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

IN THE MATTER OF:	RESOLUTION NO. _____
ADOPTING THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT 2003 PM10 PLAN	

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 sections 40150 to 40161; and

WHEREAS, the District is designated by United States Environmental Protection Agency (EPA) as a serious nonattainment area for particulate matter less than 10 microns in diameter (PM10); and

WHEREAS, under Section 189(b) of the Federal Clean Air Act (CAA), the District is required to submit a plan demonstrating attainment and implementing best available control measures (BACM) no later than four years after reclassification to serious nonattainment; and

WHEREAS, the District submitted the PM10 Attainment Demonstration Plan on May 15, 1997 and subsequently initiated a request to withdraw the plan on February 21, 2002; and

WHEREAS, the EPA initiated a sanction clock for failure to submit the PM10 Plan on March 18, 2002 that will result in the imposition of the first sanction, 2 to 1 stationary source offsets, on August 28, 2003, and the imposition of the second sanction, withholding of federal highway funds, on February 28, 2004 unless the District provides a plan to EPA meeting all completeness criteria; and

WHEREAS, the District did not achieve the PM10 standard by December 31, 2001 as required by CAA Section 188(c)(2) and no extension was

approved by EPA, the District is required to submit plan revisions which provide for attainment and an annual reduction in PM10 or PM10 precursor emissions of not less than 5 percent by December 31, 2002; and

WHEREAS, the District prepared the 2003 PM10 Plan (Plan) which contains all required elements and demonstrates attainment of the federal PM10 standards at all monitoring sites in the air basin by 2010; and

WHEREAS workshops were held on the Draft 2003 PM10 Plan in April 2003; and written and oral comments that were received were responded to with changes reflected in the Proposed 2003 PM10 Plan text and summarized in a Response to Comments document provided as an attachment to the Plan; and

WHEREAS, additional changes that are provided as an addendum to the Plan were made to correct typographic errors, formatting issues and minor revisions of text, and said changes did not alter the control strategy and the attainment demonstration nor did they change the Plan's findings or conclusions and are provided in an addendum to the Plan; and

WHEREAS, the Plan includes Transportation Conformity Budgets prepared by the California Air Resources Board for years 2005, 2008, and 2010 that must be met by each of the eight counties in the San Joaquin Valley Air Basin; and

WHEREAS, on occasion the Transportation Planning Agencies identify minor errors in the Transportation Conformity Budgets that require adjustment of the budget, yet do not impact the District's attainment plan; and

WHEREAS, the California Air Resources Board (ARB) has the authority to make such adjustments to Conformity Budgets subsequent to the adoption of the Plan by the District Governing Board should they be needed; and

WHEREAS, the District received comments on the Draft PM10 Plan regarding specific aspects of proposed control measures for Regulation VIII and other source categories that may be infeasible or ineffective under certain conditions; and

WHEREAS, specific rule language will be developed during the rule

development process that address feasibility issues at a much greater level of detail than was possible during development of the PM10 Plan; and

WHEREAS, the specific requirements of the Conservation Management Practice (CMP) Program may also change as additional information becomes available during the rule development process; and

WHEREAS, individual control measures may be revised from what is proposed in the Plan, the District is committed to achieving equivalent emission reductions from the overall control strategy in the same time frames as proposed in the Plan; and

WHEREAS, the District Governing Board approved a memorandum of understanding (MOU) on June 20, 1996 with California Department of Food and Agriculture (CDFA) and the Natural Resource Conservation Service (NRCS) committing the agencies to cooperate in the development of best available control measures for agricultural sources and said MOU is incorporated herein by reference; and

WHEREAS, although current modeling indicates that oxides of nitrogen (NOx) controls are the most effective strategy to reduce ammonium nitrate formation, significant uncertainty remains regarding the effectiveness of ammonia controls on the formation of this pollutant in the San Joaquin Valley; and

WHEREAS, the ongoing California Regional Particulate Air Quality Study (CRPAQS) is expected to provide an improved understanding of relationships among the PM10 precursors; and

WHEREAS, the District is required to prepare a Reasonable Further Progress (RFP) Plan for submittal to EPA in March of 2006 and this will coincide with the completion of CRPAQS contracts in the fall of 2005 providing the information and the opportunity to perform a mid-course correction should one be needed to revise the attainment demonstration and to implement new controls; and

WHEREAS, a public hearing for the adoption of the Plan was duly noticed and held on June 19, 2003, in accordance with California Health and Safety Code Section 40725; and

WHEREAS, this Board concurs with the recommendations of its staff;

NOW, THEREFORE, be it resolved as follows:

1. The Governing Board adopts the 2003 PM10 Plan. Said Plan and circulated Appendices are attached hereto and incorporated herein as Exhibit "A."

