



Antelope Valley
Air Quality Management District

Draft
Staff Report
Proposed Amendment to
AVAQMD Federal 75 ppb Ozone Attainment Plan
(Western Mojave Desert Nonattainment Area)

For adoption on
April 16, 2024

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STAFF REPORT
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AVAQMD Federal 75 ppb Ozone Attainment Plan
(Western Mojave Desert Nonattainment Area)

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List of Acronyms

AQMA	Air Quality Management Area
AVAQMD	Antelope Valley Air Quality Management District
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NAAQS	National Ambient Air Quality Standards
Ppb	parts per billion
SBCAPCD	San Bernardino Air Pollution Control District
SAAQS	State Ambient Air Quality Standards
SCAQMD	South Coast Air Quality Management District
SEDAB	Southeast Desert Air Basin
SIP	State Implementation Plan
SSAB	Salton Sea Air Basin
USEPA	United States Environmental Protection Agency
WMDONA	Western Mojave Desert Ozone Nonattainment Area

STAFF REPORT
AVAQMD Federal 75 ppb Ozone Attainment Plan
(Western Mojave Desert Nonattainment Area)

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The United States Environmental Protection Agency (USEPA) designated the Western Mojave Desert Nonattainment Area (WMDONA) as nonattainment for the March 2008 75 ppb 8-hour ozone National Ambient Air Quality Standard (NAAQS) pursuant to the provisions of the Federal Clean Air Act (FCAA). A portion of the Mojave Desert Air Quality Management District (MDAQMD) is included in the WMDONA. The entire AVAQMD is included in the Western Mojave Desert nonattainment area.

In response to court decisions which altered the interpretation of contingency measure requirements, USEPA released the Draft Guidance on the Preparation of State Implementation Plan Provisions that address the Nonattainment Area Contingency Measure Requirements for Ozone and Particulate Matter (Draft Guidance).¹ The Draft Guidance confirms that contingency measures need to include automatic triggering mechanisms, and cannot rely on surplus emission reductions of previously implemented emission reduction measures. It also defines the amount of emission reductions that contingency measures are required to achieve. In the event that the required amount of reductions cannot be achieved by the contingency measure, the Draft Guidance requires the development of a reasoned justification for achieving less than the required amount. The California Smog Check Contingency Measure and AVAQMD Enhanced Vehicle Inspection and Maintenance Program are expected to achieve less than the required amount of reductions. However, AVAQMD and CARB were not able to identify any other feasible contingency measures.

AVAQMD has prepared a contingency measure, the CARB California Smog Check Contingency Measure along with an Infeasibility Analysis for the Western Mojave Desert Nonattainment Area Contingency Measure Requirement for the 2008 8-Hour Ozone Standard in order to satisfy applicable Clean Air Act (CAA) requirements. In addition, Mojave Desert Air Quality

¹ Guidance on the Preparation of State Implementation Plan Provisions that Address the Nonattainment Area Contingency Measure Requirements for Ozone and Particulate Matter. March 17, 2023.

Management District (MDAQMD) has prepared two contingency measures, the MDAQMD Enhanced Vehicle Inspection and Maintenance Program, and CARB California Smog Check Contingency Measure along with and Infeasibility Analysis. Although MDAQMD's contingency measures, if triggered, does not span into the AVAQMD, it does pertain to the WMDONA as a whole and will result in some reductions. This SIP revision is focused on satisfying the requirement for contingency measure elements for the plan. Contingency measures are defined by CAA Section 172(c)(9) as "specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the national primary ambient air quality standard by the attainment date." CAA Section 182(c)(9) further requires that ozone nonattainment areas classified as "serious" or above provide for contingency measures to be implemented if the area fails to meet any applicable milestone. This SIP revision satisfies requirements for reasonable further progress (RFP) and attainment contingency measures.

