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 2007 OZONE PLAN

RESOLUTION NO. 07-04-11a

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, pursuant to Section 107(d) of the Clean Air Act as amended in 1990, the United States Environmental Protection Agency (EPA) has designated the San Joaquin Valley Air Basin (SJVAB) as nonattainment for the federal 8-hour ozone ambient air quality standards; and

WHEREAS, as given in Section 172(b) of the Clean Air Act, attainment plans must be submitted to EPA no later than three years after the effective date of the nonattainment designation, and the SJVAB was designated nonattainment in Volume 69, Number 84 of the *Federal Register* (April 30, 2004, pages 23888-23889, effective June 15, 2004), so EPA requires the State of California to submit a plan by June 15, 2007 that demonstrates attainment of the federal 8-hour ozone standards in the SJVAB; and

WHEREAS, EPA classified the San Joaquin Valley Air Basin as serious nonattainment of the federal 8-hour ozone standards based on the levels of the peak 8-hour ozone concentrations in the Valley without consideration for the number of days over the 8-hour ozone standard in the Valley, the magnitude of the challenge the Valley faces in attaining the standard, or the Valley's extreme classification under the previous 1-hour ozone standard; and

WHEREAS, photochemical modeling conducted by the California Air Resources Board (ARB) indicates that the total oxides of nitrogen (NOx) levels will need to be

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reduced by 75% of their 2005 levels for the Valley to reach attainment of the 8-hour ozone standard; and

WHEREAS, about 80% of the emissions of NOx in the Valley in 2005 come from mobile sources; and

WHEREAS, emissions from mobile sources in the San Joaquin Valley Air Basin are under the primary regulatory authority of ARB and EPA; and

WHEREAS, the District conducted a comprehensive analysis of the San Joaquin Valley's emissions sources and potential control measures to reduce emissions as expeditiously as practicable, given the availability of control technologies; and

WHEREAS, District staff found that current technologies and technologies expected in the future will not provide the amount of emissions reductions needed to attain the 8-hour ozone standard, and therefore that future technological advancements are needed to attain the 8-hour ozone standard,

WHEREAS, because of the need for technological advancements, the District is requesting that ARB concur and transmit a request to the EPA to reclassify the SJVAB as an extreme nonattainment area for the federal 8-hour ozone standard; and

WHEREAS, such extreme nonattainment classification requires attainment of the federal 8-hour ozone standards in the SJVAB as expeditiously as practicable but not later than June 15, 2024; and

WHEREAS, EPA approval of the extreme reclassification also triggers the need to revise major source thresholds for New Source Review and Title V permitting; and

WHEREAS, the District, ARB, and the eight Transportation Planning Agencies (TPAs) in the SJVAB prepared the *2007 Ozone Plan,* which demonstrates attainment of the federal 8-hour ozone ambient air quality standards by June 15, 2024 and contains all required elements; and

WHEREAS, the *2007 Ozone Plan* meets federal Clean Air Act requirements for demonstrating reasonable further progress in reducing emissions of ozone precursors for extreme areas for the years 2008, 2011, 2014, 2017, 2020, and 2023; and

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WHEREAS, the *2007 Ozone Plan* also meets California Clean Air Act requirements for preparing and submitting Triennial Progress Reports and Triennial Revisions to the 1991 Air Quality Attainment Plan directed at attainment of the California 1-hour ambient air quality standard for ozone, including the reporting of trends in required air quality indicators and evaluation of District ozone precursor emission control measures and comparison with said measures implemented in adjacent downwind districts; and

WHEREAS, the District held a series of Town Hall meetings throughout the Valley in July 2006 to outline the challenges and issues in attaining the federal 8-hour ozone standard, and the District held workshops for the Draft *2007 Ozone Plan* on October 17, 2006 and February 8, 2007; and the District responded to written and verbal comments that were received during associated comment periods; and

WHEREAS, after the close of the comment periods on the Draft Plan, the District revised Plan text as appropriate and prepared responses to comments that are included in the Revised Proposed *2007 Ozone Plan*; and

WHEREAS, the Plan includes sub-area mobile source emissions budgets for 2008, 2011, 2014, 2017, 2020, and 2023 that must be met by each of the eight counties, respectively, in the San Joaquin Valley Air Basin for transportation conformity; and

WHEREAS, the dynamic nature of transportation planning in the San Joaquin Valley may trigger the need for technical refinements to the sub-area emissions budgets after the District Governing Board adoption of the *2007 Ozone Plan*; and

