

State of California
AIR RESOURCES BOARD

Resolution 95-46

November 16, 1995

Agenda Item No.: 95-12-1

WHEREAS, Health and Safety Code sections 39600 and 39601 authorize the Air Resources Board (the Board or ARB) 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 that it is necessary that the State ambient air quality standards (the State standards) be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, 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 (the districts) in areas where the State standards are not attained;

WHEREAS, the Act in 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 the California Code of Regulations, Title 17, section 70200 (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter or PM10, sulfates, lead, hydrogen sulfide, and visibility reducing particles);

WHEREAS, on June 8, 1989, the Board adopted and on June 15, 1990, May 15, 1992, December 10, 1992, and November 18, 1993, the Board amended the California Code of Regulations, Title 17, sections 70300 through 70306, and Appendices 1 through 4, thereof, establishing designation criteria (the adopted criteria) consistent with the requirements of the Act;

WHEREAS, as a result of its periodic review of the adopted criteria, the ARB staff proposes amending Appendix 2 to include a third type of highly irregular or infrequent event called the unusual concentration event as a mechanism for excluding anomalous exceedances in areas already designated as attainment or unclassified at the time such an exceedance occurs;

WHEREAS, the ARB staff also proposes minor technical revisions to Appendix 2 and to sections 70303, 70303.5, 70304, and 70306 to clarify current practices in applying the adopted criteria, make the language of the regulations internally consistent, delete obsolete or unnecessary language, and correct grammatical errors;

WHEREAS, the ARB staff has provided opportunities for public comment and considered such comments before proposing to the Board amendments to the adopted criteria;

WHEREAS, the Act in 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, the Act in 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 which are contained in the California Code of Regulations, Title 17, sections 60200 through 60209, and has updated the area designations during each subsequent year;

WHEREAS, in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, the ARB staff has proposed amendments to the area designations for a number of specific areas of the State for ozone, carbon monoxide, and nitrogen dioxide;

WHEREAS, the proposed amendments to the area designations for ozone, carbon monoxide, and nitrogen dioxide are based on the designation criteria contained in the California Code of Regulations, Title 17, sections 70300 through 70306, and Appendices 1 through 4, thereof, including the proposed amendments and minor technical revisions summarized, above;

WHEREAS, section 39606(a) of the Health and Safety Code directs the Air Resources Board to divide the State into air basins based on similar meteorological and geographic conditions and with consideration for political boundary lines whenever practicable;

WHEREAS, sections 60107(h) and 60109(e) of Title 17 of the California Code of Regulations designate part of Kern County as within the San Joaquin Valley Air Basin and the remaining portion of Kern County as within the Southeast Desert Air Basin;

WHEREAS, the Kern County Air Pollution Control District and the San Joaquin Valley Unified Air Pollution Control District requested the Air Resources Board to change the boundary between the Southeast Desert Air Basin and the San Joaquin Valley Unified Air Basin to include the Kern River Valley and the Cummings Valley within the Southeast Desert Air Basin;

WHEREAS, on July 27, 1995, the Kern County Air Pollution Control District Board of Directors unanimously endorsed a proposal to change the District boundary by adding the Kern River Valley and the Cummings Valley to the Kern County Air Pollution Control District and removing those areas from the San Joaquin Valley Unified Air Pollution Control District;

WHEREAS, on September 20, 1995, the San Joaquin Valley Unified Air Pollution Control District endorsed the proposal to change the District boundary by adding the Kern River Valley and the Cummings Valley to the Kern County Air Pollution Control District and removing those areas from the San Joaquin Valley Unified Air Pollution Control District;

WHEREAS, based on a review of the air quality, meteorology, and geographic characteristics of the areas, the ARB staff proposes amending the Kern County portion of the San Joaquin Valley Unified Air Basin and the Southeast Desert Air Basin boundaries to include the Kern River Valley and the Cummings Valley within the area of the Southeast Desert Air Basin;

