

Calaveras Council of Governments

Air Quality, 8-Hour Ozone Non-Attainment

Project Update Report

Attachment 6d

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Current Report Date: February 27, 2007

SUMMARY

Calaveras and Amador counties are non-attainment for the Federal 8 hour ozone requirement. The counties are required to have an approved State Implementation Plan (SIP) by June 15, 2007. A Federal District Court has determined that the Environmental Protection Agency (EPA) needed to re-write requirements regarding 8-hour ozone enforcement. Caltrans and the California Air Resource Board (ARB) are waiting for EPA to provide the new regulations. The SIP being prepared by ARB may not be prepared by the June 15th date.

DISCUSSION

EPA provides the regulations regarding 8-hour ozone non-attainment. A federal District Court has determined that certain sections of the EPA 8-hour ozone requirements needed to be re-written. ARB, in consultation with the local air pollution control officer, prepares the SIP for the Amador and Calaveras counties non-attainment area. ARB is not moving forward with the preparation of the SIP until EPA issues the new regulations.

If the SIP slips and is not prepared by June 15th, then significant transportation projects receiving federal funds will need to go through the emission analysis of build/no build process for each project as was done on the Angels Camp Bypass project. It is possible that there could be a lawsuit filed against EPA and non-attainment areas for "failure to submit" the SIP by June 15th. If this happens, the first sanction hits 18 months after the clock starts and the second at 24 months. The first sanction is application of 2:1 emission offset requirements for new and renewing stationary source permits; the second sanction is a cutoff of practically all Federal highway funding. The timeframe is 2 years for the highway funding cutoff sanction to take affect.

Caltrans District 10 air quality staff has advised CCOG staff to give ARB at least 6 months to receive the new regulations and work on preparation of the SIP. Caltrans HQ air quality coordinator has advised CCOG staff that California has never had a federal funding cutoff sanction and to allow some extra time for EPA and ARB to work out the new requirements and developing the SIP. There are many large Metropolitan Planning Organizations (MPOs) that are in the same situation as Amador and Calaveras and face much greater consequences so it is unlikely that the situation would deteriorate to the point where federal funds would start to be withheld.

FUTURE ACTIONS

Target Date	Milestones	Comments
February 2007?	Draft Emission's Budget completed	Review draft emission's budget
March 2007?	Draft SIP completed	Review draft SIP
June 2007?	SIP due to EPA	SIP must be completed by 6-15-07