

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

**Notice of Decision and
Response to Significant Environmental Issues**

Item: NOTICE OF PUBLIC HEARING TO CONSIDER THE REPEAL OF SECTIONS 2201 AND 2202, TITLE 13, CALIFORNIA CODE OF REGULATIONS, REPEAL OF SECTIONS 93301-93355 AND APPENDICES A TO E, TITLE 17, CALIFORNIA CODE OF REGULATIONS, AND ADDITION OF SECTION 93300.5, TITLE 17, CALIFORNIA CODE OF REGULATIONS

Adopted by: Resolution 96-19

Agenda Item No.: 96-4-1

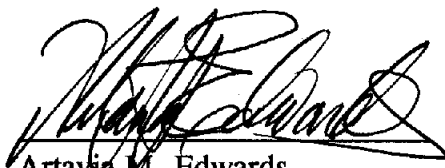
Public Hearing Date: May 30, 1996

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified:


Artavia M. Edwards
Regulations Coordinator

Date:

17 Jun 96

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 96-19

May 30, 1996

Agenda Item No.: 96-4-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code 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 Governor's Executive Order No. W-127-95 orders all California state agencies to identify regulations suitable for repeal;

WHEREAS, the Governor's Executive Order No. W-127-95 further orders all California state agencies to identify regulatory reforms which will reduce the regulatory burden of the regulated community;

WHEREAS, the staff of the Air Resources Board has engaged in a thorough review of the ARB's regulations, and has identified regulations suitable for repeal;

WHEREAS, the staff of the Air Resources Board has already eliminated more than seventy-five regulations in the course of this process;

WHEREAS, the staff of the Air Resources Board has participated in public workshops and solicited public comments in the course of its review of the ARB's regulations;

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state and finds that:

The proposed action will not affect the creation or elimination of jobs within the State of California, the creation of new business or the elimination of existing business within California, or the ability of California to compete with businesses in other states;

The proposed action will have no, or an insignificant, effect on small California businesses;

The proposed action will not create costs or savings to any state or local agency;

The proposed action will not have a significant adverse economic impact on the affected businesses or private persons;

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;

WHEREAS, the Board finds that:

The proposed action will further the objectives of Governor's Executive Order No. W-127-95;

The proposed action will not have any significant adverse effect on the environment;

The proposed action approved herein will be more effective and less burdensome to the affected parties than other alternatives considered by the agency;

The proposed action approved herein does not constitute a change in Board policy;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby repeals sections 2201 and 2202, Title 13, California Code of Regulations, as set forth in Attachment A hereto;

BE IT FURTHER RESOLVED that the Board hereby repeals sections 93301 through 93355 and Appendices A through E, Title 17, California Code of Regulations;

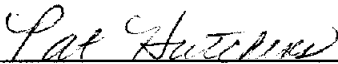
BE IT FURTHER RESOLVED that the Board hereby adopts section 93300.5, Title 17, California Code of Regulations, and the Emission Inventory Criteria and Guidelines Report incorporated therein, as set forth in Attachment B hereto.

I hereby certify that the above is a true and correct copy of Resolution 96-19, as adopted by the Air Resources Board.

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RESOURCES AGENCY OF CALIFORNIA


Pat Hutchens, Board Secretary

TEXT OF PROPOSED AMENDMENT TO
TITLE 17, CALIFORNIA CODE OF REGULATIONS

Note: All of proposed regulation §93300.5 is new language.

§93300.5. Incorporation by Reference. This subchapter shall apply to any facility subject to the Air Toxics "Hot Spots" Information and Assessment Act of 1987, Health & Safety Code sections 44300-44394. Subject facilities shall comply with the provisions of the "Emission Inventory Criteria and Guidelines Report" published by the Air Resources Board on [insert date of ARB adoption of regulation], which is incorporated by reference herein. The "Emission Inventory Criteria and Guidelines Report" is available upon request from the Air Resources Board's Public Information Office, 2020 L Street, Sacramento, California, 95814, telephone (916) 322-2990. The Air Resources Board may also be contacted via its Internet home page at: <http://www.arb.ca.gov>.

Note: Authority cited: Sections 39600, 39601, 44320, 44322, 44323, 44340, 44342, 44344, 44360, and 44362, Health and Safety Code. Reference: Sections 41805.5, 44320, 44321, 44322, 44323, 44324, 44325, 44340, 44341, 44342, 44343, 44344, 44345, 44346, 44360, and 44365, Health and Safety Code; Section 6254.7, Government Code; and 17 CCR Sections 90700-90705, Appendices A, B, and E-I.

