on June 29, 2016, EPA announced it would be taking final action to approve the 2015 PM2.5 Plan; and

WHEREAS, as a result of EPA’s failure to finalize the proposed approval of the 2015 PM2.5 Plan, EPA denied the District’s attainment date extension request effective November 7, 2016 in Volume 81, Number 194 of the Federal Register (pages 69396-69401); and

WHEREAS, on November 23, 2016, EPA issued a Finding of Failure to Attain the 1997 PM2.5 NAAQS by the attainment deadline of December 31, 2015, in Volume 81, Number 226 of the Federal Register (pages 84481-84483); and

WHEREAS, pursuant to Clean Air Act §189(d), EPA’s 2016 PM2.5 Implementation Rule, and 40 CFR §51.1003(c), due to EPA’s inaction and finding of failure to attain, the
District was required to submit a SIP revision that meets the requirements of a §189(d) plan (commonly called a 5% Plan) by December 2016, but this was not feasible given the already-truncated schedule described above caused by EPA’s failure to promptly review and take action on the District’s plan and extension request; and

WHEREAS, pursuant to Clean Air Act §189(d) and 40 CFR §§51.1003(c) and 51.1010(c) the control strategy for the new SIP submittal must achieve a five percent annual reduction in either direct PM2.5 emissions or in the emissions of any PM2.5 Plan precursor based on the most recent emissions inventory and must also demonstrate expeditious attainment; and

WHEREAS, the EPA promulgated a new more health protective PM2.5 NAAQS in October 2006 and directed states and air districts to implement this standard under CAA Subpart 1; and

WHEREAS, pursuant to Subpart 1 requirements, on November 13, 2009, EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS in Volume 74, Number 218 of the Federal Register (pages 58688-58781, effective November 13, 2009); and

WHEREAS, Subpart 1 §172(b) requires attainment plans to be submitted to EPA no later than three years after the effective date of the nonattainment designation; therefore, EPA required the State of California to submit a plan with a demonstration of the standard by March 2, 2012; and

WHEREAS, under Subpart 1, the initial attainment date for PM2.5 areas is no later than five years after the date of designation, or December 14, 2014, but the EPA Administrator may revise the date, as appropriate, for a period of up to ten years from the date of designation, or 2019, based on the availability and feasibility of control measures (40 CFR 51.1004 (a)); and

WHEREAS, the District adopted the 2012 PM2.5 Plan in December 20, 2012 per EPA guidance under Subpart 1; and
WHEREAS, in January 2013, the U.S. Court of Appeals for the D.C. Circuit Court ruled that EPA erred by not using CAA Subpart 4 in addition to Subpart 1 in establishing its PM2.5 implementation rule for the 2006 PM2.5 NAAQS; and

WHEREAS, pursuant to Subpart 4 requirements, on June 2, 2014, EPA classified the Valley, and all other PM2.5 nonattainment areas, as a Moderate nonattainment area and required all nonattainment areas to submit additional documentation, as needed, to fulfill all Subpart 4 requirements; and

WHEREAS, pursuant to Subpart 4 §188(b), on September 18, 2014, the District and CARB submitted a Supplemental Document and a demonstration that the Valley could not attain the 2006 PM2.5 NAAQS by the December 31, 2015, attainment deadline with a request to EPA for reclassification from Moderate nonattainment to Serious nonattainment; and

WHEREAS, on January 13, 2015, EPA proposed to approve the 2012 PM2.5 Plan and reclassify the Valley to Serious nonattainment for the 2006 PM2.5 NAAQS based on EPA's determination that the Valley cannot practicably attain this NAAQS by the applicable attainment date of December 31, 2015, thus extending the attainment date to December 31, 2019, in Volume 80, Number 8 of the Federal Register (pages 1816-1846); and

WHEREAS, in February 19, 2016, EPA took final action to reclassify the Valley as a Serious nonattainment area based on EPA's determination that the area cannot practicably attain the 2006 PM2.5 NAAQS by the applicable attainment date of December 31, 2015; and

