

Proposed 2022 Amendments to Area Designations for State Ambient Air Quality Standards

Resolution 23-2

January 26, 2023

Agenda Item No.: 23-1-1

Whereas, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

Whereas, the Legislature enacted the California Clean Air Act of 1988 (the Act) (Stats. 1988, ch. 1568) declaring it necessary that the State ambient air quality standards (State standards) be attained by the earliest practicable date to protect public health, particularly the health of children, the elderly, and those with respiratory diseases;

Whereas, in order to attain the State standards, the Act mandates a comprehensive program of emission reduction measures and planning requirements for the State and the local air pollution control and air quality management districts (districts) in areas where the State standards are not attained;

Whereas, Health and Safety Code section 39607(e) requires the Board to establish and periodically review criteria for designating an air basin as nonattainment or attainment for any State standard set forth in title 17, California Code of Regulations (CCR), section 70200 (ozone, carbon monoxide, nitrogen dioxide or NO₂, sulfur dioxide, suspended particulate matter or PM₁₀, fine particulate matter or PM_{2.5}, sulfates, lead, hydrogen sulfide, and visibility reducing particles);

Whereas, on June 8, 1989, the Board adopted title 17, CCR, sections 70300 through 70306, and Appendices 1 through 3 thereof, establishing designation criteria consistent with the requirements of the Act, which were subsequently amended on June 15, 1990; May 15, 1992; December 10, 1992; November 18, 1993; November 16, 1995; September 24, 1998; January 20, 2004; and March 25, 2010;

Whereas, Health and Safety Code section 39608(a) requires the Board, in consultation with the districts, to identify and classify each air basin in California as nonattainment, attainment, or unclassified on a pollutant-by-pollutant basis pursuant to the

designation criteria established by the Board under Health and Safety Code section 39607(e);

Whereas, Health and Safety Code section 39608(c) also requires the Board to review the area designations annually and update them as new information becomes available;

Whereas, on June 9, 1989, the Board approved the initial area designations contained in title 17, CCR, sections 60200 through 60210, and has updated them annually as appropriate based on a review of recent air quality data;

Whereas, title 17, CCR, sections 70300 through 70306, direct the Executive Officer, or their delegate, to make designations for areas as attainment, nonattainment, nonattainment- transitional, or unclassified for each of the pollutants for which State standards have been established;

Whereas, title 17, CCR, section 70306, directs the Executive Officer, or their delegate, to conduct the annual review of all designations and hold a public hearing, if requested, pursuant to Government Code section 11346.8(a);

Whereas, CARB staff has reviewed air quality data for calendar years 2019 through 2021 and the area designations;

Whereas, based on CARB staff's review of the 2019-2021 air quality data, and in consultation with local districts and considering comments received from public agencies, industry representatives, and other interested persons, CARB staff has determined that new information supports amendments to the area designations:

Lake Tahoe Air Basin qualifies as Nonattainment for the State ozone standards;

Amador County in the Mountain Counties Air Basin qualifies as Nonattainment for the State ozone standards;

Tuolumne County in the Mountain Counties Air Basin qualifies as Nonattainment-Transitional for the State ozone standards;

Shasta County Counties in the Sacramento Valley Air Basin qualifies as Nonattainment for the State ozone standards;

Santa Barbara County in the South Central Coast Air Basin qualifies as Nonattainment-Transitional for the State ozone standards; and

Sutter/Yuba Counties in the Sacramento Valley Air Basin qualifies as Nonattainment for the State PM_{2.5} standards;

Whereas, CARB staff has proposed the above amendments to the Area Designations for State Ambient Air Quality Standards, title 17, CCR, sections 60201 and 60210, as set forth in Appendix A of the Initial State of Reasons released to the public on

November 29, 2022;

Whereas, before proposing amendments to the area designations, CARB staff provided opportunities for public comment (including a public workshop held on September 21, 2022), consulted with local districts, and considered all comments during this process;

Whereas, on November 29, 2022, the Board released a notice of public comment period and invitation to request a public hearing to consider for approval the proposed amendments to the Area Designations for State Ambient Air Quality Standards as set forth in the Initial Statement of Reasons;

Whereas, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; title 14, CCR, section 15251(d)), and CARB conducts its CEQA review according to this certified program (title 17, CCR, sections 60000-60007);

Whereas, CARB staff has determined the proposed amendments are exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption) because the record evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment, as described in Section VI of the Initial Statement of Reasons;

Whereas, no comments were received during the 45-day comment period that raise significant environmental issues associated with the proposal and no approval of written responses to environmental comments is required under California Code of Regulations, title 17, section 60007;

Whereas, a public hearing and other administrative proceedings have been held according to the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code; and

Whereas, the Board finds that:

The proposed amendments meet the statutory requirements identified in section 39608 of the Health and Safety Code;

The proposed amendments to the area designations are consistent with the designation criteria contained in title 17, CCR, sections 70300 through 70306, and Appendices 1 through 3 thereof;

The proposed amendments were developed in an open public process, in consultation with affected parties, through a public workshop, individual meetings, and other outreach efforts, and these efforts are expected to continue;

No reasonable alternatives to the amendments considered to date, or that have otherwise been identified and brought to the attention of CARB, would

be more effective at carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected entities than the proposed regulation;

The proposed amendments are consistent with CARB's environmental justice policies and do not disproportionately impact people of any race, culture, income, or national origin;

The proposed amendments are exempt from CEQA under title 14, CCR, section 15061(b)(3) because substantial evidence in the record shows with certainty that there is no possibility that the proposal may result in a significant adverse impact on the environment.

Now, therefore, be it resolved that the Board hereby approves for adoption amendments to title 17, CCR, sections 60201 and 60210 as set forth in Appendix A of the Initial Statement of Reasons released to the public on November 29, 2022.

Be it further resolved that if there is a possibility that any modifications to the regulation made available for one or more 15-day public comment periods may affect the conclusion of the environmental analysis, the Executive Officer shall prepare and circulate any additional environmental analysis to the extent required by CARB's regulations at title 17, CCR, section 60004.

Be it further resolved that the Board directs the Executive Officer to determine if additional conforming modifications to the regulation are appropriate. If no additional modifications are appropriate, the Executive Officer shall take final action to adopt the regulation, as set forth in Appendix A of the Initial Statement of Reasons released to the public on November 29, 2022. If the Executive Officer determines that additional conforming modifications are appropriate, the modified regulatory language shall be made available for public comment, with any additional supporting documents and information. The Executive Officer shall consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days. The Executive Officer may present the regulation to the Board for further consideration if warranted, and if not, the Executive Officer shall take final action to adopt the regulation after addressing all appropriate conforming modifications.