WHEREAS, the ARB staff has provided opportunities for public comment and considered such comments before proposing to the Board amendments to the Kern County portion of the San Joaquin Valley Unified Air Basin and the Southeast Desert Air Basin boundaries;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code, and the Board has considered the testimony presented by interested persons and the Board staff; and

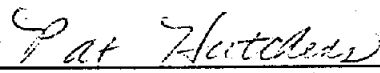
WHEREAS, the Board finds that:

1. The proposed amendments to the designation criteria are necessary for the designation of areas as nonattainment, attainment, or unclassified for the State standards and comply with the specifications described in Health and Safety Code section 39607(e);
2. The proposed amendments to the designation criteria assure that the area designations will continue to be based on the most appropriate and reliable air quality information;
3. The proposed amendments to the area designations comply with the requirements of Health and Safety Code section 39608;

4. The proposed amendments to the area designations listed in the California Code of Regulations, Title 17, sections 60200 through 60209 are consistent with the designation criteria in the California Code of Regulations, Title 17, sections 70300 through 70306 and with the proposed amendments to sections 70303, 70303.5, 70304, and 70306 and to Appendix 2, thereto;
5. The proposed amendments to the Kern County portion of the San Joaquin Valley Unified Air Basin and the Southeast Desert Air Basin boundaries comply with the requirements of Health and Safety Code section 39606(a);
6. This regulatory action will not have a significant adverse impact on the environment. In fact, it should ultimately result in environmental benefits because it is part of a multiple step program designed to achieve and maintain the State standards;
7. This regulatory action may have an indirect economic impact on public agencies, small businesses, or private persons or businesses other than small businesses through future regulatory actions mandated by an area's designation status. However, any potential adverse economic impact will be considered at the time such regulatory actions are proposed; and
8. There is no alternative considered by the Board which would be more effective and less burdensome to public agencies, small businesses, or private persons or businesses other than small businesses than the proposed action.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendments to the California Code of Regulations, Title 17, sections 60107, 60109, 60200, 60201, 60202, 60203, 70303, 70303.5, 70304, and 70306 and Appendix 2 to sections 70300 through 70306, as set forth in Attachment A, hereto.

I hereby certify that the above is a true and correct copy of Resolution 95-46, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

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Office of the Secretary

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RESOURCES AGENCY OF CALIFORNIA

ATTACHMENT A

1. Adopt sections 60107, 60109, 60200, 60201, 60202, 60203, 70303, 70303.5, 70304, and 70306 and Appendix 2 to sections 70300 through 70306, Title 17, California Code of Regulations, to read as follows (additions are shown *italicized* and deletions as ~~stricken~~):

Section 60107:

San Joaquin Valley Basin

- (a) All of San Joaquin County
- (b) All of Stanislaus County
- (c) All of Merced County
- (d) All of Madera County
- (e) All of Fresno County
- (f) All of Kings County
- (g) All of Tulare County
- (h) That portion of Kern County which lies west and north of a line described as follows:

~~Beginning at the Kern/Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 16 W., San Bernardino Base and Meridian; north along the range line to the northwest corner of S. 2, T. 32 S., R. 32 E. Mount Diablo Base and Meridian; then east along the township line common to T. 32 S. and T. 31 S.; then north along the range line common to R. 35 E. and R. 34 E. then east along the township line common to T. 29 S. and T. 28 S.; then north along the range line common to R. 36 E. and R. 35 E.; then east along the township line common to T. 28 S. and T. 27 S.; then north along the range line common to R. 37 E. and R. 36 E. to the Kern/Tulare County boundary.~~

Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the northwest corner of S. 19, T. 11 N., R. 16 W.; then northwest along the northeast boundary of the Rancho El Tejon Land Grant to the southeast corner of S. 33, T. 12 N., R. 17 W., San Bernardino Base and Meridian; then west and north to include all of S. 33, T. 12 N., R. 17 W.; then northwest along the Rancho El Tejon line to the southwest corner of S. 35, T. 32 S., R. 30 E.; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grant to the northwest corner of S. 19, T. 31 S., R. 31 E.; then east to the southwest corner of S. 18, T. 31 S., R. 32 E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31, T. 28 S., R. 32 E.; then north along the range line common to R. 31 E., and R. 32 E. to the Kern - Tulare County boundary.