2. The 2003 PM10 Plan has been prepared consistent with the requirements of the Federal Clean Air Act and corresponding guidance of the U.S. Environmental Protection Agency (EPA).

3. The District has completed an Initial Study for said PM10 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 Guidelines (CEQA). The Governing Board of the District has duly considered said initial study and proposed Negative Declaration. Accordingly, the Governing Board of the District (a) certifies that the Initial Study and Negative Declaration reflect the independent judgment of the District; (b) finds that the above-described project will have a de minimis impact on fish and wildlife resources; and (c) approves and adopts a Negative Declaration for said Plan pursuant to CEQA requirements. In accordance with the provisions of Sections 15075 of the *California Environmental Quality Act Guidelines*, the Executive Director/Air Pollution Control Officer is hereby directed to cause to be filed a Notice of Determination with the County Clerks of each of the counties in the District.

4. The Governing Board hereby finds, based on the evidence and information presented at the hearing upon which its decision is based, all notices required to be given by law have been duly given in accordance with Health and Safety Code section 40725, and the Board has allowed public testimony in accordance with Health and Safety Code section 40726.

5. Adoption of said Plan is necessary to comply with the Federal Clean Air Act and will promote the health and welfare of the residents of the San Joaquin Valley Air Basin. Rule development under the plan will be in accordance with the District's rule development procedure with due consideration of technological feasibility, cost-effectiveness, socio-economic impact, and environmental impact.

6. The Executive Director/Air Pollution Control Officer is hereby directed to forward a copy of this Resolution, the 2003 PM10 Plan, and Appendices to the ARB.

7. District staff is directed to work with stakeholders and EPA to ensure that all rules developed as a result of adoption of the 2003 PM10 Plan address all 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.

8. District staff is committed to implementing the CMP Program and Rule 8081 utilizing the best available local research in cooperation with the NRCS, and the CDFA to the benefit of air quality for all citizens of the San Joaquin Valley.

9. District staff is directed to ensure that any mitigation fee that may be developed as part of the Indirect Source Mitigation Program shall take into account the onsite mitigation accomplished by the developer and shall provide an adequate demonstration of the relationship between the air quality impacts of the project and the fee used for measures to mitigate those impacts.

10. The District Board commits to adopt and implement the rules and measures in the 2003 PM10 Plan by the dates specified in Chapter 4 to achieve the emissions reductions shown in Chapter 4, and to submit these rules and measures to the California Air Resources Board within one month of adoption for transmittal to EPA as a revision to the State Implementation Plan. If the total emission reductions from the adopted rules are less than those committed to in the Plan, the District Board

commits to adopt, submit, and implement substitute rules and measures that will achieve equivalent reductions in the same adoption and implementation timeframes.

11. District staff is directed to track progress in meeting the 5% and attainment requirements and to report to the Board as soon as shortfalls are identified. The Board commits to adopt, submit, and implement rules to eliminate any shortfalls within 1 year.

12. District staff is directed to conduct a mid-course review that will include an evaluation of the modeling from CRPAQS and the latest technical information (inventory, data, monitoring, etc.) to determine the level of PM10 and PM10 precursor emission reductions needed to attain the federal PM10 annual and 24-hour standards. The mid-course review will also include a complete reassessment of all Plan elements including the attainment demonstration and control measures. The District will continue to work with ARB, EPA and San Joaquin Valley stakeholders in an open, public process to ensure the mid-course review is a comprehensive and thorough evaluation and to assess possible new control measures. The District commits to adopt and submit by March 31, 2006 a SIP revision based on this mid-course review.

13. District staff is directed to prepare a new PM10 Plan for adoption and submittal through ARB to EPA based on the results of CRPAQS by March 2006.