The CARB California Smog Check Contingency Measure State Implementation Plan Revision presented in this amendment is expected to achieve less than the required amount of reductions. However, the AVAQMD and CARB were not able to identify any other contingency measures due to the infeasibility of implementation according to EPA draft guidance timelines and/or lack of available non-technology forcing measures. Therefore, infeasibility justifications demonstrating the scarcity of further opportunities for stationary and mobile source contingency measures are presented in this amendment. Additionally, infeasibility justifications for Transportation Control Measures (TCMs) and Area Sources under CARB's authority are also presented as a part of this amendment. The infeasibility justification comprehensively evaluates all source categories contributing non-negligible VOC and NOx emissions in the WMDONA.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD or District) adopt the proposed amendment to the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to allow USEPA to completely approve *the 2017 WMD Ozone Attainment Plan*

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct adoption of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Nonduplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION:

- X Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- X Exemption
- N/A Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

OTHER:

- X Written analysis of existing air pollution control requirements
- N/A Economic Analysis
- X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed adoption of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*. These are actions that need to be performed and/or information that must be provided in order to amend the plan in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

a. Necessity:

The proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* is necessary to comply with the provisions of the FCAA §§172(c)(9) and 182(c)(9) (42 U.S.C. §§7502(c)(9) and 7511a(c)(9)) regarding contingency measures to be implemented in case of failure to make either an RFP milestone or to attain by the applicable attainment date. This document addresses USEPA concerns regarding clarifications for triggers and implementation of the contingency measure currently included in the plan.

b. Authority:

The District has the authority pursuant to California Health and Safety Code (H&S Code) §40702 to adopt, amend or repeal rules and regulations.

c. Clarity:

The proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* is clear in that it is written so that the persons subject to the plan can easily understand the meaning.

d. Consistency:

The proposed adoption of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* is in harmony with, and not in conflict with or contradictory to any

state law or regulation, federal law or regulation, or court decisions. The Western Mojave Desert Ozone Nonattainment Area (WMDONA), as defined in 40 CFR 81.305 was designated nonattainment for the NAAQS for ozone by USEPA effective on July 20, 2012. The Western Mojave Desert Ozone Nonattainment Area (WMDONA) includes the Antelope Valley portion of Los Angeles County, as well as the San Bernardino County portion of the MDAQMD. Ozone Nonattainment Area (WMDONA). Both the AVAQMD and MDAQMD adopted plans to meet the planning requirements which were applicable as a result of the designation. These plans were combined and submitted by CARB to USEPA as the *2017 WMD Attainment Plan*.

On May 10, 2021 USEPA published an NPRM proposing approval of the 2008 8-Hour Ozone Nonattainment Area Requirements; West Mojave Desert. The *2017 WMD Attainment Plan* was conditionally approved so long as clarification regarding the triggers for, and implementation of, the plan's contingency measures to comply with the provisions of FCAA §§172(c)(9) and 182(c)(9) (42 U.S.C. §§7502(c)(9) and 7511a(c)(9)) were provided. Since the contingency measure is contained in the AVAQMD's portion of the *2017 WMD Attainment Plan* an amendment to that plan is needed to maintain consistency with the FCAA requirements.

e. Nonduplication:

The proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* does not impose the same requirements as an existing state or federal law or regulation. The USEPA designated the Western Mojave Desert Nonattainment Area as nonattainment for the March 2008 (75 ppb) 8-hour ozone NAAQS pursuant to the provisions of the FCAA. The entire AVAQMD is included in the Western Mojave Desert nonattainment area. This plan addresses USEPA's concerns such that it may fully approve the *2017WMD Attainment Plan*.

f. Reference:

AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendment to the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western*

Mojave Desert Nonattainment Area) will published on March 15, 2024. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law that requires the submittal. The information below indicates which elements are required for the proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The amendment of the *AVDAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* is subject to all the requirements for a SIP submittal because the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* is to be included in the AVAQMD State Implementation Plan (SIP). The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* will be published March 15, 2024. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of the proposed amendment to the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* and the accompanying draft staff report will be made available to the public on or before March 15, 2024.

d. Notice to Specified Entities:

Copies of the proposed amendment to the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* and the accompanying draft staff report will be sent to all affected agencies. The proposed amendments will be sent to the California Air Resources Board (CARB) and USEPA on or before March 15, 2024.

e. Public Hearing:

A public hearing to consider the proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* has been set for April 16, 2024.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of CEQA.

