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# CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT  
927 TENTH STREET  
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SACRAMENTO, CA 95814  
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MARTY VAN DUYN  
PLANNING DIRECTOR

March 9, 1983

CITY MANAGER'S OFFICE  
**RECEIVED**  
MAR 9 1983

City Council  
Sacramento, California

Honorable Members in Session:

**APPROVED**  
BY THE CITY COUNCIL

SUBJECT: EPA Air Quality Sanctions

MAR 15 1983

OFFICE OF THE  
CITY CLERK

SUMMARY

The federal Environmental Protection Agency is proposing to again impose federal roadway and sewer funding sanctions and to continue the existing construction ban. The reason for this proposed action is because the Sacramento region cannot meet the ozone standard by 1987 and because a motor vehicle inspection and maintenance program was not implemented by December 31, 1982, even though it is scheduled for implementation by early 1984. The most critical affect of these sanctions it that construction of the Mack Road and Highway 99 interchange will not begin as scheduled this summer. The loss of federal funding for this project will make it impossible to develop this interchange. If imposed, these sanctions could continue until the Clean Air Act is amended, which may take another year or two.

The City's position is that we are complying with the Clean Air Act provisions to the best of our ability; and therefore, we should not be penalized because it is impossible to meet the ozone standard by the 1987 deadline. In addition, the delay in scheduling implementation of the motor vehicle inspection and maintenance program was beyond our control. Staff is proposing that the Council adopt the attached resolution and direct staff to transmit these comments to the EPA and our Congressmen.

BACKGROUND

Purpose of the Sanctions - The Clean Air Act, as amended in 1977, required that all nonattainment areas develop air quality improvement plans which would show achievement of the federal ambient air quality standards by 1982. The Act also provided for an extension in attainment of the ozone and carbon monoxide standards until 1987 if a revised air quality improvement plan which showed attainment by this later deadline was adopted in 1982. Since the Sacramento region presently exceeds the ozone and carbon monoxide standards, a revised 1982 Air Quality Plan was developed and adopted by the local jurisdictions and SACOG last year. This

plan indicates that the local jurisdictions are committed to working towards attainment of these standards by 1987. According to SACOG staff, the Sacramento region will meet the carbon monoxide standard and will only be about 5% short of meeting the ozone standard by 1987.

As you may recall, the federal roadway and sewer funding sanctions were imposed in early 1982 because of the State's failure to adopt a motor vehicle inspection and maintenance program. With the recent adoption of an I & M program, these funding sanctions were lifted in September of 1982. In addition, the construction ban was also scheduled to be lifted because of the adoption of I & M and completion of the 1982 Air Quality Plan. The Sacramento County Board of Supervisors recently approved implementation of an I & M program in the County. Sacramento was the first County in the State to formally approve such a program pursuant to the State enabling legislation. However, the program will not begin until early 1984, whereas EPA required that the program be implemented by the end of 1982.

Roadway Funds Sanction - The EPA may reinstate the federal funding sanctions for roadway and sewer facility improvements. Although these sanctions are supposed to only apply to roadway expansion projects, in the past they have affected freeway soundwall and landscaping projects. If these sanctions are initiated, the following major roadway improvement projects could be affected:

<u>Project</u>	<u>Federal Funding Level</u>	<u>Total Funding Level</u>	<u>Proposed Construction Date</u>
Mack Road and Highway 99 Interchange	4,754,000	5,939,000	1983
I-5, Garden Highway to I-880 scenic corridor landscaping	837,000	837,000	1985
I-5, Jedediah Smith Elementary School, noise attenuation	333,000	333,000	1983
Highway 99, 47th Avenue to Broadway, soundwalls	2,553,000	2,553,000	1983
I-80, Yolo County boundary to Highway 50/99 intersection, soundwalls	4,900,000	4,900,000	1987
I-880, I-5 to Northgate Blvd., landscaping	1,510,000	1,510,000	1987
I-880, Northgate Blvd., to Dry Creek Road, landscaping	1,400,000	1,400,000	1987
I-880, Dry Creek Road to Winters Street, landscaping	970,000	970,000	1987

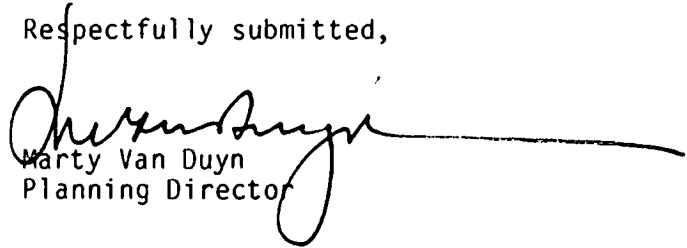
Construction Ban - The EPA ban on new construction of industrial plants which generate more than 100 tons per year of pollutants was actually initiated in July of 1979. This ban was established because of the region's inability to show that the federal air quality standards could be attained by 1982. The EPA is proposing to continue this ban in the future because of our inability to show attainment of the ozone standard by 1987 and due to the delay in implementation of the I & M program.