NOTE: Authority cited: Section 39601, Health and Safety Code. Reference: Sections 39001 and 39606(a), Health and Safety Code.

Section 60109:

Southeast Desert Basin

(a) All of Imperial County

(b) That portion of Riverside County which lies east of a line described as follows:

Beginning at the Riverside-San Diego County boundary and running north along the range line common to R. 4 E. and R. 3 E., San Bernardino Base and Meridian; then east along the township line common to T. 8 S. and T. 7 S.; then north along the range line common to R. 5 E. and R. 4 E.; then west along the township line common to T. 6 S. and T. 7 S. to the southwest corner of Section 34, T. 6 S., R. 4 E.; then north along the west boundaries of Sections 34, 27, 22, 15, 10, 3, T. 6 S., R. 4 E.; then west along the township line common to T. 5 S. and T. 6 S.; then north along the range line common to R. 4 E. and R. 3 E.; then west along the south boundaries of Sections 13, 14, 15, 16, 17 and 18, T. 5 S., R. 3 E.; then north along the range line common to R. 2 E. and R. 3 E.; then west along the township line common to T. 4 S. and T. 3 S. to the intersection with the southwest boundary of partial Section 31, T. 3 S., R. 1 W.; then northwest along that line to the intersection with the range line common to R. 2 W. and R. 1 W.; then north to the Riverside-San Bernardino County line.

(c) That portion of San Bernardino County east and north of a line described as follows:

Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to R. 3 E. and R. 2 E., San Bernardino Base and Meridian; then west along the township line common to T. 3 N. and T. 2 N. to the San Bernardino-Los Angeles County boundary.

(d) That portion of Los Angeles County which lies north and east of a line described as follows:

Beginning at the Los Angeles-San Bernardino County boundary and running west along the township line common to T. 3 N. and T. 2 N., San Bernardino Base and Meridian; then north along the range line common to R. 8 W. and R. 9 W.; then west along the township line common to T. 4 N. and T. 3 N.; then north along the range line common to R. 12 W. and R. 13 W. to the southeast corner of Section 12, T. 5 N., R. 13 W.; then west along the south boundaries of Sections 12, 11, 10, 9, 8, 7, T. 5 N., R. 13 W. to the boundary of the Angeles National Forest which is collinear with the range line common to R. 13 W. and R. 14 W.; then north and west along the Angeles National Forest boundary to the point of intersection with the township line common to T. 7 N. and T. 6 N. (point is at the northwest corner of Section 4 in T. 6 N., R. 14 W.); then west along the township line common to T. 7 N. and T. 6 N.; then north along the range line common to R. 15 W. and R. 16 W. to the southeast corner of Section 13, T. 7 N., R. 16 W.; then along the south boundaries of Sections 13, 14, 15, 16, 17, 18, T. 7 N., R. 16 W.; then north along the range line common to R. 16 W. and R. 17 W. to the north boundary of the Angeles National Forest (collinear with township line common to T. 8 N. and T. 7 N.) then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.

(e) That portion of Kern County east and south of a line described as follows:

Beginning at the Kern/Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 18 W. and R. 16 W., San Bernardino Base and Meridian; north along the range line to the northwest corner of S. 21, T. 32 S., R. 32 E. Mount Diablo Base and Meridian; then east along the township line common to T. 32 S. and T. 31 S.; then north along the range line common to R. 35 E. and R. 34 E. then east along the township line common to T. 29 S. and T. 28 S.; then north along the range line common to R. 36 E. and R. 35 E.; then east along the township line common to T. 28 S. and T. 27 S.; then north along the range line common to R. 37 E. and R. 36 E. to the Kern/Tulare County boundary.

Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the northwest corner of S. 19, T. 11 N., R. 16 W.; then northwest along the northeast boundary of the Rancho El Tejon Land Grant to the southeast corner of S. 33, T. 12 N., R. 17 W., San Bernardino Base and Meridian; then west and north to include all of S. 33, T. 12 N., R. 17 W.; then northwest along the Rancho El Tejon line to the southwest corner of S. 35, T. 32 S., R. 30 E.; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grant to the northwest corner of S. 19, T. 31 S., R. 31 E.; then east to the southwest corner of S. 18, T. 31 S., R. 32 E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31, T. 28 S., R. 32 E.; then north along the range line common to R. 31 E., and R. 32 E. to the Kern - Tulare County boundary.

NOTE: Authority cited: Section 39601, Health and Safety Code. Reference: Sections 39001 and 39606(a), Health and Safety Code.

60200. Description of Non-County Areas.

(a) City of Calexico as defined in the Imperial County Planning-Local Agency Formation Commission Manual

(b) [Reserved]

(c) [Reserved]

(d) That portion of Lake County and portion of Sonoma County, referred to as the Geysers Geothermal Area, is described as follows:

Beginning at the northwest corner of T. 12 N, R. 9 W, Mount Diablo Base and Meridian; thence south along the range line common to R. 9 W and R. 10 W to the point of intersection with the Mendocino-Lake County border; thence east and south along the Mendocino-Lake County border to the point of intersection with the border of Sonoma County; thence west along the Mendocino-Sonoma County border to the point of intersection with the range line common to R. 10 W and R. 9 W; thence south along the range line common to R. 10 W and R. 9 W to the point of intersection with Big Sulfur Creek; thence southwest along Big Sulfur Creek to its confluence with Little Sulfur Creek; thence southeast, east, and northeast along Little Sulfur Creek to the point of intersection with the township line common to T. 10 N and T. 11 N; thence east along the township line common to T. 10 N and T. 11 N to the northeast corner of T. 10 N, R. 9 W; thence south along the range line common to R. 9 W and R. 8 W to the southwest corner of T. 10 N, R. 8 W; thence east along the township line common to T. 9 N and T. 10 N to the point of intersection with the Sonoma-Napa County border; thence northwest along the Sonoma-Napa County border to the point of intersection with the Lake-Napa County border; thence northeast along the Lake-Napa County border to the point of intersection with State Highway 29 (SH-29); thence north and west along SH-29 to the point of intersection with the township line common to T. 12 N and T. 13 N; thence west along the township line common to T. 12 N and T. 13 N to the northwest corner of T. 12 N, R. 9 W, the point of beginning.

NOTE: Authority cited: Sections 39600, 39601, and 39608, Health and Safety Code. Reference: Section 39608, Health and Safety Code.

60201. Table of Area Designations for Ozone

Area	Designation
North Coast Air Basin Del Norte, Humboldt, Mendocino, and Trinity Counties Sonoma County	<u>Attainment</u> Attainment Unclassified
San Francisco Bay Area Air Basin	Nonattainment
North Central Coast Air Basin	Nonattainment
South Central Coast Air Basin	Nonattainment
South Coast Air Basin	Nonattainment
San Diego Air Basin	Nonattainment
Northeast Plateau Air Basin	Attainment
Sacramento Valley Air Basin	Nonattainment
San Joaquin Valley Air Basin	Nonattainment
Great Basin Valleys Air Basin Alpine County Inyo County Mono County	Unclassified Unclassified Nonattainment/Transitional
Southeast Desert Air Basin	<u>Nonattainment</u>
Mountain Counties Air Basin	Nonattainment
Amador, Calaveras, El Dorado, Nevada, Placer, Mariposa, and Tuolumne Counties Plumas and Sierra Counties	Nonattainment Unclassified
Lake County Air Basin	Attainment
Lake Tahoe Air Basin	Attainment

NOTE: Authority cited: Sections 39600, 39601, and 39608, Health and Safety Code. Reference: Sections 39608 and 40925.5(a), Health and Safety Code.

