

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

IN THE MATTER OF: } RESOLUTION: 2012-12-19
ADOPTING THE SAN JOAQUIN VALLEY }
UNIFIED AIR POLLUTION CONTROL }
DISTRICT 2012 PM2.5 PLAN }

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 federal Clean Air Act (CAA) as amended in 1990, the United States Environmental Protection Agency (EPA) has designated the San Joaquin Valley Air Basin (Valley) as nonattainment for the PM2.5 national ambient air quality standards (NAAQS) as set in 2006 in Volume 74, Number 218 of the *Federal Register* (pages 58688-781, effective December 14, 2009); and

WHEREAS, as given in Section 172(b) of the Clean Air Act (CAA), attainment plans must be submitted to EPA no later than three years after the effective date of the nonattainment designation; therefore, EPA requires the State of California to submit a plan by December 2012 that satisfies the requirements of Section 172 of the CAA, including a demonstration of attainment of the 2006 PM2.5 NAAQS in the Valley; and

WHEREAS, the initial attainment date for PM2.5 areas is no later than five years after the date of designation, or 2014, but the EPA Administrator may revise the date, as appropriate, for a period of up to ten years from the date of designation based on the availability and feasibility of control measures (40 CFR 51.1004 (a)); and

WHEREAS, the District Governing Board is committed to achieving the 2006 PM2.5 NAAQS, and the state PM2.5 standard, as expeditiously as possible; and

WHEREAS, the District Governing Board adopted Guiding Principles in February 2012 to provide an overall strategic direction for District staff in developing the 2012 *PM2.5 Plan (Plan)*; and

1 **WHEREAS**, the District developed the Plan through an extensive public process that
2 included numerous meetings with the public, including public workshops in April, June,
3 and October 2012, and the District responded to written and verbal comments that
4 were received during associated comment periods; and

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

7 **WHEREAS**, photochemical and receptor modeling conducted by the District and the
8 California Air Resources Board (ARB) show that emission reductions from the plan
9 strategy are sufficient to demonstrate attainment by 2019, but not sooner; and

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

13 **WHEREAS**, the Plan will bring the Valley into attainment by 2019, with a majority of
14 Valley seeing attainment before 2019, and will achieve significant health benefits; and

15 **WHEREAS**, EPA's mass-based NAAQS do not fully address all public health factors,
16 and the District prioritizes control strategies providing the greatest public health
17 benefits under the District's Risk-Based Strategy; and

18 **WHEREAS**, the Plan will contribute to attainment of all EPA PM2.5 NAAQS; and

19 **WHEREAS**, the District, ARB, and the Valley's eight Metropolitan Planning
20 Organizations (MPOs) prepared the Plan to demonstrate attainment of the 2006
21 PM2.5 NAAQS by 2019 and contain all elements required under the federal CAA; and

22 **WHEREAS**, the Plan includes sub-area mobile source emissions budgets for 2014,
23 2017, and 2019 that must be met by each of the eight MPOs, respectively, in the
24 Valley for transportation conformity; and

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

28 **WHEREAS**, new and amended regulations to be adopted through implementation of

1 the Plan would be subsequently developed through public processes, which will
2 include due consideration of technological feasibility, cost-effectiveness,
3 socioeconomic impact, and environmental impact; and

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

7 **WHEREAS**, the technical PM2.5 modeling work supporting the Plan could not have
8 been accomplished without the leadership, funding, and work products provided
9 through the San Joaquin Valley-wide Air Pollution Study Agency; and

10 **WHEREAS**, the California Regional Particulate Air Quality Study (CRPAQS) will
11 continue to produce results that help provide an improved understanding of PM in the
12 Valley, including relationships among meteorology, atmospheric chemistry, and PM
13 precursor emissions; and

14 **WHEREAS**, a public hearing for the adoption of the Plan was duly noticed and held
15 on December 20, 2012, 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 Proposed *2012 PM2.5 Plan*, thereby
19 fulfilling air quality planning requirements under the federal CAA for the 2006 PM2.5
20 NAAQS. Said Plan is attached hereto and incorporated herein.

