



South Coast Air Quality Management District

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Office of the Executive Officer

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March 22, 2024

Hon. Steven S. Cliff, Ph.D.
Executive Officer
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

Re: Submittal of Contingency Measure Elements for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Coachella Valley

Dear Dr. Cliff,

South Coast AQMD is submitting the Coachella Valley Contingency Measure State Implementation Plan (SIP) Revision for the 2008 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) to the California Air Resources Board (CARB) for its approval and submission to the U.S. Environmental Protection Agency (U.S. EPA) for inclusion in the SIP. The Coachella Valley Contingency Measure SIP Revision for the 2008 8-Hour Ozone NAAQS, adopted on March 1, 2024, was developed to satisfy statutory requirements for contingency measure elements as provided in Clean Air Act (CAA) Sections 172(c)(9) and 182(c)(9).¹ This SIP revision also conforms to U.S. EPA's Draft Guidance on the Preparation of SIP Provisions that address the Nonattainment Area Contingency Measure Requirements for Ozone and Particulate Matter. We note that this SIP revision was adopted less than one year after U.S. EPA released its draft guidance in March 2023.

Coachella Valley is in "extreme" nonattainment for the 2008 ozone NAAQS. A comprehensive SIP to address the 2008 ozone NAAQS nonattainment area planning requirements, including contingency measure elements, was submitted in 2017.² Following subsequent court decisions related to contingency measures, U.S. EPA revised its policy on contingency measures with new requirements.^{3,4} As the submitted contingency measure elements did not conform to these new requirements, South Coast AQMD withdrew the contingency measure elements via CARB on August 8, 2022 to avoid potential disapproval by U.S. EPA. As a result of this withdrawal, U.S. EPA issued a finding of failure to submit

¹ [https://www.aqmd.gov/home/air-quality/air-quality-management-plans/other-state-implementation-plan\(sip\)-revisions/coachella-valley-contingency-measure-sip-revision](https://www.aqmd.gov/home/air-quality/air-quality-management-plans/other-state-implementation-plan(sip)-revisions/coachella-valley-contingency-measure-sip-revision)

² Included in the 2016 AQMP, which is available at:

<http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>

³ *Bahr v. U.S. Environmental Protection Agency*, (9th Cir. 2016) 836 F.3d 1218

⁴ *Association of Irrigated Residents v. U.S. Environmental Protection Agency*, (9th Cir. 2021) 10 F.4th 937

contingency measure elements for the 2008 ozone NAAQS in Coachella Valley effective October 31, 2022.⁵ The finding established an 18-month deadline for South Coast AQMD to submit new contingency measure elements by April 30, 2024 or face stationary source permitting sanctions as defined in CAA Section 179(b)(2). There is also a 24-month deadline for highway sanctions as defined in CAA Section 179(b)(1). In addition, if within 24-months U.S. EPA has not approved a contingency measure SIP revision, U.S. EPA must promulgate a federal contingency measure plan in the Coachella Valley.

The Coachella Valley Contingency Measure SIP Revision for the 2008 8-Hour Ozone NAAQS contains a commitment to consider amending Rule 463 - Organic Liquid Storage to introduce a new contingency measure in the Coachella Valley. If triggered, the proposed contingency measure would establish more frequent optical gas imaging inspections to enhance leak detection and repair for applicable storage tanks. Further details are presented in Attachment G. The Coachella Valley Contingency Measure SIP Revision for the 2008 8-Hour Ozone NAAQS also includes a demonstration that there are no other feasible contingency measures for stationary or mobile sources.

South Coast AQMD is currently undergoing a public process to amend Rule 463 and is requesting parallel processing of Proposed Amended Rule (PAR) 463, prior to our Board's consideration of PAR 463 in June 2024. Parallel processing of PAR 463 is critical for U.S. EPA to determine the completeness of the Coachella Valley Contingency Measure SIP Revision for the 2008 8-Hour Ozone NAAQS.⁶ Time is of the essence as stationary source permitting sanctions are set to begin in April 2024. Staff worked diligently with U.S. EPA and CARB staff to quickly develop this SIP revision after U.S. EPA's draft guidance became available only less than one year ago, and we respectfully request that U.S. EPA provide expedited approval.

If you have any questions, please contact me at (909) 396-3131 or Dr. Sarah Rees, Deputy Executive Officer of Planning, Rule Development, and Implementation at (909) 396-2856.

Sincerely,



Wayne Natri
Executive Officer

cc (email):

Ben Machol, U.S. EPA, Region IX
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⁵ 87 FR 59012

⁶ 40 CFR Part 51, Appendix V, Section 2.3

Attachments:

- A. Board Letter
- B. Resolution
- C. Final Staff Report for Coachella Valley Contingency Measure SIP Revision for 2008 Ozone Standard
- D. Notice of Exemption from CEQA
- E. Notice of Public Hearing Proof of Publication
- F. Transcript of Testimony from the March 1, 2024 Public Hearing
- G. Summary of Contingency Measure in Proposed Amended Rule 463
- H. Proposed Amended Rule 463
- I. Proposed Amended Rule 463 Draft Staff Report
- J. Proposed Amended Rule 463 Notice of Public Workshop