60202. Table of Area Designations for Carbon Monoxide

Area	Designation
North Coast Air Basin	
Del Norte County	Unclassified
Humboldt County	Attainment
Mendocino County	Attainment
Sonoma County	Unclassified
Trinity County	Unclassified
San Francisco Bay Area Air Basin	
Alameda County	Attainment
Contra Costa County	Attainment
Marin County	Attainment
Napa County	Attainment
San Francisco County	Attainment
San Mateo County	Attainment
Santa Clara County	Attainment
Solano County	Attainment
Sonoma County	Attainment
North Central Coast Air Basin	
Monterey County	Attainment
San Benito County	Unclassified
Santa Cruz County	Unclassified
South Central Coast Air Basin	
San Luis Obispo County	Attainment
Santa Barbara County	Attainment
Ventura County	Attainment
South Coast Air Basin	
Los Angeles County	Nonattainment
Orange County	Attainment
Riverside County	Attainment
San Bernardino County	Attainment
San Diego Air Basin	Attainment
Northeast Plateau Air Basin	
Lassen County	Unclassified
Modoc County	Unclassified
Siskiyou County	Unclassified

60202. Table of Area Designations for Carbon Monoxide (continued)

Area	Designation
Sacramento Valley Air Basin	
Butte County	
Chico Urbanized Area ¹	Nonattainment
Remainder of County	Unclassified
Colusa County	Unclassified
Glenn County	Unclassified
Placer County	Unclassified
Sacramento County	
County Portion of Census Bureau Urbanized Area ³	Nonattainment <u>Nonattainment-Transitional</u>
Remainder of County	Attainment
Shasta County	Unclassified
Solano County	Attainment
Sutter County	Unclassified <u>Attainment</u>
Tehama County	Unclassified
Yolo County	Attainment
Yuba County	Unclassified
San Joaquin Valley Air Basin	
Fresno County	
Fresno Urbanized Area ²	Nonattainment
Remainder of County	Attainment
Kern County	Attainment
Kings County	Unclassified
Madera County	Unclassified
Merced County	Unclassified
San Joaquin County	Attainment
Stanislaus County	Attainment
Tulare County	Attainment
Great Basin Valleys Air Basin	
Alpine County	Unclassified
Inyo County	Unclassified <u>Attainment</u>
Mono County	Attainment
Southeast Desert Air Basin	
Imperial County	Unclassified
City of Calexico ⁴	<u>Nonattainment</u>
Remainder of County	<u>Unclassified</u>
Kern County	Unclassified
Los Angeles County	Attainment
Riverside County	Attainment
San Bernardino County	Attainment

60202. Table of Area Designations for Carbon Monoxide (continued)

Area	Designation
Mountain Counties Air Basin	
Amador County	Unclassified
Calaveras County	Unclassified
El Dorado County	Unclassified
Mariposa County	Unclassified
Nevada County	Unclassified
Placer County	Unclassified
Plumas County	Attainment
Sierra County	Unclassified
Tuolumne County	Unclassified
Lake County Air Basin	
Lake County	Attainment
Lake Tahoe Air Basin	
El Dorado County	Nonattainment
Placer County	Unclassified

1. 49 Fed. Reg. 20652 (May 16, 1984); U.S. Department of Commerce, Bureau of the Census, *Number of Inhabitants Report for California*, 1980 U.S. Census 1982, page 6-56 (Chico).

2. 50 Fed. Reg. 47735 (November 20, 1985); 45 Fed. Reg. 53149 (August 11, 1980); City of Fresno Department of Planning and Inspection, *1974 General Plan Report of the FCMA*, page 4.

3. 56 Fed. Reg. 56724 (November 6, 1991); U.S. Department of Commerce, Bureau of the Census, *Number of Inhabitants Report for California*, 1980 U.S. Census 1982, page 6-72.