However, even though this construction ban has been in effect for almost four years, to our knowledge it has not prevented the establishment of any interested new industry. The threshold level in terms of the allowable size of a new cogeneration plant is 250 million BTU's per hour. This construction ban did not prevent the establishment of the Almond Grower's cogeneration facility which was designed at 170 million BTU's per hour. This ban would also not affect the establishment of a cogeneration facility as proposed by Procter and Gamble or Campbell Soup Co. as long as the size of each facility is below 250 million BTU's per hour.

RECOMMENDATION

Staff recommends that the Council adopt the attached resolution and to direct staff to transmit it to EPA and our Congressmen.

Respectfully submitted,



Marty Van Duyn  
Planning Director

RECOMMENDATION APPROVED:

*Walter J. Slipes, Jr.*  
For: Walter J. Slipes, City Manager

MVD:SP:cp/7m  
Attachment  
M83-009

March 15, 1983  
All Districts

# RESOLUTION NO. 83-183

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

**APPROVED**  
BY THE CITY COUNCIL

A RESOLUTION SETTING FORTH THE CITY OF SACRAMENTO'S <sup>MAR 10 1983</sup>  
COMMENTS ON EPA'S PROPOSED AIR QUALITY FEDERAL  
FUNDING SANCTIONS AND CONSTRUCTION BAN (M83-009) OFFICE OF THE  
CITY CLERK

WHEREAS, the Environmental Protection Agency (EPA) on February 3, 1983 issued proposed rulemakings in the Federal Register which indicate that the EPA is considering reimposition of federal roadway and sewer funding sanctions and continuance of the existing construction ban against development of new major stationary sources for Sacramento County; and

WHEREAS, imposition of the proposed federal funding sanctions would adversely affect construction of the Mack Road and Highway 99 interchange and implementation of freeway soundwall and landscaping projects; and

WHEREAS, the Mack Road and Highway 99 interchange has been scheduled for development for over five years and is presently needed to serve the surrounding community and to mitigate existing traffic congestion problems; and

WHEREAS, the loss of \$4.7 million in Federal roadway funds for the Mack Road and Highway 99 interchange would make it impossible to proceed with the scheduled construction of this interchange in the summer of 1983; and

WHEREAS, freeway soundwall and landscaping projects are needed to mitigate existing adverse environmental impacts associated with freeway operations and do not affect roadway capacity or traffic levels; and

WHEREAS, continued imposition of the construction ban prohibiting the development of new industries that are classified as major stationary pollutant sources prevents the establishment of new employment centers that are needed to relieve the high unemployment problem of the Sacramento area; and

WHEREAS, the City of Sacramento, in conjunction with other local jurisdictions in the Sacramento region, developed and adopted the 1982 Air Quality Plan pursuant to the Clean Air Act provisions which allow an extension for attainment of the carbon monoxide and ozone standard to 1987; and

WHEREAS, included in Sacramento's Air Quality Plan is a comprehensive list of transportation control measures which encompass all of the measures which are technically and financially feasible; and

WHEREAS, the City of Sacramento is diligently working towards implementation of the transportation control measures included in the 1982 Air Quality Plan; and

WHEREAS, the County of Sacramento has agreed to implement a major vehicle inspection and maintenance program which will be in operation by the beginning of 1984, which is the earliest feasible date.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sacramento that the EPA should not impose federal roadway and sewer funding sanctions or a construction ban upon the City of Sacramento since it is complying with the Clean Air Act provisions by achieving reasonable further progress and the imposition of these actions would create severe hardships which Congress did not intend to impose under the Clean Air Act.

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

M83-009  
7m

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March 25, 1983

Ms. Sonia Crow  
Regional Administrator  
U.S. Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA 94105

ATTN: Air Management Division, Air Programs Branch, State Liaison  
Section (A-2-2)

Dear Ms. Crow:

On March 15, 1983, the Sacramento City Council took the following action for EPA's proposed Federal Funding Sanction and Construction Ban (Air Quality Sanctions):

Adopted Resolution 83-183 setting forth the City of Sacramento's comments on EPA's proposed Air Quality Federal Funding Sanctions and Construction Ban (M83-009)

Enclosed, for your records, is a fully certified copy of the above referenced document.

Sincerely,

Lorraine Magana  
City Clerk

LM/emm/8  
Enclosure

cc: Planning Department  
Congressman Robert Matsui  
U. S. Environmental Protection Agency, Washington, D.C.

# RESOLUTION NO.

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A RESOLUTION SETTING FORTH THE CITY OF SACRAMENTO'S  
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CITY CLERK

M83-009  
7m



MARCH 15, 1983

A RESOLUTION SETTING FORTH THE CITY OF  
SACRAMENTO'S COMMENTS ON EPA'S PROPOSED AIR  
QUALITY FEDERAL FUNDING SANCTIONS AND  
CONSTRUCTION BAN (M83-009)

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CITY CLERK

March 25, 1983

Ms. Sonia Crow  
Regional Administrator  
U.S. Environmental Protection Agency  
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