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State of California
AIR RESOURCES BOARD

RESOURCES AGENCY OF CALIFORNIA

Resolution 96-20

May 30, 1996

Agenda Item No. 96-4-2

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, 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, Assembly Bill 421(AB 421) added section 39606.1 to the Health and Safety Code (H&SC), and this section requires the ARB to adopt regulations by January 1, 1997, to divide the current Southeast Desert Air Basin (SEDAB) into two new air basins;

WHEREAS, section 39606.1 specifies that one new air basin be named the "Mojave Desert Air Basin," and that it include at least the current SEDAB portions of Kern and Los Angeles Counties and all areas under the jurisdiction of the Mojave Desert Air Quality Management District;

WHEREAS, section 39606.1 authorizes the ARB to include, in the new Mojave Desert Air Basin, any additional areas contiguous to the areas mentioned above that the ARB determines appropriate for inclusion, based upon similar meteorological and geographical conditions and consideration for political boundary lines whenever practicable;

WHEREAS, a second new air basin would consist of those areas of the SEDAB that are not included by the ARB in the new Mojave Desert Air Basin, and section 39606.1 indicates that these areas shall remain in the SEDAB;

WHEREAS, the staff believes that it would be appropriate to assign a new name to this second air basin to alleviate possible confusion by the public between the old and new versions of the SEDAB;

WHEREAS, the ARB staff proposes to divide the SEDAB into two new air basins called the "Mojave Desert Air Basin" and the "Salton Sea Air Basin;"

WHEREAS, the ARB staff proposes to include in the new Mojave Desert Air Basin the current SEDAB portions of Kern, Los Angeles, and San Bernardino Counties, and also that segment of Riverside County that lies to the east of the southwestern boundary line of Hydrologic Unit Number 18100100 in Riverside County;

WHEREAS, the ARB staff's proposed boundary for the Mojave Desert Air Basin includes all of the minimum territories specified by section 39606.1;

WHEREAS, the ARB staff proposes to include in the new Salton Sea Air Basin all of Imperial County and that segment of the current SEDAB portion of Riverside County that lies to the west of the southwestern boundary line of Hydrologic Unit Number 18100100 in Riverside County;

WHEREAS, the South Coast Air Quality Management District (South Coast AQMD) has requested that the ARB realign air basin boundaries so that the San Gorgonio Pass area, currently a part of the SEDAB, would become a part of the South Coast Air Basin;

WHEREAS, the ARB staff has reviewed the South Coast AQMD's request and recommends that the ARB support the request;

WHEREAS, the ARB staff proposes to expand the boundary of South Coast Air Basin by including the San Gorgonio Pass area of the current SEDAB as a part of the South Coast Air Basin;

WHEREAS, the ARB staff's proposed changes in air basin boundaries necessitate that the ARB's air basin-specific agricultural burning regulations also be amended, and these regulations establish meteorological criteria for declaring permissive burn days;

WHEREAS, the ARB staff proposes to use the existing meteorological criteria of the SEDAB for the new Salton Sea Air Basin;

WHEREAS, the ARB staff proposes to use the existing meteorological criteria of the SEDAB for the new Mojave Desert Air Basin except with the deletion of one criterion on wind direction that does not apply to the MDAB;

WHEREAS, state and federal law require the identification of areas with unhealthy levels of air pollution that exceed ambient air quality standards; these areas are designated "nonattainment" until monitoring data demonstrate that health-based standards are met;

WHEREAS, each nonattainment area is classified according to the severity of the air pollution problem and classification establishes specific control requirements under both state and federal law;

WHEREAS, state law directs the Air Resources Board to consider the contribution of transport in establishing classifications under the California Clean Air Act;

WHEREAS, the federal Clean Air Act provides for limited consideration of transport in establishing federal classifications;

WHEREAS, U.S. EPA, after consultation with appropriate state and local authorities, made errors in drawing the boundaries for the Southeast Desert Modified Air Quality Maintenance Area (AQMA) and the San Joaquin Valley Nonattainment Area;

WHEREAS, exceedances of the federal ozone standard in the Southeast Desert Modified AQMA are caused by transport from outside the nonattainment area;

WHEREAS, the Kern Desert portion of the new Mojave Desert Air Basin should not be within the San Joaquin Valley Nonattainment Area;

WHEREAS, the California Air Resources Board in implementing Health and Safety Code sections 41200 and 39606.1 has moved the Banning Pass Area from the Southeast Desert Air Basin to the South Coast Air Basin;

WHEREAS, U.S. EPA classified the Southeast Desert Modified AQMA using monitoring data from the Banning Pass Area and did not consider transport from the South Coast Air Basin;

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

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 southeast Desert Air Basin boundary are necessary to comply with the requirements of section 39606.1 of the Health and Safety Code;

2. The proposed amendments to the South Coast Air Basin boundary are based on a technically sound analysis of the geography and meteorology of the area;
3. The proposed amendments comply with the requirements of Health and Safety Code sections 39600, 39601, and 39606(a);
4. This regulatory action will not have a significant adverse impact on the environment; and
5. There is no alternative considered by the Board which would be more effective in carrying out the purpose of the proposed action or would be as 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 California Air Resources Board requests that the U.S. EPA make conforming changes to the nonattainment area boundaries for the Southeast Desert Modified AQMA that reflect the Board's action;

BE IT FURTHER RESOLVED that the California Air Resources Board supports a change to federal law to direct U.S. EPA to take transport into account when establishing nonattainment area classifications;

BE IT FURTHER RESOLVED that the California Air Resources Board requests that U.S. EPA revisit current requirements for the Southeast Desert Modified AQMA and modify applicable requirements as appropriate to correct the errors;

BE IT FURTHER RESOLVED that the Board hereby adopts the amendments to sections 60104, 60109, and 80280, and adopts new sections 60114 and 80311, to Title 17, California Code of Regulations, as set forth in Attachment A, hereto.

I hereby certify that the above is a true and correct copy of Resolution 96-20, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary