

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER G-125-316

Adoption and Submittal of the 2003 Amendment to the State Implementation  
Plan for Particulate Matter in the Owens Valley Planning Area

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the State Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, ARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the "Act"; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (districts) necessary to comply with the Act;

WHEREAS, section 39602 of the Health and Safety Code also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, section 41650 of the Health and Safety Code requires ARB to approve the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Owens Valley Planning Area (Owens Valley) is designated as a nonattainment area with a classification of "serious" for the 24-hour NAAQS for particulate matter 10 microns and smaller (PM10);

WHEREAS, the Owens Valley Planning Area is located within the jurisdiction of the Great Basin Unified Air Pollution Control District (District) which is authorized by Health and Safety Code sections 40001, 40702, and 41650, to adopt and enforce rules and regulations to achieve and maintain the NAAQS and to adopt attainment plans, and is authorized by Health and Safety Code section 42316 to order the City of Los Angeles (City) to undertake reasonable PM10 control measures relating to the City's activities in Owens Valley;

WHEREAS, on November 16, 1998, the District adopted an attainment demonstration plan for the Owens Valley that included a request for a five-year extension of the attainment deadline, to December 31, 2006, as provided under section 188(e) of the Act; a Board Order requiring the City to implement specified control measures on the Owens lake bed; and a commitment that by December 31, 2003, the District would revise the SIP and Board Order to incorporate new knowledge and to provide for attainment of the PM10 NAAQS by December 31, 2006, if attainment has not occurred sooner;

WHEREAS, on September 3, 1999, the U. S. Environmental Protection Agency (U.S. EPA) approved the 1998 SIP revision and request for extension of the PM10 attainment deadline for the Owens Valley;

WHEREAS, following a public hearing on November 13, 2003, the District adopted the 2003 Owens Valley PM10 State Implementation Plan (2003 PM10 Plan) to fulfill its 1998 SIP commitment to revise the PM10 SIP for the Owens Valley to incorporate new knowledge;

WHEREAS, the 2003 PM10 Plan includes three control measures that the District, in cooperation with the City, has identified to reduce dust emissions from Owens Lake: shallow flooding, managed vegetation, and gravel covering;

WHEREAS, the 2003 PM10 Plan summarizes air quality modeling which demonstrates that the adopted control strategy will bring the Owens Valley into attainment with the PM10 NAAQS by December 31, 2006;

WHEREAS, Chapter 8 of the 2003 PM10 Plan includes Board Order #031113-01, "Implementation of PM10 Control Measures on the Owens Lake Bed," which directs the City to implement the attainment strategy in the 2003 PM10 Plan, identifies acceptable control measures and performance standards, provides for annual review of the effectiveness of the control measures, provides for the implementation of contingency measures if needed, and establishes procedures for transitioning from one control measure to another or adjusting the best available control measures;

WHEREAS, the 2003 PM10 Plan includes a procedure for supplemental control requirements to be automatically implemented, if the proposed control strategy does not result in attainment of the standard by December 31, 2006 as projected, providing the contingency measures required by the Clean Air Act;

WHEREAS, federal law set forth in section 110(l) of the Act and title 40, section 51.102 of the Code of Federal Regulations (C.F.R.), requires that one or more public hearings, preceded by at least 30 days notice and opportunity

for review, must be conducted prior to the adoption and submittal to the U.S. EPA of any SIP revision;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the District prepared an Environmental Impact Report (EIR) for the 2003 PM10 Plan which determined that implementation of the 2003 PM10 Plan has no unmitigated significant adverse environmental impacts;

WHEREAS, the 2003 PM10 Plan and Final EIR were available for public review and comment for at least 30 days, and a noticed public hearing was conducted in Independence, California prior to consideration of the 2003 PM10 Plan and Final EIR as required by the Act and U.S. EPA regulations;

WHEREAS, the District submitted the 2003 PM10 Plan to ARB as a proposed SIP revision on December 10, 2003, along with proof of public notice publication and environmental documents in accordance with State and federal law;

WHEREAS, the Executive Officer has reviewed and considered the EIR prepared for the 2003 PM10 Plan, and finds that it meets the requirements of CEQA; and,

WHEREAS, the Executive Officer has determined that the control strategy and air quality modeling contained in the 2003 PM10 Plan demonstrate attainment of the PM10 standard in the Owens Valley by 2006 as required by the Clean Air Act.

NOW, THEREFORE, IT IS ORDERED that the Executive Officer hereby adopts the 2003 PM10 Plan as a SIP revision;

BE IT FURTHER ORDERED that ARB hereby submits to the U.S. EPA the 2003 PM10 Plan for the Owens Valley Planning Area, and requests that U.S. EPA approve the 2003 PM10 Plan as a revision to the California SIP.

BE IT FURTHER ORDERED that the ARB certifies pursuant to 40 C.F.R. section 51.102 that the 2003 PM10 Plan being submitted as a SIP revision was adopted after notice and public hearing as required by 40 C.F.R. section 51.102.

Executed at Sacramento, California this 27 day of February 2004.

CALIFORNIA AIR RESOURCES BOARD

  
Catherine Witherspoon  
Executive Officer