21 2. The District Governing Board requests EPA to set 2019 as the attainment date
22 for the PM2.5 NAAQS, adopted in 2006.

23 3. Adoption of said Plan is necessary to comply with the federal CAA and will
24 promote the health and welfare of the residents of the Valley.

25 4. The District has completed an Initial Study for said Plan that indicates the
26 project will not result in any significant adverse effects to the environment, and a
27 Proposed Negative Declaration has been prepared and properly noticed pursuant to
28 the *California Environmental Quality Act (CEQA) Guidelines*. The District Governing

1 Board has duly considered said Initial Study and proposed Negative Declaration.
2 Accordingly, the District Governing Board approves and adopts a Negative
3 Declaration for said Plan pursuant to CEQA requirements. In accordance with the
4 provisions of Sections 15075 of the *CEQA Guidelines*, the Executive Director/Air
5 Pollution Control Officer is hereby directed to file a Notice of Determination with the
6 County Clerks of each county in the District.

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

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

15 7. The District Governing Board commits to adopt and implement the rules and
16 measures in the Plan by the dates specified in Chapter 5 to achieve the emissions
17 reductions shown in Chapter 5, and to submit these rules and measures to ARB within
18 30 days of adoption for transmittal to EPA as a revision to the State Implementation
19 Plan (SIP). If the total emission reductions from the adopted rules are less than those
20 committed to in the Plan, the District Governing Board commits to adopt, submit, and
21 implement substitute rules and measures that will achieve equivalent reductions in
22 emissions of direct PM2.5 or PM2.5 precursors in the same adoption and
23 implementation timeframes or in the timeframes needed to meet CAA milestones.

24 7a. Reducing emissions from residential wood burning devices is prioritized
25 under the District's Risk-Based Strategy.

26 7b. District staff is directed to amend Rule 4901 (Wood Burning Fireplaces
27 and Wood Burning Heaters) ahead of the 2016 plan commitment, by winter
28

1 2014. This early adoption is a local commitment, not a federally enforceable
2 plan commitment.

3 7c. The 2014 amendments to Rule 4901 should allow for use of EPA-
4 certified wood burning devices at certain curtailment levels. This will encourage
5 residents to upgrade to these devices, helping to reduce emissions and
6 improve public health even on days when wood burning is allowed.

7 8. Any technical refinements that are needed for the sub-area emissions budgets
8 will be duly noticed and presented in the State strategy that is scheduled for hearing
9 by ARB in January 2013.

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

12 10. The Executive Director/Air Pollution Control Officer is hereby directed to forward a
13 copy of this Resolution, the Plan, and appropriate Appendices to the ARB for inclusion in
14 the SIP.

15 11. The District Governing Board requests that ARB authorize its Executive Officer to
16 include the District's *2012 PM2.5 Plan*, as adopted by the District's Governing Board, in
17 the California SIP for submittal to EPA.

18 12. The District Governing Board requests that EPA approve the District's *2012*
19 *PM2.5 Plan*, including the rulemaking calendar and demonstrations of attainment,
20 Reasonably Available Control Technology/Reasonably Available Control Measures
21 (RACT/RACM), Reasonable Further Progress (RFP), contingency measures, and
22 interpollutant trading ratios for New Source Review (NSR). The District Governing
23 Board requests that EPA grant a conditional approval to any plan elements for which
24 EPA cannot, for whatever reason, grant full approval at this time.

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

1 **14. 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 December 2012, to wit:

4
5 **AYES:** Barba, Barwick, Bomprezzi, Case, Dominici,
6 Hanson, Ornellas, Sherriffs, Walsh, Worthley,
7 Vierra, Watson, O'Brien

8
9 **NOES:** None

10
11
12
13 **ABSENT:** Baines, Forman

14
15 SAN JOAQUIN VALLEY UNIFIED
16 AIR POLLUTION CONTROL DISTRICT

17 By 
18 William O'Brien, Chair
19 Governing Board

20 **ATTEST:**
21 Deputy Clerk of the Governing Board

22 By 
23 Michelle Franco