

RESOLUTION NO. 24-25

A Resolution of the South Coast Air Quality Management District (South Coast AQMD) Governing Board determining that the Coachella Valley Attainment Plan for the 2008 8-Hour Ozone National Ambient Air Quality Standard (Coachella Valley Ozone Plan) is exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the South Coast AQMD Governing Board adopting the Coachella Valley Ozone Plan and directing staff to forward the Coachella Valley Ozone Plan to the California Air Resources Board (CARB) for approval and subsequent submission to the United States Environmental Protection Agency (U.S. EPA) for inclusion in the State Implementation Plan (SIP).

WHEREAS, the South Coast AQMD Governing Board finds and determines that the Coachella Valley Ozone Plan is considered a "project" pursuant to CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines after conducting a review of the proposed project (Coachella Valley Ozone Plan) in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, that the Coachella Valley Ozone Plan is exempt from CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that Coachella Valley Ozone Plan is an attainment strategy which relies on the continued implementation of previously adopted rules and regulations, and does not propose new requirements which will result in additional physical modifications, no adverse environmental impacts are expected. Thus, it can be seen with certainty that there is no possibility that the proposed project may have any significant adverse effects on the environment, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the proposed project is also categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment, because the Coachella Valley Ozone Plan is intended to further protect or enhance the environment; and

WHEREAS, the South Coast AQMD Governing Board has determined that there is no substantial evidence indicating that any of the exceptions to the categorical exemption as set forth in CEQA Guidelines Section 15300.2 – Exceptions, apply to the proposed project; and

WHEREAS, the South Coast AQMD staff has prepared a Notice of Exemption for the proposed project, that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, the Coachella Valley Ozone Plan and supporting documentation, including but not limited to, the Notice of Exemption and Draft Final Coachella Valley Ozone Plan were presented to the South Coast AQMD Governing Board and the South Coast AQMD Governing Board has reviewed and considered this information, and has taken and considered staff testimony and public comments prior to approving the project; and

WHEREAS, the Coachella Valley was originally classified as a “severe-15” nonattainment area for the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) with an attainment date of July 20, 2027; and

WHEREAS, a comprehensive SIP addressing the “severe-15” nonattainment area requirements for the 2008 8-hour ozone NAAQS in the Coachella Valley was submitted as part of the 2016 Air Quality Management Plan (AQMP) to U.S. EPA via CARB on April 27, 2017; and

WHEREAS, as of August 16, 2021, an updated on-road mobile source emissions model estimated higher emissions for the same vehicle classes and traffic activities, resulting in a transportation conformity lockdown impacting billions of dollars’ worth of transportation projects. To resolve this conformity lockdown, South Coast AQMD requested that U.S. EPA reclassify Coachella Valley to “extreme” nonattainment, which provided an opportunity to resolve the conformity lockdown; and

WHEREAS, U.S. EPA approved South Coast AQMD’s request to reclassify the Coachella Valley to “extreme” nonattainment with a new attainment date of July 20, 2032 and established a deadline of October 7, 2024 for South Coast AQMD to submit a new plan to demonstrate attainment and comply with other planning requirements. An adequacy finding for the updated Motor Vehicle Emissions Budgets (MVEB) was also issued by U.S. EPA, thereby resolving the lockdown; and

WHEREAS, the primary purpose of the Coachella Valley Ozone Plan is to demonstrate attainment of the 2008 8-hour ozone NAAQS by the attainment date and to address “extreme” nonattainment area planning requirements; and

WHEREAS, the Coachella Valley is expected to attain the 2008 8-hour ozone NAAQS with the continued implementation of rules and regulations adopted by South Coast AQMD and CARB. Therefore, no new control measures are proposed in the Coachella Valley Ozone Plan; and

WHEREAS, the Draft Coachella Valley Ozone Plan was released for public review and comment on July 31, 2024 with a comment period ending on August 30, 2024; and

WHEREAS, a public consultation meeting was held on August 14, 2024 to solicit comments and suggestions from the public, affected businesses, and stakeholders. The meeting was conducted in both English and Spanish; and

WHEREAS, the South Coast AQMD Governing Board has determined that no Socioeconomic Impact Assessment is required under Health and Safety Code Sections 40440.8 and 40728.5, because the Coachella Valley Ozone Plan is not a rule or regulation in the meaning of those statutes, and further no socioeconomic impacts will result from the Coachella Valley Ozone Plan; and

WHEREAS, the public hearing has been properly noticed in accordance with all provisions regarding notice of revisions to the SIP in the Code of Federal Regulations Title 40, Part 51, Section 51.102; and

WHEREAS, the South Coast AQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the South Coast AQMD specifies the Planning and Rules Manager of the Coachella Valley Ozone Plan as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of the Coachella Valley Ozone Plan is based, which are located at the South Coast AQMD, 21865 Copley Drive, Diamond Bar, California; and

NOW, THEREFORE BE IT RESOLVED, that the South Coast AQMD Governing Board does hereby determine, pursuant to the authority granted by law, that the Coachella Valley Ozone Plan is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption and CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for the Protection of the Environment. No exceptions to the application of the categorical exemption set forth in CEQA Guidelines Section 15300.2 – Exceptions, apply to the proposed project. This information was presented to the South Coast AQMD Governing Board, whose members exercised their independent judgment and reviewed, considered, and approved the information therein prior to acting on the Coachella Valley Ozone Plan; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby adopt, pursuant to the authority granted by law, the Coachella Valley Ozone Plan, as set forth in the attached, and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that staff is hereby directed to forward a copy of this Resolution and the Coachella Valley Ozone Plan to CARB for approval and subsequent submission to U.S. EPA for inclusion in the SIP.

AYES: Cacciotti, Lock Dawson, Delgado, Hagman,
Kracov, McCallon, Mitchell, Padilla-Campos,
Raman, Rodriguez, and Solache

NOES: None

ABSENT: Perez and Wagner

DATE: October 4, 2024

Faye Thomas
Faye Thomas, Clerk of the Boards