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The proposed amendments to the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* are required to justify the infeasibility for various contingency measures, clarify triggering events and detail implementation for the contingency measures to address USEPA's concerns regarding compliance with FCAA §§172(c)(9) and 182(c)(9) (42 U.S.C. §§7502(c)(9) and 7511a(c)(9)). Since this action is required to comply with FCAA requirements the preparation of a written analysis of existing pollution control requirements that apply to the same equipment or source type is not required.

C. ECONOMIC ANALYSIS

1. General

Not applicable, as no local control measures are proposed as part of the proposed action.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NO_x) or oxides of sulfur (SO_x). The proposed amendment to the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* is not subject to incremental cost effectiveness calculations because this plan does not impose BARCT or “all feasible measures”.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below, it was determined that a Notice of Exemption would be the appropriate CEQA process for the proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*.

1. The proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* meets the CEQA definition of “project”. They are not “ministerial” actions.
2. The proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* is exempt from CEQA review because there is not potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. The proposed amendment will strengthen the plan by providing an infeasibility justification for various infeasible contingency measures, as well as clarify triggering events and detail implementation for the proposed contingency measures. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

There are no potential negative environmental impacts of compliance with the proposed amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* as it does not change any provisions of the previously adopted plan; and provides an infeasibility justification for various infeasible contingency measures, as well as clarify triggering events and detail implementation for the proposed contingency measures.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

VI. TECHNICAL DISCUSSION

Pursuant to provisions of the Federal Clean Air Act (FCAA), State Implementation Plans (SIPs) for areas designated nonattainment and classified Moderate or above must include contingency measures to be implemented in the event the area fails to make Reasonable further Progress (RFP) or to attain the National Ambient Air Quality Standards (NAAQS) by the applicable attainment date.² In 2008 the United States Environmental Protection Agency (USEPA) revised the NAAQS for Ozone to 0.075 parts per million over an 8-hour period (2008 O₃ Standard).³ Thereafter pursuant to FCAA §107(d) (42 U.S.C. §7407(d)), USEPA designated various areas nonattainment for the 2008 O₃ Standard and indicated severity classifications for same.⁴ The WMD, consisting of northeast Los Angeles County and portions of southwest San Bernardino County⁵ was designated nonattainment and classified “Severe-15.” The Los Angeles County Portion of the WMD is entirely within the jurisdiction of the AVAQMD while the San Bernardino County portion of the WMD is partially contained within the MDAQMD.⁶

USEPA promulgated a Notice of Proposed Rule Making regarding the 2008 8-Hour Ozone Nonattainment Area for the West Mojave Desert.⁷ In that NPRM, USEPA proposed approval of the 2017 WMD Attainment Plan with conditional approval of the contingency measure pending the adoption by the AVAQMD of further detail of the circumstances, timing and procedures for implementation of the measure. The proposed amendment utilizes the USEPA’s Guidance on the Preparation of State Implementation Plan Provisions that Address the Nonattainment Area Contingency Measure Requirements for Ozone to identify two contingency measures, justify the infeasibility for various other contingency measures, clarify triggering events and detail implementation for the contingency measures to address USEPA’s concerns regarding compliance with FCAA §§172(c)(9) and 182(c)(9) (42 U.S.C. §§7502(c)(9) and 7511a(c)(9)).

² FCAA §§172(c)(9) and 182(c)(9); 42 U.S.C. §§7502(c)(9) and 7511a(c)(9).

³ 73 FR 16436, 3/27/2008.

