

DEPARTMENT: Planning and Building

By: Ed Johnson

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Adopt resolution supporting changes in Federal law to relieve downwind jurisdictions from penalties resulting from upwind pollution sources.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Mariposa County is subject to State and Federal Air Quality Standards. If those standards are not met, regulations must be imposed on source emitters. The County is the recipient of air contaminants from upwind sources that could result in failing to meet air standards.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

No action will mean the Board will not go on record supporting changes in Federal law.

COSTS: () Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated Costs \$ _____
C. Required additional funding \$ _____
D. Internal transfers \$ _____

COSTS: () 4/5th Vote Required
A. Unanticipated revenues \$ _____
B. Reserve for contingencies \$ _____
C. Source description: _____

Balance in Reserve Contingencies, If Approved:
\$ _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

- Memo to Board
- Draft Resolution
- Draft Form Letter and Mailing List
- Related Correspondence
- _____
- _____
- _____
- _____

CLERK'S USE ONLY

Res. No.: 96-184 Ord. No.: _____
Vote - Ayes: 5 Noes: _____
Absent: _____ Abstained: _____
 Approved Denied
 Minute Order Attached No Action Necessary
The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
ATTEST: _____
MARGIE WILLIAMS, Clerk of the Board

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted for Comment
- Returned for Further Action

Comment: _____

A.O. Initials: [Signature]

RESOLUTION No. 96-184

A Resolution Requesting Changes to U.S. Environmental Protection Agency Policies Associated with Pollutant Transport and Related Violations of the National Ambient Air Quality Standards.

Whereas, California rural Air Pollution Control Districts and Air Quality Management Districts (APCD/AQMD) are heavily impacted by pollutants from upwind urban areas not under their control; and

Whereas, under current EPA policy, local APCD/AQMD attainment status for National Ambient Air Quality Standards (NAAQS) can be affected by upwind air pollutant emissions not under their control, and thus become classified as nonattainment through no fault of their own; and

Whereas, a nonattainment designation can have a serious economic impact on business, industry, and the public; and

Whereas, it is not logical to inflict such heavy economic burden on business, industry and the public in an APCD/AQMD where local emissions are not causing the violation of the NAAQS; and

Whereas, it is not reasonable to require emissions reductions where emissions from within the district are insufficient to cause such a violation in the absence of the transport contribution; and

Whereas, Sections 176A and 184 of the Clean Air Act deal with interstate transport of pollutants and violations of the NAAQS; and

Whereas, such allowances should be extended to intrastate transport for states, such as California, where local districts do not have control over upwind districts within the state; and

Whereas, Section 182(h) of the CAA attempts to provide some consideration for rural areas affected by pollutant transport, the requirements (ref. Section 182(a)) placed on such areas are still more onerous and burdensome than is fair and reasonable; and

Whereas, intrastate pollutant transport from upwind areas should be considered when analyzing violations of the NAAQS; and

Whereas, it is reasonable that many of the onerous and burdensome requirements that a nonattainment designation brings should be waived if it can be shown the downwind area would be in attainment in the absence of the upwind areas' pollutant transport contribution.

NOW THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, that U.S. Environmental Protection Agency policies on the Clean Air Act of 1990 regulations related to attainment designations should be changed to:

1. Consider intrastate pollutant transport contributions when analyzing violations of the NAAQS .

2. Waive many of the onerous and burdensome requirements that a nonattainment designation brings if it can be shown the downwind area would be in attainment in the absence of the upwind areas' pollutant transport contribution. Such a demonstration could utilize the results of the California Air Resources Board's **Assessment and Mitigation of the Impacts of Transported Pollutants on Ozone Concentrations in California** or a newly conducted study by U.S. EPA.

PASSED AND ADOPTED this *7th* day of *May*, 1996 by the Mariposa County Board of Supervisors by the following vote:

AYES: REILLY, BALMAIN, STEWART, PARKER, TABER

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



DOUG BALMAIN, Chairperson

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



JEFFREY G. GREEN, County Counsel