4. Section 60200(a).

NOTE: Authority cited: Sections 39600, 39601, and 39608, Health and Safety Code. Reference: Section 39608, Health and Safety Code.

60203. Table of Area Designations for Nitrogen Dioxide

Area	Designation
North Coast Air Basin	Attainment
San Francisco Bay Area Air Basin	Attainment
North Central Coast Air Basin	Attainment
South Central Coast Air Basin	Attainment
South Coast Air Basin	Nonattainment <u>Attainment</u>
San Diego Air Basin	Attainment
Northeast Plateau Air Basin	Attainment
Sacramento Valley Air Basin	Attainment
San Joaquin Valley Air Basin	Attainment
Great Basin Valleys Air Basin	Attainment
Southeast Desert Air Basin	Attainment
Mountain Counties Air Basin	Attainment
Lake County Air Basin	Attainment
Lake Tahoe Air Basin	Attainment

NOTE: Authority cited: Sections 39600, 39601, and 39608, Health and Safety Code. Reference: Section 39608, Health and Safety Code.

70303. Criteria for Designating an Area as Nonattainment

(a) The state board shall designate an area as nonattainment for a pollutant if:

(1) Data for record show at least one violation of a state standard for that pollutant in the area, and the measurement of the violation meets the representativeness criteria set forth in "Criteria for Determining Data Representativeness" contained in Appendix 1 to this article ~~and show at least one violation of a state standard for that pollutant in the area;~~ or

(2) Limited or no air quality data were collected in the area, but the state board finds, based on meteorology, topography, and air quality data for an adjacent nonattainment area, that there has been at least one violation of a state standard for that pollutant in the area being designated.

(b) An area shall not be designated as nonattainment if the only recorded ~~violation(s)~~ exceedance(s) of that standard were based solely on data for record determined to be affected by a highly irregular or infrequent event. Data affected by a highly irregular or infrequent event will be identified as such by the executive officer in accordance with the "Air Resources Board Procedure for Reviewing Air Quality Data Possibly Affected by a Highly Irregular or Infrequent Event," set forth in Appendix 2 to this article.

(c) The state board shall, if requested by ~~a~~ the district ~~no later than July 15, 1990 or~~ no later than May 1 of each year ~~thereafter~~ pursuant to section 70306, identify that portion of a designated area within the district as nonattainment-transitional for a pollutant other than ozone with a standard averaging time less than or equal to 24 hours and for which samples are routinely collected every day if it finds that:

(1) Data for record for the previous calendar year are consistent with the criteria established in section 70304(a)(2) and show two or fewer days at ~~all~~ each sites in the area with violations of a state standard for that pollutant (not including ~~violations~~ exceedances found to be affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2);

(2) Evaluation of multi-year air quality, meteorological and emission data indicates that ambient air quality either has stabilized or is improving and that every site in the area is expected to reach attainment within three years; and

(3) The geographic extent of the area is consistent with the criteria established in section 70302.

(d) An area designated as nonattainment-transitional for a pollutant is close to attaining the standard(s) for that pollutant. The nonattainment-transitional designation provides an opportunity for a district to review and potentially to modify its attainment plan. Any modification to an attainment plan must be consistent with state and federal regulations and statutes.

NOTE: Authority Cited: Sections 39600, 39601, 39607, 39608, and 40925.5, Health and Safety Code. Reference: Sections 39607, 39608, and 40925.5, Health and Safety Code.

70303.5. Requirements for Ozone Nonattainment-Transitional

In evaluating whether a district meets the requirements of HSC 40925.5, the state board shall use the following guidelines:

(1) Data for record for the previous calendar year must be consistent with the criteria established in section 70304(a)(2) to ensure that no more than three exceedances have occurred;

(2) All data collected during the previous calendar year will be considered in the evaluation, including data possibly affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2;

(3) Each day with concentration(s) that exceed the state ozone standard will be counted as one exceedance day; and

(4) No monitoring location may have more than three exceedance days during the previous calendar year.