⁴ 77 FR 30088 5/21/2012

⁵ Geographic boundaries of the WMD are provided at 40 CFR 81.305

⁶ The WMDONA boundary is roughly co-terminus with the boundary of the Greater Los Angeles Metropolitan Statistical Area within the jurisdiction of the MDAQMD. It is that portion of the MAQMD contained in the Southeast Desert Modified Air Quality Management Area (40 CFR 81.167) commonly referred to in District documents as the Federal Ozone Nonattainment Area (FONA) and is defined in District Rule 102, 9/28/2020 and 17 CCR §60200(b).

⁷ 86 FRE 24809, 5/10/2021

A. SIP HISTORY

1. SIP History.

The USEPA designated the desert part of Los Angeles County as non-attainment and classified it as Moderate for the 8-hour standard. This area was classified based on an ozone design value calculated from 2001 through 2003 concentrations in the region. The Moderate classification requires attainment of the 8-hour ozone NAAQS by June 2010, six years after the date of designation.

The desert portion of Los Angeles County was established as its own air district as of July 1, 1997, the Antelope Valley Air Pollution Control District (AVAPCD), pursuant to former H&SC §40106 (Statutes 1996 ch 542, Repealed Statutes 2001 ch. 163). This air district was replaced by the AVAQMD on January 1, 2002, pursuant to H&SC §41300 et seq (Statutes 2001 ch. 163). As a successor district to SCAQMD, the AVAQMD assumes the authorities and duties of the SCAQMD for the Antelope Valley (H&SC §41302).

The SCAQMD addressed the desert portion of Los Angeles County in the 1991 AQMP, the 1994 AQMP, and the 1997 AQMP. The 1994 AQMP was approved by USEPA (62 FR 1150, January 8, 1997). However the initial adoption of the 1997 AQMP was not acted upon by USEPA and was only acted upon after revisions which were adopted by SCAQMD after the formation of the AVAPCD (65 FR 18903, April 10, 2000). Therefore, the 1997 AQMP as revised is not effective within the jurisdiction of the AVAQMD. Thereafter the AVAQMD adopted the AVAQMD 2004 Ozone Attainment Plan on April 20, 2004. In 2008, USEPA reduced the 8-hour NAAQS from 84 ppb to 75 ppb. The Western Mojave Desert nonattainment area was again designated nonattainment for the 75 ppb NAAQS pursuant to provisions of the FCAA. The AVAQMD prepared the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* to satisfy the planning requirements under this standard including a contingency measure.

The contingency measure identified in the AVAQMD 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area) was to maintain the California Enhanced Vehicle Inspection and Maintenance Program (Enhanced I&M). On May 10, 2021, USEPA published a Notice of Proposed Rule Making (NPRM) at 86 FR 24809 proposing approval of the *2017 Western Mojave Desert Nonattainment Plan* for the WMDONA conditional upon additional clarification regarding the triggers for, and implementation of, the plan's contingency measure.

USEPA finalized a finding of failure to submit contingency measure elements for the 2008 ozone NAAQS effective October 31, 2022⁸. The finding established an 18-month deadline for the AVAQMD to submit contingency measures or face stationary source permitting sanctions as defined in CAA Section 179(b)(2).

⁸ 87 FR 59012

There is also a 24-month deadline for highway sanctions as defined in CAA Section 179(b)(1). Submission of the SIP revision followed by a completeness determination by USEPA will stay the sanctions. In addition, if within 24 months USEPA has not approved a contingency measure SIP revision, USEPA must promulgate a federal contingency measure plan in the WMDONA.

AVAQMD has prepared the Infeasibility Analysis for the Western Mojave Desert Nonattainment Area Contingency Measure Requirement for the 2008 8-Hour Ozone Standard to satisfy applicable Clean Air Act (CAA) requirements. This SIP revision is focused on satisfying the requirement for contingency measures elements for the plan. Contingency measures are defined by CAA Section 172(c)(9) as “specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the national primary ambient air quality standard by the attainment date.” CAA Section 182(c)(9) further requires that ozone nonattainment areas classified as “serious” or above provide for contingency measures to be implemented if the area fails to meet any applicable milestone. This SIP revision satisfies requirements for reasonable further progress (RFP) and attainment contingency measures.