WHEREAS, as a result of this reclassification California was required to submit a Serious area plan including a demonstration that the plan provides for attainment of the 2006 PM2.5 NAAQS in the Valley by the applicable attainment date, which was no later than December 31, 2019 or by the most expeditious alternative date practicable in accordance with the requirements of Part D of the Clean Air Act; and
WHEREAS, on September 30, 2016, EPA approved elements of the District's 2012 PM2.5 Plan, in Volume 81, Number 169 of the Federal Register (pages 59876-59901, effective August 31, 2016); and

WHEREAS, the District is submitting this 2018 Plan for the 1997, 2006, and 2012 PM2.5 Standards (Plan) through CARB to EPA to satisfy Subpart 1 and Subpart 4 requirements and to include a demonstration by CARB that attainment by December 31, 2019, is impracticable with a request for an extension of the attainment date; and

WHEREAS, pursuant to §188(e) of Subpart 4, EPA may grant a one-time extension of the Serious area attainment date by no more than five years, or December 31, 2024, if the State submits a demonstration that attainment by the Serious area deadline is impracticable and that the Plan for the 2006 NAAQS provides for attainment by the most expeditious alternative date practicable; and

WHEREAS, this Plan demonstrates attainment of the 2006 NAAQS as expeditiously as practicable by December 31, 2024; and

WHEREAS, the EPA promulgated a new more health protective PM2.5 NAAQS in January 2013 (2012 NAAQS) and directed states and air districts to implement this standard under CAA Subpart 1; and

WHEREAS, pursuant to Subpart 4 requirements, on January 15, 2015, EPA classified the Valley as a Moderate nonattainment area in Volume 80, Number 10 of the Federal Register (pages 2206-2284, effective April 15, 2015); and

WHEREAS, pursuant to Subpart 4 §188(b), on September 15, 2016, at the request of CARB and EPA, the District adopted the 2016 Moderate Area Plan for the 2012 PM2.5 Standard to satisfy federal Clean Air Act requirements, including a demonstration that the Valley cannot practicably attain the 2012 PM2.5 NAAQS by the October 15, 2016, attainment deadline and a reclassification request from Moderate to Serious nonattainment; and

WHEREAS, on October 20, 2016, CARB held a public hearing in the District's Fresno office and the CARB Board tabled the Plan at the request of the District and Valley
stakeholders. CARB did not forward the 2016 Moderate Area Plan to EPA, and committed to revisit the plan at a later date; and

WHEREAS, the District submitted the 2016 Moderate Area Plan to CARB in September 2016 with a demonstration of impracticability and a request for reclassification to Serious nonattainment and CARB shall submit said plan to EPA; and

WHEREAS, the District is submitting this Plan to EPA through CARB for the 2012 NAAQS to satisfy Subpart 1 and Subpart 4 requirements and to include a demonstration of attainment as expeditiously as practicable by the Serious Area deadline of December 31, 2025; and

WHEREAS, the District is submitting this 2018 Plan for the 1997, 2006, and 2012 PM2.5 Standards through CARB to EPA to satisfy Subpart 1 and Subpart 4 requirements and the District is committed to attaining the 1997 PM2.5 NAAQS, the 2006 PM2.5 NAAQS, and the 2012 PM2.5 NAAQS, as expeditiously as practicable; and

WHEREAS, the District developed the Plan through an extensive public process to provide numerous opportunities for the public input, the District worked closely with stakeholders, partner agencies, advocacy groups, and affected industry representatives to share information and receive comments and suggestions, and the District reconvened the Public Advisory Workgroup formed under the Direction of the District’s Governing Board, to discuss specific aspects of the Plan and strategies to attain the multiple PM2.5 standards; and

WHEREAS, the District uses extensive research and sound science as the foundation for the Plan; and

