



## GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

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### BOARD REPORT

**Mtg. Date:** Monday, March 3, 2014  
**Date Prepared:** January 8, 2014  
**To:** District Governing Board  
**From:** Duane Ono  
Deputy Air Pollution Control Officer  
**Subject:** Approval of Air Quality Maintenance Plan and PM10 Redesignation Request for the Town of Mammoth Lakes and Revisions to District Rule 431 – Particulate Emissions

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#### Summary

The Air Quality Maintenance Plan and PM10 Redesignation Request for the Town of Mammoth Lakes is a revision to the 1990 State Implementation Plan for the Mammoth Lakes Planning Area. The proposed actions include: 1) approval of a maintenance plan that includes requirements to ensure that the federal standard will not be violated in the future, 2) approval of revisions to District Rule 431 – Particulate Emissions, and 3) a request for the US Environmental Protection Agency to redesignate the area from nonattainment to attainment based on monitoring data that demonstrates that the area is in compliance with the National Ambient Air Quality Standard for PM10 (federal standard). The maintenance plan and accompanying materials are enclosed with the Board packet as a separately bound document.

#### Background

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 ( $\mu\text{g}/\text{m}^3$ ) for a 24-hour period. Soon after, the US EPA classified Mammoth Lakes as a Group I area with a greater than 95% probability of violating 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. 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 and road dust entrained into the air by vehicles on roads treated with volcanic cinders during the winter. In November 1990 the District and Town jointly adopted the 1990 Air Quality Management Plan for the Town of Mammoth Lakes that included particulate emissions regulations adopted in District Rule 431 and Town Municipal Code

Chapter 8.30 that 1) regulated the installation of wood stoves and other solid fuel appliances, 2) instituted no burn days for fireplaces and woodstoves, 3) required street sweeping to clean up the cinders on the roads after snow events, and 4) limited the peak traffic volume for future developments in the Town.

The control measures adopted in the 1990 air quality maintenance plan were successful in lowering PM10 emissions from wood burning and road dust. Air quality improved significantly with peak PM10 levels being reduced to the point that by 1993 monitoring data showed that the Town of Mammoth Lakes was in compliance with the federal standard. Monitoring data collected from 1993 through 2012 showed that the area has maintained compliance with the federal standard during that entire period and is therefore eligible for redesignation from nonattainment to attainment. Although the area was in compliance with the federal standard the Town of Mammoth Lakes continues to violate the more stringent State standard set at  $50 \mu\text{g}/\text{m}^3$ . The number of state standard violations has ranged from 4 to 31 days per year since 2001. To ensure future compliance with the federal standard and to make progress toward attaining the State standard the District and Town will continue to implement regulations for the installation and operation of woodstoves and fireplaces and will require the continued use of street sweepers to remove volcanic cinders from roadways after winter storms.

The 1990 federal Clean Air Act provides for the State of California to request that the US EPA redesignate the Mammoth Lake Planning Area to attainment with the federal standard for PM10. A redesignation from nonattainment to attainment with the federal standard requires a revision to the state implementation plan that provides for the maintenance and enforcement of the PM10 standard (also known as a maintenance plan). Under California law the District is the governmental agency responsible for developing and adopting such a maintenance plan for the Mammoth Lakes Planning Area, and for the submittal of that plan to the California Air Resources Board.

As was done for the 1990 Air Quality Management Plan, the Town and District staff worked cooperatively to develop a maintenance plan for Mammoth Lakes. The maintenance plan updated the information and analyses contained in the 1990 plan and showed that the area would be able to maintain compliance beyond 2030 after the Town is at full build out with all major developments in place. The maintenance plan included revisions to Municipal Code Chapter 8.30 – Particulate Emissions Regulations to strengthen the Town's regulations governing particulate matter emissions. (Enclosure 1)

On November 6, 2013, the Town adopted and approved the proposed maintenance plan and revisions to Municipal Code Chapter 8.30. In order to submit the maintenance plan to the California Air Resources Board and to the US EPA, the District staff recommends that the District Governing Board approve and adopt the maintenance plan and redesignation request previously approved by the Town of Mammoth Lakes and that the Board adopt revisions to District Rule 431 – Particulate Emissions to make the District rule consistent with the requirements contained in Chapter 8.30 of the Town Municipal Code. (Enclosure 2)

District Rule 431 allows the District to enforce air quality regulations governing residential wood combustion and road dust in the Town. In order to make District Rule 431 consistent with the recently revised Municipal Code Chapter 8.30 the proposed changes include: 1) prohibiting solid fuel

appliances except pellet stoves in new multi-unit developments in the Town of Mammoth Lakes, 2) increasing the allowable peak traffic volume for new developments in the Town from 106,600 to 179,708 vehicle miles travelled per day (based on a revised air quality analysis), and 3) making penalties for violations of District Rule 431 consistent with the penalty structure in the Town Municipal Code Chapter 1.12 – General Penalty (\$100, \$200, or \$500 for 1<sup>st</sup>, 2<sup>nd</sup>, or more violations per year).

As required by California Health and Safety Code (CH&SC) §§ 40725-40728 for the adoption or amendment of rules, proposed Board Order #140303-01 is attached that certifies the following:

- The District prepared and made available for review a written analysis of proposed District Rule 431 as required by CH&SC §40727.2. to indicate that the proposed 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. (Enclosure 3)
- The revisions to District Rule 431 are written so that persons directly affected by it can easily understand its meaning.
- 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.
- A proposed Notice of Exemption meeting the requirements of the California Environmental Quality Act (CEQA) 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. (Enclosure 4)
- 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.

**Acknowledgements:** The District staff would like to thank Jen Daugherty, Associate Planner for the Town of Mammoth Lakes who helped to develop this maintenance plan and rule revisions and who has been instrumental in implementing the air quality program in Mammoth Lakes in recent years. A BIG THANKS goes to Bill Taylor of Taylor Consulting Services who drafted the maintenance plan and who was invaluable because of his many years of service with the Town and because of his partnership with Deputy Air Pollution Control Officer Duane Ono in drafting and implementing the original 1990 Air Quality Management Plan that proved to be so successful in reducing PM10 levels in Mammoth Lakes.

**Fiscal Impact:** No foreseeable fiscal impact. This update to the Mammoth Lakes air quality plan and redesignation request was a joint effort of the Town of Mammoth Lakes and the District staff. The project was partially funded by a Clean Air Projects Program grant to the Town of Mammoth Lakes.

**Board Action:** Staff recommends that the Board approve Board Order #140303-01, which 1) approves and adopts the Air Quality Maintenance Plan for the Town of Mammoth Lakes, 2) requests the US Environmental Protection Agency redesignate the Mammoth Lakes Planning Area from nonattainment for the federal PM10 standard to attainment, and 3) adopts revisions to District Rule 431 to help ensure that compliance with the federal PM10 standard is maintained in the Mammoth Lakes Planning Area. Staff further recommends that the Board direct the APCO to file the enclosed CEQA notice of exemption for this project.

Attachment – Proposed Board Order #140303-01

Enclosures Bound Separately

Enclosure 1 – Air Quality Maintenance Plan and PM10 Redesignation Request for the Town of Mammoth Lakes

Enclosure 2 – Rule 431 – Particulate Emissions (underline-strikeout and clean versions)

Enclosure 3 – CH&SC § 40727.2(a): Rule analysis of existing requirements applicable to the same source or equipment

Enclosure 4 – CEQA Notice of Exemption