14. The Governing Board of the District requests that ARB authorize its Executive Officer to include the District's 2003 PM10 Plan, as adopted by the District's Governing Board, in the California State Implementation Plan for submittal to the EPA.

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

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 19th day of June 2003, to wit:

AYES: Watson, Silva, Maggard, Nelson, Worthley, Case, Mayfield, Sieglock and Barba.

NOES: None.

ABSENT: Armentrout.

SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

By _____ for
Ronn Dominici, Chair
Governing Board

ATTEST:
Clerk to the Governing Board

By _____
Sissy Smith

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1990 E. Gettysburg Avenue
Fresno, CA 93726
(559) 230-5800

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

IN THE MATTER OF:

ADOPTING AMENDMENTS TO THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT 2003 PM10 PLAN

RESOLUTION NO. 03-12-12

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 sections 40150 to 40161; and

WHEREAS, the District is designated by 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 submitted the 2003 PM10 Plan (Plan) on June 19, 2003 to comply with the Federal Clean Air Act (CAA); and

WHEREAS, the EPA found the Plan complete on August 22, 2003 stopping a sanction clock for failure to submit the PM10 Plan; and

WHEREAS, the EPA began review of the plan and identified issues that unless resolved would prevent approval of the PM10 Plan and would require EPA to promulgate a Federal Implementation Plan (FIP) by March 31, 2004; and

WHEREAS, the EPA indicated that the District should amend the PM10 Plan to strengthen and clarify the control measure commitments and to provide additional analysis and information to support the plan; and

WHEREAS, the District prepared amendments to the PM10 Plan to resolve the remaining issues and to respond to stakeholder concerns consistent with EPA's concerns; and

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WHEREAS workshops were held on the Draft Amendments to the Plan in October 2003; and written and oral comments that were received were responded to with changes reflected in the Proposed Amendments to the Plan text and summarized in a Response to Comments document provided as an attachment to the Amendments; and

WHEREAS, additional changes, corrections, and clarifications made after the release of the Proposed Amendments to the 2003 PM10 Plan are incorporated into the text of the Plan Amendment and the Supplementary BACM Analysis, and said changes did not alter the attainment demonstration nor did they change the Plan's findings, conclusions or environmental impacts; and

WHEREAS, specific rule language will be developed during the rule development process that will provide additional opportunity to address stakeholder concerns; and

WHEREAS, the District may revise individual control measures included in the Plan and amendments as long as it achieves equivalent emission reductions from the overall control strategy in the same time frames as stated in the Plan; and

WHEREAS, a public hearing for the adoption of Amendments to the Plan was duly noticed and held on December 18, 2003, in accordance with California Health and Safety Code Section 40725; and

WHEREAS, this Board concurs with the recommendations of its staff;

NOW, THEREFORE, be it resolved as follows:

1. The Governing Board adopts the Amendments to the 2003 PM10 Plan. Said Amendments and circulated Appendices are attached hereto and incorporated herein as Exhibit "A."

2. The Amendments to the 2003 PM10 Plan have been prepared consistent with the requirements of the Federal Clean Air Act and corresponding guidance of the U.S. Environmental Protection Agency (EPA).

3. The District has completed an Initial Study for said Amendments to the 2003 PM10 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 Guidelines (CEQA). The Governing Board of the District has duly considered said initial study and proposed Negative Declaration. Accordingly, the Governing Board of the District (a) certifies that the Initial Study and Negative Declaration reflect the independent judgment of the District; (b) finds that the above-described project will have a de minimis impact on fish and wildlife resources; and (c) approves and adopts a Negative Declaration for said Plan pursuant to CEQA requirements. In accordance with the provisions of Sections 15075 of the *California Environmental Quality Act Guidelines*, the Executive Director/Air Pollution Control Officer is hereby directed to cause to be filed a Notice of Determination with the County Clerks of each of the counties in the District.

4. The Governing Board hereby finds, based on the evidence and information presented at the hearing upon which its decision is based, all notices required to be given by law have been duly given in accordance with Health and Safety Code section 40725, and the Board has allowed public testimony in accordance with Health and Safety Code section 40726.

