

BOARD ORDER #140303-01
ORDER OF THE GOVERNING BOARD OF THE
GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
ADOPTING THE AIR QUALITY MAINTENANCE PLAN AND
PM10 REDESIGNATION REQUEST FOR THE TOWN OF MAMMOTH LAKES, AND
REVISIONS TO DISTRICT RULE 431

March 3, 2014

WHEREAS, on July 1, 1987 the United States Environmental Protection Agency (US EPA) set a National Ambient Air Quality Standard (federal standard) for particulate matter less than 10 microns (PM10) at 150 micrograms per cubic meter for a 24-hour period.

WHEREAS, in August 1987 the US EPA classified Mammoth Lakes as a Group I area with a greater than 95% probability of exceeding the federal standard, and required the Great Basin Unified Air Pollution Control District (District) to develop a state implementation plan that would include a control strategy and regulatory requirements to bring the area into attainment with the standard.

WHEREAS, the District and the Town of Mammoth Lakes (Town) jointly investigated the PM10 air quality problem in the Town and found that the federal PM10 standard was violated about eleven times per year, and that the high PM10 levels were largely caused by particulate emissions from residential wood combustion (RWC) and road dust entrained into the air by vehicles on roads treated with volcanic cinders during the winter.

WHEREAS, in November 1990 the District and Town jointly adopted the 1990 Air Quality Management Plan for the Town of Mammoth Lakes that included rules adopted in District Rule 431 and Town Municipal Code Chapter 8.30 that regulated the installation of wood stoves and other solid fuel appliances, instituted voluntary and mandatory no burn days for fireplaces and woodstoves, required street sweeping to clean up the cinders on the roads after snow events, and limited the peak traffic volume for future developments in the Town.

WHEREAS, the control measures successfully reduced PM10 emissions from wood burning and road dust and air quality improved significantly.

WHEREAS, ambient PM10 levels measured in the Town from 1993 through 2012 have demonstrated compliance with the federal PM10 standard.

WHEREAS, future compliance in the Town will be ensured with the continued implementation of regulations for the installation and operation of RWC devices and the continued use of street sweepers to remove volcanic cinders from roadways after winter storms.

WHEREAS, the 1990 federal Clean Air Act provides for the State of California, after reasonable notice and public hearings, to request that the USEPA redesignate the Mammoth Lake Planning Area to attainment with the National Ambient Air Quality Standard for PM10.

WHEREAS, a redesignation of the Mammoth Lakes Planning Area to attainment with the National Ambient Air Quality Standard for PM10 requires a revision of the State Implementation Plan, which provides for the maintenance and enforcement of the PM10 standard (also known as a maintenance plan).

WHEREAS, the Great Basin Unified Air Pollution Control District is the governmental entity charged under California law with the responsibility of developing and adopting such a maintenance plan for the Mammoth Lakes PM10 Planning Area, and with the timely submittal of that plan to the California Air Resources Board.

WHEREAS, the District and the Town cooperatively developed a maintenance plan that included revisions to Municipal Code Chapter 8.30 to strengthen the Town's regulations governing particulate matter emissions.

WHEREAS, on November 6, 2013, the Town adopted and approved those revisions to Municipal Code Chapter 8.30.

WHEREAS, District Rule 431 – Particulate Emissions contains provisions that allow the District to enforce air quality regulations governing residential wood combustion and road dust in the Town, and the District has proposed revisions to District Rule 431 that are consistent with changes to Municipal Code Chapter 8.30.

WHEREAS, the District prepared and made available for review a written analysis of proposed District Rule 431 as required by Health & Safety Code §40727.2.

WHEREAS, the revisions to District Rule 431 for Particulate Emissions are consistent with and not in conflict with or contradictory to, any existing statutes, court decisions, or State or federal regulations.

WHEREAS, the revisions to District Rule 431 are written so that persons directly affected by it can easily understand its meaning.

WHEREAS, no changes have been made in the text of the revisions to District Rule 431 originally made available to the public that are so substantial as to significantly affect its meaning.

WHEREAS, a proposed Notice of Exemption meeting the requirements of the California Environmental Quality Act was properly noticed and circulated, indicating the proposed revisions to Rule 431 and the adoption of the Air Quality Maintenance Plan and PM10 Redesignation Request for the Town of Mammoth Lakes are categorically and statutorily exempt from the requirements of CEQA.

WHEREAS, the Great Basin Unified Air Pollution Control District has developed and circulated for public review, and received and considered public comment upon the maintenance plan, redesignation request and revisions to District Rule 431.

WHEREAS, the maintenance plan, redesignation request and rule revisions for the Mammoth Lake Planning Area are now before this Governing Board for consideration of final adoption.

NOW, THEREFORE, BE IT RESOLVED, that following review by this Governing Board of the Air Quality Maintenance Plan and PM10 Redesignation Request for the Town of Mammoth Lakes and the revision to District Rule 431, this Governing Board hereby approves and adopts the Air Quality Maintenance Plan and PM10 Redesignation Request for the Town of Mammoth Lakes, and the proposed revisions to District Rule 431 and directs the Board Clerk to promptly submit the maintenance plan, redesignation request and rule revisions to the California Air Resources Board for approval and forwarding to the U.S. Environmental Protection Agency for its consideration and approval.

BE IT FURTHER RESOLVED, that the Governing Board of the Great Basin Unified Air Pollution Control District hereby finds and determines to be true, on the basis of substantial evidence, each statement of fact, and hereby adopts on the basis of the record of this proceeding each conclusion of law, set forth in the recitals to this resolution.

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Governing Board of the Great Basin Unified Air Pollution Control District hereby authorizes and directs the Air Pollution Control Officer to execute on behalf of the District a Notice of Exemption for the maintenance plan, redesignation request and rule revisions, and to file or record the notice reflecting that action as provided by applicable law.

BE IT FURTHER RESOLVED, that the District shall prepare and maintain a record of this SIP amendment and Board Order revision in accordance with Health & Safety Code §40728.

BE IT FURTHER RESOLVED, that the effective date of this Order to approve and adopt the Air Quality Maintenance Plan and PM10 Redesignation Request for the Town of Mammoth Lakes and revisions to District Rule 431 shall be March 3, 2014.

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APPROVED, ADOPTED and ORDERED by the Governing Board of the Great Basin Unified Air Pollution Control District this 3rd day of March, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair of the Governing Board

ATTEST:
