

## **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

### **RESOLUTION NO. 2020-09**

#### **A Resolution of the Board of Directors of the Bay Area Air Quality Management District to Adopt Emissions Statement Certifications for the 1997, 2008 and 2015 8-hour Ozone National Ambient Air Quality Standards (NAAQS)**

WHEREAS, the Federal Clean Air Act section 182(a)(3)(B) requires all ozone non-attainment areas to have in place a program that requires stationary sources of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC) to provide statements, at least annually, showing the actual emissions of oxides of nitrogen and volatile organic compounds from the source, and further provides that the state may waive the requirement to provide such statements for sources that emit less than 25 tons per year of VOC or NO<sub>x</sub> if the state provides an inventory of emissions from the sources, based on emission factors or other methods acceptable to the United States Environmental Protection Agency (EPA);

WHEREAS, effective August 3, 2018, EPA designated the San Francisco Bay Area a marginal non-attainment area for the 8-hour national ambient air quality standard (“NAAQS”) for ozone (83 FR 25776);

WHEREAS, the Air District is therefore required to submit a certification that its existing program, or rule, continues to comply with the requirement and that the boundaries of the District have not changed;

WHEREAS, the Air District adopted Federal Emissions Statement provisions in Rule 2-1-429 on November 4, 1992, which rule was amended on June 15, 1994, and December 21, 2004 to comply with the 1997 8-hour ozone standard requirements;

WHEREAS, the Air District submitted a New Source Review (NSR) rule amendment for the 1997 Ozone NAAQS to EPA on December 14, 2017, which includes Rule 2-1-429, which NSR revision EPA approved into the State Implementation Plan (SIP) on May 21, 2018 (83 FR 23372);

WHEREAS, the Air District requires permits for all classes and categories of sources subject to Clean Air Act section 182(a)(3)(B); the Air District may allow permit exemptions for qualifying sources that emit 5 tons or less per year for any regulated air pollutant, which is below the Clean Air Act section 182(a)(3)(B) waiver of 25 tons per year of NO<sub>x</sub> or VOCs; and the Air District maintains an emissions inventory of all sources using factors acceptable to EPA;

WHEREAS, the Air District’s boundaries subject to existing Rule 2-1-429 have not changed since the 1997 ozone standard determination;

WHEREAS, the Air District’s marginal non-attainment status has not changed since the 1997 ozone standard determination;

WHEREAS, on June 15, 2020, the Air District published notice of the proposed adoption of the Emissions Statement Certifications for the 1997, 2008 and 2015 8-hour Ozone Standards in accordance with Clean Air Act section 110 and 40 CFR 51.102.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the authority granted by law, the Board of Directors of the Bay Area Air Quality Management District does hereby certify that the Federal Emissions Statement provisions in Rule 2-1-429 continue to meet the requirements of Clean Air Act section 182(a)(3)(B) for the 2015 8-hour ozone standard, as well as for the 1997 and 2008 8-hour ozone standards, and meet all procedural requirements under 40 CFR Subpart F, including 40 CFR 51.102 requirements.

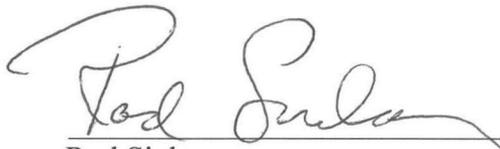
The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of DIRECTOR HUDSON, seconded by DIRECTOR WAGENKNECHT, on the 15<sup>TH</sup> day of July, 2020 by the following vote of the Board:

AYES: MARGARET ABE-KOGA, TERESA BARRETT, JOHN BAUTERS, DAVID CANEPA, CINDY CHAVEZ, PAULLINE RUSSO CUTTER, JOHN GIOIA, CAROLE GROOM, SCOTT HAGGERTY, DAVID HUDSON, DAVINA HURT, TYRONE JUE, KAREN MITCHOFF, MARK ROSS, ROD SINKS, BRAD WAGENKNECHT, SHAMANN WALTON, LORI WILSON, SHIRLEE ZANE.

NOES: NONE.

ABSENT: LIZ KNISS, NATE MILEY, JIM SPERING.

ABSTAIN: KATIE RICE.



Rod Sinks  
Chairperson of the Board of Directors

ATTEST:



Karen Mitchoff  
Secretary of the Board of Directors