

BEFORE THE GOVERNING BOARD OF THE
SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

IN THE MATTER OF:
ADOPTING THE SAN JOAQUIN VALLEY
UNIFIED AIR POLLUTION CONTROL
DISTRICT 2006 PM10 PLAN

RESOLUTION NO. 06-02-09

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 San Joaquin Valley Air Basin (SJVAB) is classified by the United States Environmental Protection Agency (EPA) as a serious nonattainment area for particulate matter less than 10 microns in diameter (PM10); and

WHEREAS, the District adopted the *2003 PM10 Plan (Plan)* on June 19, 2003 and adopted Amendments to the *2003 PM10 Plan* on December 18, 2003; and

WHEREAS, the EPA approved the *2003 PM10 Plan* as amended on May 26, 2004, effective June 26, 2004 (69 FR 30006-30036); and

WHEREAS, the District adopted the *2005 Amendments to the 2003 PM10 Plan* on May 19, 2005 to align the control measure implementation strategy with the current rulemaking efforts, to demonstrate that emission reductions achieved to date were adequate to meet plan commitments, and to align the *2003 PM10 Plan* contingency measures discussion with federal requirements; and

WHEREAS, the District and the California Air Resources Board (ARB) are required to prepare and submit a *2006 PM10 Plan* to EPA by March 31, 2006 (69 FR 30035); and

WHEREAS, public workshops for the *2006 PM10 Plan* were held on August 30, 2005 and October 21, 2005; the District summarized and developed written responses to written and verbal comments from both workshops as a Response to Comments document provided as an attachment to the *2006 PM10 Plan*; and

1 **WHEREAS**, the 2006 PM10 Plan does not add control measures not already
2 included in the 2003 PM10 Plan or those required by the Senate Bill 700 series
3 legislation passed by the legislature and signed into law in September 2003; and

4 **WHEREAS**, a public hearing for the adoption of 2006 PM10 Plan was duly noticed
5 and held on February 16, 2006.

6 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

7 1. The District Governing Board adopts the 2006 PM10 Plan. Said Plan is
8 attached hereto and incorporated herein as Exhibit "A."

9 2. The 2006 PM10 Plan has been prepared consistent with the requirements of
10 the federal Clean Air Act and corresponding EPA guidance.

11 3. The District has completed an Initial Study for said 2006 PM10 Plan that
12 indicates the project will not result in any significant adverse effects to the
13 environment, and a Proposed Negative Declaration has been prepared and properly
14 noticed pursuant to the California Environmental Quality Act Guidelines (CEQA). The
15 District Governing Board has duly considered said Initial Study and proposed
16 Negative Declaration. Accordingly, the District Governing Board:

17 (a) Certifies that the Initial Study and Negative Declaration reflect the independent
18 judgment of the District;

19 (b) Finds that the above-described project will have a de minimis impact on fish
20 and wildlife resources; and

21 (c) Approves and adopts a Negative Declaration for said Plan pursuant to CEQA
22 requirements. In accordance with the provisions of Sections 15075 of the California
23 Environmental Quality Act Guidelines, the Executive Director/Air Pollution Control
24 Officer is hereby directed to file a Notice of Determination with the County Clerks of
25 each of the counties in the District.

26 4. The District Governing Board hereby finds, based on the evidence and
27 information presented at the hearing upon which its decision is based, that all notices
28 required to be given by law have been duly given and that the District Governing

1 Board has allowed public testimony.

2 5. Adoption of said *2006 PM10 Plan* is necessary to comply with the federal
3 Clean Air Act and will promote the health and welfare of the residents of the San
4 Joaquin Valley Air Basin. Rules to be developed under the *2006 PM10 Plan* will be in
5 accordance with the District's rule development procedure with due consideration of
6 technological feasibility, cost effectiveness, socioeconomic impact, and environmental
7 impact.

8 6. Specific rule language will be developed during the rule development process
9 that will provide additional opportunity to address stakeholder concerns.

10 7. If the total emission reductions from the adopted rules are less than those
11 committed to in the *Plan*, the District Governing Board commits to adopt, submit, and
12 implement substitute measures that will achieve equivalent reductions in emissions to
13 meet milestone planning requirements.

14 8. District staff is directed to consult with ARB and EPA as soon as any emissions
15 reduction shortfall is identified to determine the cause of the shortfall and identify any
16 needed corrective actions.

17 9. District staff is directed to report to the District Governing Board on any shortfall
18 and, if corrective actions are needed, propose any necessary control strategy
19 modifications for District Governing Board consideration.

20 10. The District Governing Board commits to adopt and implement rules and
21 measures in the *2006 PM10 Plan* within the time period specified in the *Plan*. The
22 District will submit these rules and measures to the ARB within one month of adoption
23 or soon thereafter for transmittal to EPA as a revision to the State Implementation
24 Plan.

25 11. The Executive Director/Air Pollution Control Officer is hereby directed to
26 forward a copy of this Resolution and the *2006 PM10 Plan* to the ARB.

27 12. The District Governing Board requests that the ARB Executive Officer include
28 the *2006 PM10 Plan*, as adopted by the District Governing Board, in the California

1 State Implementation Plan for submittal to the EPA.

2 13. District staff is hereby authorized to make any minor typographical and technical
3 changes in the 2006 PM10 Plan that are necessary to correct minor errors, clarify
4 wording, or to satisfy ARB and EPA technical requirements, provided that there are no
5 changes in the conclusions or control requirements in the 2006 PM10 Plan.

6 THE FOREGOING was passed and adopted by the following vote of the
7 Governing Board of the San Joaquin Valley Unified Air Pollution Control District this
8 16th day of February 2006, to wit:

9 AYES: Anderson, Dominici, Barba, Patrick, Nelson, Sieglock,
10 Prince, Mayfield, Worthley and Maggard.

11
12 NOES: None.

13
14 ABSENT: Armentrout.

15
16 SAN JOAQUIN VALLEY UNIFIED
17 AIR POLLUTION CONTROL DISTRICT

18
19 By Mike Maggard
20 Mike Maggard, Chair
Governing Board

21 ATTEST:

22 Clerk to the Governing Board

23 By Sissy Smith
24 Sissy Smith

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