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

IN THE MATTER OF:) RESOLUTION NO. 2013-9-13
ADOPTING THE SAN JOAQUIN VALLEY)
UNIFIED AIR POLLUTION CONTROL)
DISTRICT 2013 PLAN FOR THE)
REVOKED 1-HOUR OZONE STANDARD)

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 (CH&SC) sections 40150 to 40161; and

WHEREAS, the United States Environmental Protection Agency (EPA) established the first ozone standard in 1979, at 0.12 parts per million (ppm) over a 1-hour exposure and 1990 federal Clean Air Act (CAA) amendments established attainment planning requirements and attainment deadlines for the 1979 1-hour ozone standard; and

WHEREAS, the District's Governing Board subsequently adopted the *2004 Extreme Ozone Attainment Demonstration Plan (2004 Plan)*; and

WHEREAS, the EPA revoked the 1-hour standard effective June 15, 2005 to pursue a more health-protective 8-hour standard and adopted anti-backsliding provisions to preserve existing 1-hour ozone control measure and emissions reductions obligations; this delayed EPA action on the District's *2004 Plan* until 2010; and

WHEREAS, subsequent litigation challenged EPA's approval of the *2004 Plan* resulting in the court vacating EPA's approval due to EPA's delayed action, and EPA withdrew its approval of the *2004 Plan* in the Federal Register in November 2012; and

WHEREAS, EPA made a Determination of "Failure to Attain" the revoked 1-hour ozone standard in Volume 76, Number 251 of the *Federal Register* ((pages 82133-82146), effective January 30, 2012) noting in that finding that contingency measures and CAA §185 fees were required when an area fails to attain; and

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1 **WHEREAS**, the Valley's businesses and residents are currently subject to
2 approximately \$29 million of penalties under Section 185 due to non-attainment of the
3 revoked federal 1-hour ozone standard; and

4 **WHEREAS**, EPA withdrew its 2010 approval of the District's *2004 Plan* in Volume 77,
5 Number 227 of the Federal Register ((pages 70376-70380), effective November 26,
6 2012) and required the District to submit a new plan for the revoked 1-hour standard
7 that includes the following: A Rate Of Progress (ROP) demonstration; contingency
8 measures for ROP and for attainment; an attainment demonstration; demonstration for
9 Reasonably Available Control Measures (RACM); a demonstration for clean fuels/clean
10 technologies are in place for boilers; and a Vehicle Miles Traveled (VMT) offset
11 demonstration; and

12 **WHEREAS**, the District and ARB prepared this *2013 Plan for the Revoked 1-Hour*
13 *Ozone Standard (Plan)* to demonstrate attainment of the revoked 1979 ozone
14 standard (NAAQS) by 2017 and satisfies all federal requirements; and

15 **WHEREAS**, the District Governing Board is committed to achieving the revoked
16 1979 Ozone NAAQS as expeditiously as possible; and

17 **WHEREAS**, the District uses extensive research and sound science as the
18 foundation for the Plan; and

19 **WHEREAS**, photochemical and receptor modeling conducted by the District and the
20 California Air Resources Board (ARB) show that emission reductions from the plan
21 strategy are sufficient to demonstrate attainment by 2017; and

22 **WHEREAS**, the District conducted a comprehensive analysis of the emissions
23 sources in the Valley and potential control measures to reduce emissions as
24 expeditiously as practicable, given the feasibility of control technologies; and

25 **WHEREAS**, the Plan will contribute to attainment of all EPA ozone NAAQS; and

26 **WHEREAS**, amended regulations to be adopted through implementation of the Plan
27 would be subsequently developed through public processes, which will include due
28 consideration of technological feasibility, cost-effectiveness, socioeconomic impact,

1 and environmental impact; and

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

5 **WHEREAS**, the technical modeling work supporting the Plan could not have been
6 accomplished without the leadership, funding, and work products provided through the
7 San Joaquin Valley-wide Air Pollution Study Agency; and

8 **WHEREAS**, the Central California Ozone Study (CCOS) is the most recent major
9 Study Agency field program to study ozone in the Valley and included extensive
10 monitoring throughout the Valley and surrounding regions to provide a robust and
11 spatially dense dataset for a large portion of California, thus providing a better
12 understanding of ozone in the Valley; and

