

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

IN THE MATTER OF:) RESOLUTION NO. 04-10-07
ADOPTING THE SAN JOAQUIN VALLEY)
UNIFIED AIR POLLUTION CONTROL)
DISTRICT EXTREME OZONE)
ATTAINMENT DEMONSTRATION 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 United States Environmental Protection Agency (EPA) has classified the San Joaquin Valley Air Basin (SJVAB) as an extreme nonattainment area for the federal 1-hour ozone ambient air quality standards; and

WHEREAS, such classification as extreme nonattainment requires attainment of the federal 1-hour ozone standards in the SJVAB as expeditiously as practicable but not later than November 15, 2010; and

WHEREAS, as given in Volume 69, Number 74 of the *Federal Register* (April 16, 2004, page 20552), EPA requires the State of California to submit a plan by November 15, 2004 that demonstrates attainment of the federal 1-hour ozone standards in the SJVAB by the date given above; and

WHEREAS, the District, the California Air Resources Board (ARB), and the eight Transportation Planning Agencies (TPAs) in the SJVAB prepared the Extreme Ozone Attainment Demonstration Plan (OADP), which contains all required elements and demonstrates attainment of the federal 1-hour ozone ambient air quality standards by November 15, 2010; and

1 **WHEREAS**, emission control measures to be implemented by the ARB
2 and EPA in the post-2005 time frame on sources largely outside the District's
3 authority to control are essential to demonstrating November 15, 2010 attainment of
4 the federal 1-hour ozone standards in the SJVAB; and

5 **WHEREAS**, the Extreme OADP meets federal Clean Air Act
6 requirements for demonstrating rate of progress in reducing emissions of ozone
7 precursors for extreme areas for the years 2008 and 2010; and

8 **WHEREAS**, the Extreme OADP also meets California Clean Air Act
9 requirements for preparing and submitting Triennial Progress Reports and Triennial
10 Revisions to the 1991 Air Quality Attainment Plan directed at attainment of the
11 California 1-hour ambient air quality standard for ozone, including the reporting of
12 trends in required air quality indicators and evaluation of District ozone precursor
13 emission control measures and comparison with said measures implemented in
14 adjacent downwind districts; and

15 **WHEREAS**, the District issued a Draft Status Report on the Extreme
16 OADP in December 2003 that listed District and ARB control measures to be included
17 in the OADP, and described preliminary photochemical modeling results; and

18 **WHEREAS**, the District held workshops for the Draft Extreme OADP on
19 July 23, 2003; January 6-7, 2004; and August 12-13, 2004; and the District responded
20 to written and oral comments that were received during comment periods for all three
21 sets of workshops (and posted said comments and responses on the ozone plan
22 website), including the Draft Plan comment period of July 30—August 27, 2004; and

23 **WHEREAS**, after close of the comment period on the Draft Plan, the
24 District made changes in the Draft Plan text and prepared a list of changes made to
25 the Draft Plan that are reflected in the Proposed Extreme OADP; and

26 **WHEREAS**, after posting the proposed Extreme OADP 30 days in
27 advance of the hearing date, the District and ARB identified additional minor technical
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1 revisions to the Extreme OADP and described those to the District Governing Board
2 at the September 16, 2004 District Governing Board public meeting and included
3 them in an "Errata" page that was distributed at said meeting; and

4 **WHEREAS**, the District Governing Board directed staff, at the
5 September 16, 2004 public meeting, to incorporate the "Errata" page changes into the
6 Proposed Extreme OADP, and to make any other changes to the Proposed Extreme
7 OADP as needed to ensure consistency, and to make the revised plan available in
8 advance of the October 8, 2004 Governing Board hearing; and

9 **WHEREAS**, the Plan includes sub-area emissions budgets for 2008 and
10 2010 that must be met by each of the eight counties, respectively, in the San Joaquin
11 Valley Air Basin for transportation conformity; and

12 **WHEREAS**, specific language will be developed during the rule
13 development process that addresses emission control measure feasibility issues at a
14 much greater level of detail than was possible during plan development; and

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

19 **WHEREAS**, the technical ozone modeling work supporting the Extreme
20 OADP could not have been accomplished without the leadership, funding, and work
21 products provided through the Study Agency; and

22 **WHEREAS**, the ongoing Central California Ozone Study (CCOS) will
23 continue to produce results that help provide an improved understanding of ozone
24 formation in the SJVAB, including relationships among meteorology, atmospheric
25 chemistry, and ozone precursor emissions; and

