

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

**IN THE MATTER OF: ADOPTING
PROPOSED AMENDMENTS TO THE
SAN JOAQUIN VALLEY UNIFIED AIR
POLLUTION CONTROL DISTRICT'S
2004 EXTREME OZONE ATTAINMENT
DEMONSTRATION PLAN**

RESOLUTION NO. 05-10-12

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 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, the District adopted the Extreme Ozone Demonstration Plan (EOADP) on October 8, 2004; and

WHEREAS, the EOADP was deemed complete by operation of law on May 15, 2005; and

WHEREAS, EPA is required to take action to approve or disapprove the plan or parts of the plan by May 15, 2006; and

WHEREAS, EPA cannot approve the EOADP because it contains control measures with past dates amended for the 2003 PM10 plan on May 19, 2005; and

WHEREAS, EPA has directed the District to update the control measure dates in the EOADP for control measures amended for the 2003 PM10 Plan and which impact the EOADP control measures; and

WHEREAS, the District has amended “Chapter 4: Control Strategy” and “Chapter 8: California Clean Air Act Triennial Progress Report and Plan Revision” to be consistent with the 2005 Amendments to the 2003 PM10 Plan, to reflect the current rulemaking schedule, and to correct minor typographical errors; and

1 **WHEREAS**, the Chapter 4 amendments will meet federal Clean Air Act requirements
2 and;

3 **WHEREAS**, the Chapter 8 amendments are a separate stand alone report to meet
4 California Clean Air Act requirements; and

5 **WHEREAS**, the District presented the proposed amendments to the public through
6 the Citizens Advisory Committee meeting on September 6, 2005 and to the
7 Community Groups on September 12, 2005; and

8 **WHEREAS**, no comments were received during the comment period of August 26 –
9 September 26, 2005; and

10 **WHEREAS**, individual control measures may be revised from what is proposed in
11 the Plan amendments, and the District is committed to achieving equivalent emission
12 reductions from the overall control strategy in order to meet milestone planning
13 requirements; and

14 **WHEREAS**, a public hearing for the adoption of the amendments to the EOADP was
15 duly noticed and held on October 20, 2005, in accordance with law; and

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

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

18 1. The District Governing Board adopts the amendments to the Extreme
19 Ozone Attainment Demonstration Plan, thereby fulfilling separate federal and state air
20 quality planning requirements. Said amendments are attached hereto and are
21 incorporated herein as “Chapter 4: Control Strategy” and “Chapter 8: California Clean
22 Air Act Triennial Progress Report and Plan Revision”.

23 2. The plan amendments have been prepared consistent with the
24 requirements of the Federal Clean Air Act and corresponding guidance of the U.S.
25 Environmental Protection Agency (EPA).

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

1 4. The District has completed an Initial Study for said amendments that
2 indicates the project will not result in any significant adverse effects to the
3 environment, and a Proposed Negative Declaration has been prepared and properly
4 noticed pursuant to the California Environmental Quality Act (CEQA). The Governing
5 Board of the District has duly considered said Initial Study and proposed Negative
6 Declaration. Accordingly, the Governing Board of the District (a) certifies that the
7 Initial Study and Negative Declaration reflect the independent judgment of the District;
8 (b) finds that the above-described project will have a de minimis impact on fish and
9 wildlife resources; and (c) approves and adopts a Negative Declaration for said Plan
10 pursuant to CEQA requirements. In accordance with the provisions of Sections
11 15075 of the *California Environmental Quality Act Guidelines*, the Executive
12 Director/Air Pollution Control Officer is hereby directed to cause to be filed a Notice of
13 Determination with the County Clerks of each of the counties in the District.

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

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

24 7. The Executive Director/Air Pollution Control Officer is hereby directed to
25 forward a copy of this Resolution and the Plan amendments to the ARB.

26 8. District staff is directed to work with stakeholders and EPA to ensure that
27 rules developed as a result of adoption of the EOADP address technical and economic
28 feasibility issues identified during plan development along with those that arise during

1 the rule development process so that the rules are both fair and approvable by EPA.

2 9. The District Governing Board commits to adopt and implement the rules
3 and measures in the EOADP within the time period necessary to demonstrate
4 attainment of the federal 1-hour ozone standard, and to submit these rules and
5 measures to the ARB within one month of adoption for transmittal to EPA as a
6 revision to the State Implementation Plan. If the total emission reductions from the
7 adopted rules are less than those committed to in the Plan, the District Governing
8 Board commits to adopt, submit, and implement substitute rules and measures that
9 will achieve equivalent reductions in emissions of ozone precursors to meet milestone
10 planning requirements.

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

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

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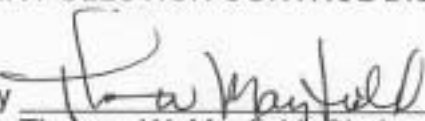
1 12. **THE FOREGOING** was passed and adopted by the following vote of the
2 Governing Board of the San Joaquin Valley Unified Air Pollution Control District this
3 20th day of October 2005, to wit:

4 **AYES:** Prince, Anderson, Sieglock, Watson, Nelson, Barba,
5 Worthley, Dominici, Maggard and Mayfield.


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7 **NOES:** None.

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9 **ABSENT:** Armentrout.

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11
12 SAN JOAQUIN VALLEY UNIFIED
13 AIR POLLUTION CONTROL DISTRICT

14 By 
15 Thomas W. Mayfield, Chair
16 Governing Board

16 **ATTEST:**
17 Clerk to the Governing Board

18
19 By 
20 Sissy Smith