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**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 2016 PLAN FOR THE 2008  
8-HOUR OZONE STANDARD**

RESOLUTION NO. : 16-6-20

**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**, pursuant to §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 (Valley) as nonattainment for the federal 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS); and

**WHEREAS**, pursuant to the final Classifications Rule, EPA classified the Valley as extreme nonattainment for the 2008 8-hour ozone NAAQS, consistent with the voluntary reclassification to extreme nonattainment of the Valley under the 1997 ozone NAAQS; and

**WHEREAS**, as given in §182(c)(2)(A) of the Clean Air Act, attainment plans must be submitted to EPA no later than four years after the effective date of the nonattainment designation, and the Valley was designated in Volume 77, Number 98 of the *Federal Register* (May 21, 2012, pages 30088-30160, effective July 20, 2012). Therefore, EPA requires the State of California to submit a plan in July 2016 that demonstrates attainment of the federal 2008 8-hour ozone NAAQS in the Valley; 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 reduced by 207.7 tons per day for the Valley to reach attainment of the 2008 8-hour ozone standard; and

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1     **WHEREAS**, over 85% of the emissions of NOx in the Valley in 2012 come from  
2 mobile sources; and

3     **WHEREAS**, emissions from mobile sources in the Valley are under the primary  
4 regulatory authority of ARB and EPA; and

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

8     **WHEREAS**, the extreme nonattainment classification requires attainment of the  
9 federal 2008 8-hour ozone NAAQS in the Valley as expeditiously as practicable, no  
10 later than December 31, 2031; and

11     **WHEREAS**, the District is committed to attaining the 2008 8-hour ozone NAAQS, as  
12 expeditiously as possible, no later than December 31, 2031; and

13     **WHEREAS**, the *2016 Plan for the 2008 8-Hour Ozone Standard* meets federal Clean  
14 Air Act requirements for demonstrating reasonable further progress in reducing  
15 emissions of ozone precursors for extreme areas for the years 2018, 2021, 2024,  
16 2027, 2030, and 2031; and

17     **WHEREAS**, the District held a series of Public Advisory Workgroup (PAW) meetings,  
18 public workshops, and updates at public meetings to outline the challenges and issues  
19 in attaining the federal 2008 8-hour ozone NAAQS and District strategies for attaining  
20 said NAAQS, and solicit public input; and the District responded to written and verbal  
21 comments that were received during associated comment periods; and

22     **WHEREAS**, after the close of the comment periods on the Draft *2016 Plan for the*  
23 *2008 8-Hour Ozone Standard* and the Proposed *2016 Plan for the 2008 8-Hour Ozone*  
24 *Standard*, the District revised the *2016 Plan for the 2008 8-Hour Ozone Standard*  
25 language as appropriate and prepared responses to comments that are included in  
26 the Proposed *2016 Plan for the 2008 8-Hour Ozone Standard*; and

27     **WHEREAS**, the District uses extensive research and sound science as the  
28 foundation for the *2016 Plan for the 2008 8-Hour Ozone Standard*; and

- 1     **WHEREAS**, the multi-faceted strategy of the *2016 Plan for the 2008 8-Hour Ozone*  
2 *Standard* will achieve public health benefits; and
- 3     **WHEREAS**, the *2016 Plan for the 2008 8-Hour Ozone Standard* will contribute to  
4 attainment of more stringent ozone and PM2.5 NAAQS; and
- 5     **WHEREAS**, the District, ARB, and the Valley's eight Metropolitan Planning  
6 Organizations (MPOs) prepared the *2016 Plan for the 2008 8-Hour Ozone Standard* to  
7 demonstrate attainment of the 2008 8-hour ozone NAAQS by 2031 and contain all  
8 elements required under the federal Clean Air Act; and
- 9     **WHEREAS**, the *2016 Plan for the 2008 8-Hour Ozone Standard* includes sub-area  
10 mobile source emissions budgets for 2018, 2021, 2024, 2027, and 2030 that must be  
11 met by each of the eight MPOs, respectively, in the Valley for transportation  
12 conformity; and
- 13     **WHEREAS**, the dynamic nature of transportation planning in the Valley may trigger  
14 the need for technical refinements to the sub-area emissions budgets after the District  
15 Governing Board adoption of the *2016 Plan for the 2008 8-Hour Ozone Standard*; and
- 16     **WHEREAS**, new and amended regulations to be adopted through implementation of  
17 District air quality attainment plans would be subsequently developed through public  
18 processes, which will include due consideration of technological feasibility, cost  
19 effectiveness, socioeconomic impact, and environmental impact; and
- 20     **WHEREAS**, individual control measures may be revised from what is proposed in  
21 the *2016 Plan for the 2008 8-Hour Ozone Standard*, and the District is committed to  
22 achieving equivalent emission reductions from the overall control strategy in the same  
23 time frames as proposed in the *2016 Plan for the 2008 8-Hour Ozone Standard*; and
- 24     **WHEREAS**, the technical ozone modeling work supporting the *2016 Plan for the*  
25 *2008 8-Hour Ozone Standard* could not have been accomplished without the  
26 leadership, funding, and work products provided through the San Joaquin Valley-wide  
27 Air Pollution Study Agency; and
- 28     **WHEREAS**, the District could show expeditious attainment without the need to rely

1 on "black box" provisions afforded under Clean Air Act §182(e)(5) were it not for the  
2 need to demonstrate compliance with Clean Air Act contingency requirements; and