WHEREAS, photochemical and receptor modeling conducted by CARB and the District show that emission reductions from adopted measures and new commitments are sufficient to demonstrate attainment by 2020 for the 1997 PM2.5 NAAQS, 2024 for the 2006 PM2.5 NAAQS, and 2025 for the 2012 PM2.5 NAAQS, but not sooner; and
WHEREAS, the Plan includes a request for an attainment deadline extension to no later than December 31, 2024 for the 2006 PM2.5 NAAQS, pursuant to §188(e) Subpart 4 requirements; and

WHEREAS, pursuant to Subpart 4 requirements, the District conducted comprehensive Reasonably Available Control Measure (RACM), Best Available Control Measures (BACM) and Most Stringent Measures (MSM) analyses of the emissions sources in the Valley and potential control measures to reduce emissions as expeditiously as practicable, given the feasibility of control technologies; and

WHEREAS, this Plan demonstrates that the District currently implements, or goes beyond, RACM, BACM and MSM for all source categories under its regulatory jurisdiction; and

WHEREAS, to achieve the significant emissions reductions necessary for expeditious attainment, the proposed Plan includes CARB’s San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan adopted on October 25, 2018, that commits the State to providing the necessary emissions reductions through a combination of regulatory and incentive-based measures, including securing the $5 billion in new incentive funding necessary to accelerate the deployment of new clean vehicles, equipment, and technologies across a variety of sectors; and

WHEREAS, the Plan’s multi-faceted strategy will bring the Valley into attainment with health-based federal PM2.5 standards as expeditiously as practicable, and will achieve significant air quality benefits; and

WHEREAS, the emissions reductions achieved as a result of this Plan will contribute to the attainment of additional ozone and PM2.5 NAAQS adopted by EPA; and

WHEREAS, the District, CARB, and the Valley’s eight Metropolitan Planning Organizations (MPOs) prepared the Plan which demonstrates attainment of the 1997, 2006, and 2012 PM2.5 NAAQS and contains all elements required under the federal CAA; and
WHEREAS, the Plan includes sub-area mobile source emissions budgets that must be met by each of the eight MPOs, respectively, in the Valley for transportation conformity; and

WHEREAS, the dynamic nature of transportation planning in the Valley may trigger the need for technical refinements to the sub-area emissions budgets after the District Governing Board adoption of the Plan; and

WHEREAS, new and amended regulations to be adopted through implementation of the Plan would be subsequently developed through public processes, which will include due consideration of technological feasibility, cost effectiveness, socioeconomic impact, and environmental impact, as appropriate; and

WHEREAS, the Plan includes a commitment to achieve aggregate emissions reductions, begin the public process for the proposed measures by specific enforceable dates, and prepare such measures for Board action; and

WHEREAS, the commitment for aggregate emissions reductions may be achieved through the existing control program, measures identified in the Plan, alternative measures, incentive programs, and actual emission decreases that occur; and

WHEREAS, the technical PM2.5 modeling work supporting the Plan could not have been accomplished without the leadership, funding, and work products provided through the San Joaquin Valley-wide Air Pollution Study Agency; and

WHEREAS, the California Regional Particulate Air Quality Study (CRPAQS) will continue to produce results that help provide an improved understanding of PM in the Valley, including relationships among meteorology, atmospheric chemistry, and PM precursor emissions; and

WHEREAS, a public hearing for the adoption of the Plan was duly noticed and held on November 15, 2018, in accordance with law; and

WHEREAS, this Governing Board of the District concurs with the recommendations of its staff.

NOW, THEREFORE, be it resolved as follows:

2. The District Governing Board requests EPA to set 2020 as the attainment date for the 1997 PM2.5 NAAQS; set 2024 as the attainment date for the 2006 PM2.5 NAAQS; and set 2025 as the attainment date for the 2012 PM2.5 NAAQS.

3. The District has completed an Initial Study for said Plan that indicates the project will not result in any significant adverse effects to the environment, and a Proposed Negative Declaration has been prepared and properly noticed pursuant to the California Environmental Quality Act (CEQA) Guidelines. The District Governing Board has duly considered said Initial Study and proposed Negative Declaration. Accordingly, the District Governing Board approves and adopts a Negative Declaration for said Plan pursuant to CEQA requirements. In accordance with the provisions of Sections 15075 of the CEQA Guidelines, the Executive Director/Air Pollution Control Officer is hereby directed to file a Notice of Determination with the County Clerks of each county in the District.