2. SIP Analysis.

The proposed amendment will strengthen the *2017 WMD Attainment Plan* by providing an analysis for the lack of feasible contingency measures, specifics regarding under what circumstances the included contingency measure will be triggered and particulars regarding implementation of such measure (s).

Appendix “A”
AVAQMD Federal 75 ppb Ozone Attainment Plan
(Western Mojave Desert Nonattainment Area)

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. Underlined text identifies new or revised language.
2. ~~Lined-out text~~ identifies language which is being deleted.
3. Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.
4. *[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

This section is not applicable. Refer to
**AVAQMD Contingency Measures for the 75 ppb Ozone Attainment
Plan**

Appendix “B”
Public Notice Documents

1. Draft Proof of Publication – Antelope Valley Press, March 15, 2024

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on April 16, 2024 at 10:00 A.M. to consider the amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*.

SAID HEARING will be conducted in the Governing Board Chambers at Antelope Valley Transit Authority located at 42210 6th Street West, Lancaster, CA 93534 where all interested persons may be present and be heard.

AVAQMD has prepared the Infeasibility Analysis for the Western Mojave Desert Nonattainment Area Contingency Measure Requirement for the 2008 8-Hour Ozone Standard to satisfy applicable Clean Air Act (CAA) requirements. This SIP revision is focused on satisfying the requirement for contingency measures elements for the plan.

Copies of the proposed amendment to *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* and the Staff Report are posted on the AVAQMD website at www.avaqmd.ca.gov and are also available at the AVAQMD Office at 2551 W Avenue H, Lancaster, CA 93536.

Written comments may be submitted to Barbara Lods, Executive Director, at the above office address, and should be received no later than April 15, 2024 to be considered. If you have any questions you may contact Barbara Lods at (661) 723-8070 x23 or via E-mail at blods@avaqmd.ca.gov for further information. Traducción esta disponible por solicitud.

Pursuant to the California Environmental Quality Act (CEQA) the AVAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.

Appendix “C”
Public Comments and Responses

No comments received at this time.

Appendix “D”
California Environmental Quality Act
Documentation

1. Draft Notice of Exemption – Los Angeles County

NOTICE OF EXEMPTION

TO: Los Angeles County Clerk
12400 E. Imperial Hwy, #1001
Norwalk, CA 90650

FROM: Antelope Valley Air Quality Management District
2551 W Avenue H
Lancaster, CA 93536

AVAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of the *AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*.

PROJECT LOCATION – SPECIFIC: Los Angeles County portion of the Mojave Desert Air Basin.

PROJECT LOCATION – COUNTY: Los Angeles County

DESCRIPTION OF PROJECT: The Antelope Valley Air Quality Management District has prepared an Infeasibility Analysis for the Western Mojave Desert Nonattainment Area Contingency Measure Requirement for the 2008 8-Hour Ozone Standard to satisfy applicable Clean Air Act (CAA) requirements. This SIP revision is focused on satisfying the requirement for contingency measures elements for the plan *AVAQMD Federal 75 ppb Ozone Attainment Plan*.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Antelope Valley AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Antelope Valley AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendment is exempt from CEQA review because the amendment will strengthen the plan through the adoption of contingency measures and will not create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Barbara Lods **PHONE:** (661) 723-8070

SIGNATURE: _____ **TITLE:** APCO_ **DATE:** April 16, 2024

DATE RECEIVED FOR FILING:

Appendix “E” Bibliography

The following documents were consulted in the preparation of this staff report.

1. USEPA Draft Guidance on the Preparation of State Implementation Plan Provisions that Address the Nonattainment Area Contingency Measure Requirements for Ozone and Particulate Matter
2. SCAQMD - Draft Staff Report: Coachella Valley Contingency Measure SIP Revision for the 2008 8-Hour Ozone Standard Mojave Desert Modeling Analysis, prepared by SCAQMD staff.