3 **WHEREAS**, to ensure that the *2016 Plan for the 2008 8-Hour Ozone Standard* is  
4 approvable with the necessary contingencies, the *2016 Plan for the 2008 8-Hour*  
5 *Ozone Standard* needs to include a "black box;" and

6 **WHEREAS**, the demonstration of attainment of the federal 2008 8-hour ozone  
7 standard in this *2016 Plan for the 2008 8-Hour Ozone Standard* relies on 1.6 tons per  
8 day of NOx emissions reductions dependent on technology not currently available and  
9 which therefore have been assigned to the category of "black box"; and

10 **WHEREAS**, a public hearing for the adoption of the *2016 Plan for the 2008 8-Hour*  
11 *Ozone Standard* was duly noticed and held on June 16, 2016, in accordance with law;  
12 and

13 **WHEREAS**, this Governing Board of the District concurs with the recommendations  
14 of its staff.

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

16 1. The District Governing Board adopts the Proposed *2016 Plan for the 2008 8-*  
17 *Hour Ozone Standard*, thereby fulfilling air quality planning requirements under the  
18 federal Clean Air Act for the 2008 8-hour ozone NAAQS. Said *2016 Plan for the 2008*  
19 *8-Hour Ozone Standard* is attached hereto and incorporated herein.

20 2. Adoption of said *2016 Plan for the 2008 8-Hour Ozone Standard* is necessary  
21 to comply with the federal Clean Air Act and will promote the health and welfare of the  
22 residents of the Valley.

23 3. The District Governing Board finds that, because said *2016 Plan for the 2008*  
24 *8-Hour Ozone Standard* will have no possible significant adverse effect on the  
25 environment, the proposed actions are exempt from the provisions of the California  
26 Environmental Quality Act of 1970 (CEQA) under the provisions of §15061 (b)(3) and  
27 15308 of the State CEQA guidelines.

28 4. The Executive Director/Air Pollution Control Officer is directed to file a Notice of

1 Exemption with the County Clerks of each of the counties in the District.

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

6 6. The *2016 Plan for the 2008 8-Hour Ozone Standard* was prepared consistent  
7 with the requirements of the federal Clean Air Act and corresponding EPA guidance.

8 7. District staff is directed to work with stakeholders and EPA to ensure that rules  
9 developed as a result of adoption of the *2016 Plan for the 2008 8-Hour Ozone*  
10 *Standard* address technical and economic feasibility issues identified during plan  
11 development along with those that arise during the rule development process so that  
12 the rules are both fair and approvable by EPA.

13 8. The District Governing Board commits to adopt and implement measures  
14 committed to in the *2016 Plan for the 2008 8-Hour Ozone Standard* by the dates  
15 specified therein, and to submit these rules and measures, as appropriate, to ARB  
16 within 30 days of adoption for transmittal to EPA as a revision to the State  
17 Implementation Plan (SIP). If the total emission reductions from the adopted rules or  
18 measures are less than those committed to in the *2016 Plan for the 2008 8-Hour*  
19 *Ozone Standard*, the District Governing Board commits to adopt, submit, and  
20 implement substitute rules and measures that achieve equivalent reductions in  
21 emissions of ozone precursors in the same implementation timeframes or in the  
22 timeframes needed to meet CAA milestones.

23 9. Pursuant to Section 182(e)(5) of the Clean Air Act, District staff is directed to  
24 identify, by the end of 2027, specific control measures to achieve the total quantity of  
25 emissions reductions placed in the category "Long-Term Measures" ( also called  
26 "black box"), and to make any other necessary revisions to the *2016 Plan for the 2008*  
27 *8-Hour Ozone Standard* at the same time.

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1       10. Any technical refinements that are needed for the sub-area emissions budgets  
2 will be duly noticed and presented in the State strategy that is scheduled for hearing  
3 by ARB in July 2016.

4       11. The District Governing Board commits to provide adequate resources to carry  
5 out the provisions of the *2016 Plan for the 2008 8-Hour Ozone Standard*.

6       12. The Executive Director/Air Pollution Control Officer is hereby directed to forward a  
7 copy of this Resolution, the *2016 Plan for the 2008 8-Hour Ozone Standard*, and  
8 appropriate Appendices to the ARB for inclusion in the SIP.

9       13. The District Governing Board requests that ARB authorize its Executive Officer to  
10 include the District's *2016 Plan for the 2008 8-Hour Ozone Standard*, as adopted by the  
11 District's Governing Board, in the California SIP for submittal to EPA.

12       14. The District Governing Board requests that EPA approve the District's *2016*  
13 *Plan for the 2008 8-Hour Ozone Standard*, including the rulemaking calendar and  
14 demonstrations of attainment, Reasonable Further Progress (RFP), and contingency  
15 measures. The District Governing Board requests that EPA grant a conditional  
16 approval to any plan elements for which EPA cannot, for whatever reason, grant full  
17 approval at this time.

18       15. District staff is hereby authorized to make any minor typographical and technical  
19 changes in the *2016 Plan for the 2008 8-Hour Ozone Standard* that are necessary to  
20 correct minor errors, clarify wording, or to satisfy ARB and EPA technical requirements,  
21 provided that there are no changes in the conclusions or control requirements in the  
22 *2016 Plan for the 2008 8-Hour Ozone Standard*.

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