WHEREAS, specific rule language will be developed during the District's rule development process, which addresses emission control measure feasibility issues at a much greater level of detail than was possible during plan development; and

WHEREAS, individual control measures may be revised from what is proposed in the Plan, and 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 technical ozone modeling work supporting the *2007 Ozone Plan*

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could not have been accomplished without the leadership, funding, and work products provided through the San Joaquin Valleywide Air Pollution Study Agency; and

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

WHEREAS, the District and the ARB developed the *2007 Ozone Plan* with the best CCOS information available through March 2007; and

WHEREAS, the demonstration of attainment of the federal 8-hour ozone standard in this Plan depends upon a small quantity of emissions reductions dependent on technology not currently available nor is on the horizon and which therefore have been assigned to the category of "Long-Term Measures;" and

WHEREAS, a public hearing for the adoption of the Plan was duly noticed and held on April 30, 2007, in accordance with law; and

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

NOW, THEREFORE, be it resolved as follows:

1. The District Governing Board adopts the Revised Proposed *2007 Ozone Plan*, thereby fulfilling separate federal and state air quality planning requirements. Said Plan and its circulated Appendices are attached hereto and are incorporated herein as Exhibit "A."

2. The District Governing Board requests the EPA to reclassify the SJVAB extreme nonattainment for the federal eight-hour ozone ambient air quality standards.

3. The District commits to submit to EPA revised NSR and Title V rules reflecting the extreme classification within one year of the date of the District's adoption of the *2007 Ozone Plan.*

4. The *2007 Ozone Plan* has been prepared consistent with the requirements of the Federal Clean Air Act and corresponding EPA guidance. The California Clean Air

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Act components of the Plan have been prepared consistent with the requirements of the California Health and Safety Code and corresponding guidance of the ARB.

5. The District has completed an Initial Study for said *2007 Ozone 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 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 *California Environmental Quality Act Guidelines*, the Executive Director/Air Pollution Control Officer is hereby directed to file a Notice of Determination with the County Clerks of each of the counties in the District.

6. 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.

7. Adoption of said Plan is necessary to comply with the Federal Clean Air Act and the California 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, socioeconomic impact, and environmental impact.

8. The Executive Director/Air Pollution Control Officer is hereby directed to forward a copy of this Resolution, the *2007 Ozone Plan*, and appropriate Appendices to the ARB. All portions except Sections 7.6 and 7.7 (in Chapter 7) are submitted for inclusion in the State Implementation Plan (SIP).

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9. District staff is directed to work with stakeholders and EPA to ensure that rules developed as a result of adoption of the *2007 Ozone 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.

10. The District Governing Board commits to adopt and implement the rules and measures in the *2007 Ozone Plan* by the dates specified in Chapter 6 to achieve the emissions reductions shown in Chapter 6, and to submit these rules and measures to the ARB 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 Governing Board commits to adopt, submit, and implement substitute rules and measures that will achieve equivalent reductions in emissions of ozone precursors in the same adoption and implementation timeframes.

11. Pursuant to Section 182(e)(5) of the Clean Air Act, District staff is directed to identify, by the end of 2019, specific control measures to achieve the total quantity of emissions reductions placed in the category of "Long-Term Measures," and to make any other necessary revisions to the *2007 Ozone Plan* at the same time.

12. 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 ARB in June 2007.

13. The District Governing Board commits to provide adequate resources to carry out the provisions of the *2007 Ozone Plan*.

14. The District Governing Board requests that ARB authorize its Executive Officer to include the District's *2007 Ozone Plan* (all portions except Sections 7.6 and 7.7), as adopted by the District's Governing Board, in the California State Implementation Plan for submittal to the EPA.

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15. District staff is hereby authorized to make any minor typographical and technical changes in the *2007 Ozone Plan* that are necessary to correct minor errors, clarify wording, or to satisfy ARB and EPA technical requirements, provided that there are no changes in the conclusions or control requirements in the *2007 Ozone 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 30th day of April 2007, to wit:

AYES: BARBA, CASE, DOMINICI, MCQUISTON, NELSON, O'BRIEN, VIERRA, ORNELLAS, WORTHLEY

NOES: BRAR, PEREA

ABSENT: NONE

SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

By _____
J. Steven Worthley, Chair
Governing Board

ATTEST:
Clerk to the Governing Board

By _____
Toni Taber

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