26 **WHEREAS**, the District and the ARB developed the Extreme OADP with
27 the best CCOS information available through March of 2004; and
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1 **WHEREAS**, the demonstration of attainment of the federal 1-hour ozone
2 standard in this Extreme OADP depends upon a small quantity of emissions
3 reductions for which control measures have not yet been specified and which
4 therefore have been assigned to the category of "Long-Term Measures"; and

5 **WHEREAS**, a public hearing for the adoption of the Plan was duly
6 noticed and held on October 8, 2004, in accordance with law ; and

7 **WHEREAS**, EPA's Final Rule approving the reclassification of the
8 SJVAB to extreme nonattainment for the federal 1-hour ozone standards requires the
9 District to submit revised Title V and New Source Review (NSR) rules to EPA by May
10 16, 2005; and

11 **WHEREAS**, this Board concurs with the recommendations of its staff,

12 **NOW, THEREFORE**, be it resolved as follows:

13 1. The District Governing Board adopts the Extreme OADP, thereby
14 fulfilling separate federal and state air quality planning requirements. Said Plan and
15 its circulated Appendices are attached hereto and are incorporated herein as Exhibit
16 "A."

17 2. The Extreme OADP has been prepared consistent with the
18 requirements of the Federal Clean Air Act and corresponding guidance of the U.S.
19 Environmental Protection Agency (EPA).

20 3. The California Clean Air Act components of the Plan have been
21 prepared consistent with the requirements of the California Health and Safety Code
22 and corresponding guidance of the ARB.

23 4. The District has completed a Final Environmental Impact Report
24 (FEIR) for said Extreme OADP that has been prepared and properly noticed pursuant
25 to the *California Environmental Quality Act (CEQA)* and the CEQA Guidelines. This
26 FEIR represents CEQA compliance for the Extreme OADP, including the 2008 and
27 2010 Rate of Progress demonstrations, and the California Clean Air Act Triennial
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1 Progress Report and Plan Revision. The District Governing Board has reviewed and
2 considered information in the FEIR. The District Governing Board certifies that the
3 FEIR reflects the independent judgment and analysis of the District. In accordance
4 with the provisions of Section 15094 of the *CEQA Guidelines*, the Executive
5 Director/Air Pollution Control Officer is hereby directed to cause to be filed a Notice of
6 Determination with the County Clerks of each of the counties in the District.

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

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

17 7. The Executive Director/Air Pollution Control Officer is hereby
18 directed to forward a copy of this Resolution, the Extreme OADP, and Appendices to
19 the ARB.

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

25 9. The District Governing Board commits to adopt and implement
26 the rules and measures in the Extreme OADP by the dates specified in Chapter 4 to
27 achieve the emissions reductions shown in Chapter 4, and to submit these rules and
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1 measures to the ARB within one month of adoption for transmittal to EPA as a
2 revision to the State Implementation Plan. If the total emission reductions from the
3 adopted rules are less than those committed to in the Plan, the District Governing
4 Board commits to adopt, submit, and implement substitute rules and measures that
5 will achieve equivalent reductions in emissions of ozone precursors in the same
6 adoption and implementation timeframes.

7 10. District staff is directed to identify by spring 2007 specific control
8 measures to achieve the total quantity of emissions reductions placed in the category of
9 "Long-Term Measures", and to make any other necessary revisions to the Extreme
10 OADP at the same time.

11 11. The District Governing Board requests that ARB authorize its
12 Executive Officer to include the District's Extreme OADP, as adopted by the District's
13 Governing Board, in the California State Implementation Plan for submittal to the EPA.

14 12. District staff is hereby authorized to make any minor typographical
15 and technical changes in the Plan and Appendices that are necessary to correct minor
16 errors, clarify wording, or to satisfy ARB and EPA technical requirements, provided that
17 the Plan's conclusions or control requirements do not change.

18 13. The District commits to submitting revised Title V and NSR rules to
19 EPA by May 16, 2005. The requirements of these rules could be revisited again upon
20 revocation of the federal 1-hour ozone standards.
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14. 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 8th day of October 2004, to wit:

AYES: Anderson, Dominici, Barba, Prince, Nelson, Armentrout, Maggard, Worthley and Patrick.

NOES: No.

ABSENT: Sleglock and Mayfield.

SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

By Barbara Patrick
Barbara Patrick, Chair
Governing Board

ATTEST:
Clerk to the Governing Board

By Sissy Smith
Sissy Smith
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