NOTE: Authority Cited: Sections 39600, 39601, 39607, and 40925.5, Health and Safety Code. Reference: Sections 39607 and 40925.5, Health and Safety Code.

70304. Criteria for Designating an Area as Attainment

(a) The state board shall designate an area as attainment for a pollutant if:

(1) Data for record show that no state standard for that pollutant was violated at any site in the area; and

(2) Data for record meet representativeness and completeness criteria for a location at which the pollutant concentrations are expected to be high based on the spatial distribution of emission sources in the area and the relationship of emissions to air quality. Data representativeness criteria are set forth in "Criteria for Determining Data Representativeness" contained in Appendix 1 to this article. Data completeness criteria are set forth in "Criteria for Determining Data Completeness" contained in Appendix 3 to this article.

(b) Where there are limited or no air quality data for an area, the state board shall designate the area as attainment for a pollutant if it finds that no state standard for that pollutant has been violated in that area based on:

(1) Air quality data collected in the area during the most recent period since 1980 which meet the conditions in (a) above;

(2) Emissions of that pollutant or its precursors in the area have not increased since that period to a level at which the standard might be exceeded; and

(3) Air quality data collected in the area since the time period in (1) above do not show a violation of the state standard.

(c) Where an area has limited or no air quality data for nitrogen dioxide, sulfur dioxide, sulfates, and lead (particulate), the state board shall designate that area attainment for a pollutant if it finds that no state standard for that pollutant has been violated in that area based on the ~~state board's~~ "Screening Procedure for Determining Attainment Designations for Areas with Incomplete Air Quality Data" set forth in Appendix 4 to this article.

(d) A nonattainment area shall not be redesignated as attainment for a pollutant if:

(1) Data for record for the monitoring site showing the greatest violation of a state standard for that pollutant no longer are available; and

(2) No other site has been identified as equivalent by the executive officer.

NOTE: Authority Cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

70306. Annual Review of Designations

(a) The executive officer shall conduct annual reviews of all designations and shall propose revisions to the designations as necessary to the state board. The executive officer shall complete the annual reviews by November 15.

(b) Any request for a change in a designation and any submittal of information for purposes of the executive officer's consideration in the annual review of a designation shall be provided in writing to the executive officer no later than May 1 of each year ~~commencing with May 1, 1990~~.

NOTE: Authority Cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

APPENDIX 2

AIR RESOURCES BOARD PROCEDURE FOR REVIEWING AIR QUALITY DATA POSSIBLY AFFECTED BY A HIGHLY IRREGULAR OR INFREQUENT EVENT

This Appendix describes the procedures that the Air Resources Board (~~State Board~~) will use for reviewing air quality data possibly affected by a highly irregular or infrequent event with regard to the state ambient air quality standards. All decisions regarding the identification of data as being affected by a highly irregular or infrequent event will be made by the executive officer.

The ~~State Board~~ executive officer will review air quality data for possible identification as affected by a highly irregular or infrequent event if the data are the only ~~violations~~ exceedances of an air quality standard in the area or if such identification would otherwise affect the designation of the area.

Two Three types of highly irregular or infrequent events may be identified:

1. Exceptional Event.
2. Extreme Concentration Event.
3. Unusual Concentration Event.

Exceptional Events

An exceptional event is an event beyond reasonable regulatory control which causes an exceedance of a state standard. An exceptional event must be linked to a specific cause such as an act of nature or unusual human activity. As guidance to the states for determining exceptional events, the federal Environmental Protection Agency (EPA) has published Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events, (EPA-450/4-86-007), July 1986 (the EPA Guideline). The EPA Guideline provides an overall ~~criteria~~ criteria for determining whether an event is exceptional with regard to the national standards. The ~~State Board~~ executive officer will use the EPA Guideline ~~as~~ as a general basis for reviewing ambient data, but will not be bound by the specific definitions in the EPA Guideline for the various types of exceptional events because those definitions are made on a national basis. In addition, since what may be exceptional in one part of the state may be common in another, each possible event will be evaluated on a case-by-case basis.