5. Adoption of said Plan is necessary to comply with the Federal Clean Air Act and will promote the health and welfare of the residents of the San Joaquin Valley Air Basin. Rule development under the plan will be in accordance with the District's rule development procedure with due consideration of technological feasibility, cost-effectiveness, socio-economic impact, and environmental impact.

6. The Executive Director/Air Pollution Control Officer is hereby authorized to sign the letter to the Director, EPA Region IX regarding clarification of the transportation conformity budget trading mechanism as authorized by section 93.124(c)

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of the federal conformity regulation and is directed to forward said letter to EPA Region IX.

7. The Executive Director/Air Pollution Control Officer is hereby directed to forward a copy of this Resolution, the Amendments to the 2003 PM10 Plan, and Appendices to the ARB.

8. The Governing Board of the District requests that the ARB Executive Officer include the Amendments to the District's 2003 PM10 Plan, as adopted by the District's Governing Board, in the California State Implementation Plan for submittal to the EPA.

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

10. **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 18th day of December 2003, to wit:

AYES: Prince, Worthley, Case, Nelson, Barba, Maggard, Mayfield, Patrick and Dominici.

NOES: None.

ABSENT: Armentrout and Sieglock.

SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

By _____
Ronn Dominici, Chair

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1990 E. Gettysburg
Avenue
Fresno, CA 93726

Governing Board

ATTEST:
Clerk to the Governing Board

By _____
Sissy Smith

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1990 E. Gettysburg
Avenue
Fresno, CA 93726

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

IN THE MATTER OF:

ADOPTING 2005 AMENDMENTS TO THE SAN JOAQUIN VALLEY AIR BASIN 2003 PM10 PLAN

RESOLUTION NO. 05-05-06

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 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 has adopted rules implementing over 90% of the direct PM10 emission reductions and over 80% of the nitrogen oxides (NOx) emission reductions identified in the *2003 PM10 Plan* as amended; and

WHEREAS, implementation of the Indirect Source Rules program and some stationary source emission control rules have been delayed beyond dates projected in the *2003 PM10 Plan* as amended, thereby creating a potential emissions reduction shortfall; and

WHEREAS, the District has the authority to identify reductions from other measures in the same time frame should a shortfall arise; and

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WHEREAS, significant new state funding not anticipated in the *2003 PM10 Plan* as amended greatly increases the potential for emissions reductions from incentive programs; and

WHEREAS, emissions reductions from some control measures in the *2003 PM10 Plan* exceed those predicted in the *2003 PM10 Plan*; and

WHEREAS, California legislation passed in late 2003 added new emission reduction requirements that help meet *2003 PM10 Plan* commitments; and

WHEREAS, the District and EPA identified changes needed in the contingency measure strategy in the *2003 PM10 Plan* to align it with federal requirements; and

WHEREAS, the District prepared the *2005 Amendments to the 2003 PM10 Plan (Amendments)* to make it current with the District's best estimates of control strategy implementation, to demonstrate that emission reductions achieved to date are adequate to meet plan commitments, and to align the *2003 PM10 Plan* contingency measures discussion with federal requirements; and

WHEREAS, public workshops were held on the *Draft 2005 Amendments to the 2003 PM10 Plan* on March 30, 2005 and April 26, 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 *Amendments*; and

WHEREAS, the *2005 Amendments to the 2003 PM10 Plan* do not add control measures not already in the *Plan* or already required by the Senate Bill 700 series legislation passed by the legislature and signed into law in September 2003; and

WHEREAS, specific rule language will be developed during the rule development process that will provide additional opportunity to address stakeholder concerns; and

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WHEREAS, the District may revise individual control measures included in the *2005 Amendments to the 2003 PM10 Plan* as long as it achieves equivalent emission reductions from the overall control strategy in the same time frames as stated in the Plan; and

WHEREAS, a public hearing for the adoption of *2005 Amendments to the 2003 PM10 Plan* was duly noticed and held on May 19, 2005; and

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

WHEREAS, state law authorizes the District to collect a vehicle registration fee on each vehicle registered within the District's jurisdiction that can be used in part to provide grants for projects reducing emissions, and the District has taken the necessary action to receive the revenue from the fees; and