4. The District Governing Board hereby finds, based on the evidence and information presented at the hearing upon which its decision is based, that all notices required to be given by law have been duly given, and that the District Governing Board has allowed public testimony in accordance with law.

5. District staff is directed to work with stakeholders and EPA to ensure that rules developed as a result of adoption of the Plan address technical and economic feasibility issues identified during plan development along with those that arise during the rule development process so that the rules are both fair and approvable by EPA.

6. The District Governing Board commits to take action on the rules and measures committed to in Chapter 4 of the Plan by the dates specified therein, and to submit these rules and measures, as appropriate, to CARB within 30 days of adoption for transmittal.
to EPA as a revision to the State Implementation Plan (SIP). The Board adopts the commitment to achieve the aggregate emissions reductions of 1.88 tpd of NOx and 1.30 tpd of PM2.5 by 2024/2025. If the total emission reductions from the adopted rules or measures are less than those committed to in the Plan, the District Governing Board commits to adopt, submit, and implement substitute rules and measures that achieve equivalent reductions in emissions of direct PM2.5 or PM2.5 precursors in the same implementation timeframes or in the timeframes needed to meet CAA milestones.

7. Any technical refinements that are needed for the sub-area emissions budgets will be duly noticed and presented in the State strategy that is scheduled for hearing by CARB in December 2018.

8. The District Governing Board commits to provide adequate resources to carry out the provisions of the Plan.

9. The Executive Director/Air Pollution Control Officer is hereby directed to forward a copy of this Resolution, the Plan, and appropriate Appendices to the CARB for inclusion in the SIP.

10. The District Governing Board requests that CARB authorize its Executive Officer to include the District’s 2018 Plan for the 1997, 2006, and 2012 PM2.5 Standards, as adopted by the District’s Governing Board, in the California SIP for submittal to EPA.

11. The District Governing Board requests that EPA approve the District’s 2018 Plan for the 1997, 2006 and 2012 PM2.5 Standards, including the rulemaking calendar and demonstrations of attainment, Reasonable Available Control Measure (RACM), Best Available Control Measures (BACM), Most Stringent Measures (MSM), Reasonable Further Progress (RFP), and contingency measures. The District Governing Board requests that EPA grant a conditional approval to any plan elements for which EPA cannot, for whatever reason, grant full approval at this time.

12. The District Governing Board requests that EPA approve the section 189(d) demonstration for the 1997 PM2.5 NAAQS.
13. The District Governing Board requests that EPA approve an extension of the attainment deadline for the 2006 PM2.5 NAAQS from December 31, 2019 to December 31, 2024.

14. The District Governing Board requests that EPA approve the reclassification request for Moderate to Serious for the 2012 PM2.5 NAAQS, as adopted and submitted to CARB in 2016.

15. District staff is hereby authorized to make any minor typographical and technical changes in the Plan that are necessary to correct minor errors, clarify wording, or to satisfy CARB and EPA technical requirements, provided that there are no changes in the conclusions or control requirements in the Plan.

November 15, 2018

16. THE FOREGOING was passed and adopted by the following vote of the Governing Board of the San Joaquin Valley Unified Air Pollution Control District this 15th day of November 2018, to wit:

AYES: Bessinger, Elliott, Fugazi, Pareira, Pedersen, Reyes, Sherriffs, Vierra, Wheeler, Worthley, Mendes

NOES: None

ABSENT: Ayers, Capitman, Couch, Olsen

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

By

Ernest Buddy Mendes, Chair
Governing Board

ATTEST:
Deputy Clerk of the Governing Board

By

Michelle Franco

Resolution for the 2018 Plan for the 1997, 2006, and 2012 PM2.5 Standards