13 **WHEREAS**, the District prepared a VMT emissions offset demonstration for the 1-
14 hour and 8-hour ozone National Ambient Air Quality Standards (NAAQS) that shows
15 the Plan and the *2007 Ozone Plan* comply with CAA §182(d)(1)(A): *Transportation*
16 *Control Measures and Transportation Control Strategies to Offset Growth in*
17 *Emissions Due to Growth in Vehicle Miles Traveled* (EPA-420-B-12-053); and

18 **WHEREAS**, the CH&SC §40911(a) requires air districts that have not attained state
19 ambient air quality standards for ozone to prepare plans to attain these standards by
20 the earliest practicable date. The CH&SC also requires air districts to prepare a report
21 every three years summarizing progress in meeting the schedules for developing,
22 adopting, and implementing the air pollution control measures contained in each
23 district's plan in addition to assessing the progress made in the reporting period, to
24 submit plan revisions to correct for deficiencies in meeting the air quality standard and
25 to incorporate new data; and

26 **WHEREAS**, the District has prepared a Triennial Progress Report and Plan Update
27 for state ozone standards, included as an appendix to this Plan that satisfy
28 requirements of the CH&SC; and

1 **WHEREAS**, a public hearing for the adoption of the Plan was duly noticed and held
2 on September 19, 2013, in accordance with law; and

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

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

5 1. The District Governing Board adopts the Proposed *2013 Plan for the Revoked*
6 *1-Hour Ozone Standard*, thereby fulfilling air quality planning requirements under the
7 federal CAA for the revoked 1-Hour ozone standard. Said Plan is attached hereto and
8 incorporated herein.

9 2. The District Governing Board requests EPA to set 2017 as the attainment date
10 for the revoked 1-hour ozone NAAQS, adopted in 1979.

11 3. Adoption of said Plan is necessary to comply with the federal CAA.

12 4. The District Governing Board finds that the VMT offset demonstration satisfies
13 CAA requirements for both 8-hour and 1-hour ozone.

14 5. The District Governing Board finds that, because said Plan will have no
15 possible significant adverse effect on the environment, the proposed actions are
16 exempt from the provisions of the California Environmental Quality Act of 1970
17 (CEQA) under the provisions of Sections 15061 (b)(3) of the State CEQA guidelines.

18 6. The Executive Director/Air Pollution Control Officer is directed to file a Notice of
19 Exemption with the County Clerks of each of the counties in the District.

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

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

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1 9. The District Governing Board commits to adopt and implement the rules and
2 measures in the Plan by the dates specified in Chapter 3, and to submit these rules
3 and measures to ARB within 30 days of adoption for transmittal to EPA as a revision
4 to the State Implementation Plan (SIP).

5 10. The District Governing Board commits to provide adequate resources to carry
6 out the provisions of the Plan.

7 11. The Executive Director/Air Pollution Control Officer is hereby directed to forward a
8 copy of this Resolution, the Plan, and appropriate Appendices to the ARB for inclusion in
9 the SIP.

10 12. The Executive Director/Air Pollution Control Officer is hereby directed to forward a
11 copy of this Resolution and the appropriate Plan appendix containing the "Triennial
12 Progress Report and Plan Update for State Ozone Standards" to the ARB to satisfy
13 requirements for state ozone standards under the CH&SC.

14 13. The District Governing Board requests that ARB authorize its Executive Officer to
15 include the District's *2013 Plan for the Revoked 1-Hour Ozone Standard*, as adopted by
16 the District's Governing Board, in the California SIP for submittal to EPA.

17 14. The District Governing Board requests that EPA approve the District's *2013*
18 *Plan for the Revoked 1-Hour Ozone Standard*, including the rulemaking calendar and
19 demonstrations of attainment, ROP; contingency measures for ROP and for
20 attainment; RACM; clean fuels/clean technologies for boilers; and VMT offsets. The
21 District Governing Board requests that EPA grant a conditional approval to any plan
22 elements for which EPA cannot, for whatever reason, grant full approval at this time.

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

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1 **THE FOREGOING** was passed and adopted by the following vote of the Governing
2 Board of the San Joaquin Valley Unified Air Pollution Control District this 19th day of
3 September 2013, to wit:

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AYES: Baines, Barba, Brazil, Case, Elliott,
Hanson, O'Brien, Sherriffs, Walsh,
Wheeler, Worthley, Barwick

NOES: None

ABSENT: Bompreszi, Couch

SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

By 
Skip Barwick
Governing Board

ATTEST:
Deputy Clerk of the Governing Board

By 
Michelle Franco