WHEREAS, state law created and funded the San Joaquin Valley Emergency Clean Air Program (VECAP) to provide grants for projects reducing on-road and off-road emissions; and

WHEREAS, the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) guidelines provide a mechanism to ensure that emission reductions achieved through fiscal incentives programs that follow the guidelines are surplus, real, quantifiable, and enforceable; and

WHEREAS, the District has a long history of success in achieving emission reductions through incentives, with total funds allocation through April 2005 exceeding $87 million and emission reductions totalling 36,500 tons; and

WHEREAS, the District has identified over $1.17 billion of future emission reduction incentive projects for the SJVAB; and

WHEREAS, this Board concurs with the recommendations of its staff;

NOW, THEREFORE, be it resolved as follows:

1. The Governing Board adopts the *2005 Amendments to the 2003*

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PM10 Plan. Said *Amendments* are attached hereto and incorporated herein as Exhibit "A."

2. The *2005 Amendments to the 2003 PM10 Plan* have been prepared consistent with the requirements of the Federal Clan Air Act and corresponding EPA guidance.

3. The Governing Board finds that, because said *2005 Amendments to the 2003 PM10 Plan* will have no possible significant adverse effect on the environment, the proposed actions are exempt from the provisions of the California Environmental Quality Act of 1970 (CEQA) under the provisions of Section 15061 (b)(3) of the State CEQA Guidelines. The Executive Director/Air Pollution Control Officer is directed to file a Notice of Exemption with the County Clerks of each of the counties 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. Adoption of said *2005 Amendments to the Plan* will promote the health and welfare of the residents of the San Joaquin Valley Air Basin. Rules to be developed under the *2005 Amendments to the 2003 PM10 Plan* will be in accordance with the District's rule development procedure with due consideration of technological feasibility, cost-effectiveness, socio-economic impact, and environmental impact.

6. District staff is directed to implement the Incentive Program using the District's incentive monies, including vehicle registration surcharge fees, State funds, and Federal funds, using established State and District guidelines to achieve the emission reductions associated with the Incentive Program and to ensure the emission reductions are accurately quantified and are surplus, real, quantifiable, and enforceable.

7. District staff is directed to track and enforce funded projects.

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8. District staff is directed to track progress in achieving the emission reductions associated with the incentive program on an ongoing basis and prepare and to make publicly available annual reports on emission reductions actually achieved from completed projects as required for incentive program reports.

9. District staff is directed to consult with ARB and EPA as soon as any emission reduction shortfall is identified to determine the cause of the short-fall and identify any needed corrective actions.

10. District staff is directed to report to the Board on any shortfall and, if corrective actions are needed, propose any necessary control strategy modifications for the Board's consideration.

11. If the total emission reductions from the adopted rules and incentive programs are less than those committed to in the *Plan*, the District Board commits to adopt, submit, and implement substitute rules and measures that will achieve equivalent reductions in the same adoption and implementation timeframes.

12. The Executive Director/Air Pollution Control Officer is hereby directed to forward a copy of this Resolution and the *2005 Amendments to the 2003 PM10 Plan* to the ARB.

13. The Governing Board of the District requests that the ARB Executive Officer include the *2005 Amendments to the District's 2003 PM10 Plan*, as adopted by the District's Governing Board, in the California State Implementation Plan for submittal to the EPA.

14. District staff is hereby authorized to make any minor typographical and technical changes in the *2005 Amendments to the 2003 PM10 Plan* that are necessary to correct minor errors or clarify wording, or to satisfy the ARB and EPA technical requirements, provided that there are no changes in the conclusions or control requirements in the *2005 Amendments to the 2003 PM10 Plan*.

15. **THE FOREGOING** was passed and adopted by the following vote of the Governing Board of the San Joaquin Valley Unified Air Pollution Control District

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this 19th day of May, 2005, to wit:

AYES: Worthley, Prince, Nelson, Sieglock, Anderson, Barba, Maggard and Mayfield.

NOES: None.

ABSENT: Patrick, Dominici and Armentrout.

SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

By _____
Thomas W. Mayfield, Chair
Governing Board

ATTEST:
Clerk to the Governing Board

By _____
Sissy Smith
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1990 E. Gettysburg Avenue
Fresno, CA 93726
(559) 230-5800