~~An extreme concentration event is an event beyond reasonable regulatory control which causes an exceedance of a state standard but which does not qualify as an exceptional event. The causes of an extreme concentration event include but are not limited to unusual meteorology.~~

The steps for identifying an exceptional event are:

1. A district (or the ~~state board~~ executive officer) identifies questionable data.
2. If a known exceptional event has occurred, the district gathers relevant data to document the occurrence.
3. If an exceptional event is only suspected, the district investigates available data for the possible event.
4. The district submits to the executive officer a request for identifying the data as affected by an exceptional event and also provides supporting documentation.
5. If the executive officer concurs with the district, he/she will identify the data as affected by an exceptional event.
6. If the district's request for identifying data as affected by an exceptional event cannot be supported, the district will be notified of the reasons. The executive officer will consider any additional data to support the request, but in the absence of any new evidence, will disapprove the request.

Extreme Concentration Events

An extreme concentration event is an event beyond reasonable regulatory control which causes an exceedance of a state standard but which does not qualify as an exceptional event. The causes of an extreme concentration event include but are not limited to unusual meteorology.

The steps for identifying an extreme concentration event are:

1. A district (or the ~~state board~~ executive officer) identifies questionable data.
2. If the event is not an exceptional event, with an identifiable cause, the ~~state board~~ executive officer will evaluate the data as affected by an extreme concentration event.
3. In evaluating a possible extreme concentration event, the ~~state board~~ executive officer shall use the data for the site at which the event is suspected to determine a limit for concentrations expected to recur no more frequently than once in one year. The limit shall be determined using the "exponential tail method" which is incorporated by reference herein and described in Part I Section B.1. of the "Supplement to the Technical Support Document for Proposed Amendments to the Criteria for Designating Areas of California as Nonattainment, Attainment, or Unclassified for State Ambient Air Quality Standards" (May 1992). Using conventional rounding procedures, the limit shall be rounded to be consistent with the level of precision in which the standard is expressed. If the possible extreme concentration exceeds the ~~estimated~~ concentration expected to recur no more frequently than once in one year,

the executive officer will consult with the district in identifying the data as affected by an extreme concentration event.

4. When an extreme concentration event is identified, the ~~state~~ board executive officer shall review other information, including but not limited to meteorological data, to determine whether air quality data for other sites in the area were affected by the extreme concentration event.

Unusual Concentration Events

An unusual concentration event is an event which causes an anomalous exceedance of a state standard and which does not qualify as an exceptional event or an extreme concentration event. An exceedance affected by an unusual concentration event may be identified only for an area designated as attainment or unclassified at the time of the exceedance.

The steps for identifying an unusual concentration event are:

1. A district (or the executive officer) identifies a questionable exceedance(s).
2. If the exceedance(s) has not been identified as having been affected by an exceptional event or an extreme concentration event, and if the area was designated as attainment or unclassified at the time of the exceedance(s), the executive officer will review the exceedance(s) to determine whether it was affected by an unusual concentration event.
3. In evaluating a possible unusual concentration event, the executive officer shall consider all relevant information, including but not limited to the amount and characteristics of air quality data, emission data, meteorological data, potential public health and welfare impacts, and any applicable state, district, and federal rules and regulations. To identify the exceedance(s) as affected by an unusual concentration event, the executive officer must find, based on the relevant information, that the impact of the exceedance(s) is limited to the local area, the exceedance(s) is not expected to recur, and that the data do not support a nonattainment designation.
4. If the exceedance(s) qualifies as possibly affected by an unusual concentration event, the executive officer will consult with the district in identifying the exceedance(s) as affected by an unusual concentration event.
5. An area may retain its attainment or unclassified designation based on the identification and exclusion of an exceedance(s) affected by an unusual concentration event for no more than three consecutive years. If the executive officer identifies an exceedance(s) affected by an unusual concentration event in the area in the fourth consecutive year, the area shall be redesignated as nonattainment.

NOTE: Authority Cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.