

State of California
AIR RESOURCES BOARD

Resolution 98-47

September 24, 1998

Agenda Item No.: 98-10-2

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, 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; November 18, 1993; and November 16, 1995, 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, 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, section 40925.5(a), as amended by AB 3048, Stats. 1996, ch. 777, mandates districts with a nonattainment designation for the State ozone standard to be designated "nonattainment-transitional" by operation of law if, during a single calendar year, the State standard is not exceeded more than three times at any monitoring location within the district;

WHEREAS, in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, the ARB staff proposed amendments to the designation criteria, as set forth in Attachment A, hereto, which do not add new requirements but would clarify current practices, make the regulations easier to interpret and internally consistent, and delete unnecessary or obsolete language and references;

WHEREAS, in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, the ARB staff proposed amendments to the table of area designations for the North Central Coast, South Central Coast, Sacramento Valley, and Mountain Counties Air Basins for ozone, to the table of area designations for the San Joaquin Valley and Lake Tahoe Air Basins for carbon monoxide, to the table of area designations for the Northeast Plateau Air Basin for suspended particulate matter (PM₁₀), and to the table of area designations for the San Diego Air Basin for sulfates, as set forth in Attachment B, hereto;

WHEREAS, the ARB staff has proposed additional amendments of nonsubstantive changes to the designation criteria, as set forth in Attachment C, hereto;

WHEREAS, the ARB staff has proposed revised amendments to the table of area designations for the North Central Coast, South Central Coast, Sacramento Valley, and Mountain Counties Air Basins for ozone, and to the table of area designations for the San Diego Air Basin for sulfates, because of newly acquired information, as set forth in Attachment D, hereto;

WHEREAS, these proposed amendments to the tables of area designations also are consistent with the designation criteria, as proposed to be amended, in the California Code of Regulations, Title 17, sections 70300 through 70306, and Appendices 1 through 4, thereof;

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

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:

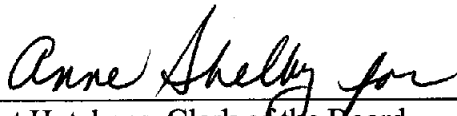
1. The proposed amendments to the designation criteria comply with the requirements of Health and Safety Code section 39607(e);
2. The proposed amendments to the tables of area designations comply with the requirements of Health and Safety Code section 39608;
3. The proposed amendments to the tables of area designations set forth in the California Code of Regulations, Title 17, sections 60201, 60202, and 60205, are consistent with the designation criteria contained in the California Code of Regulations (CCR), Title 17, sections 70300 through 70306 and Appendices 1 through 4, thereof;
4. The areas not recommended for redesignation include: the Bay Area Air Quality Management District, Monterey Bay Unified Air Pollution Control District, San Luis Obispo County Air Pollution Control District, Tehama County Air Pollution Control District, Yolo-Solano Air Quality Management District, and Placer County Air Pollution Control District (Mountain Counties Air Basin portion) not redesignated to nonattainment-transitional for ozone because of more than three ozone exceedances already recorded in 1998 to-date, consistent with the proposed amendments to CCR, Title 17, section 70303.5; Inyo County, Plumas County, and Sonoma County (North Coast Air Basin portion) not redesignated to nonattainment for ozone because the measured exceedances are excluded as affected by highly irregular or infrequent events, consistent with the provisions of Appendix 2 to the designation criteria; and San Diego Air Basin not redesignated to nonattainment for sulfates because the measured exceedance is excluded as affected by a highly irregular or infrequent event, consistent with the provisions of Appendix 2 to the designation criteria;
5. 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;

6. This regulatory action may have an indirect adverse impact on public health, public welfare, and the environment through future regulatory actions allowed for an area with a designation of "nonattainment-transitional" or "attainment" for a State standard; however, any potential adverse impact on public health, public welfare, and the environment will be considered at the time such regulatory actions are proposed; and
7. 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 Board hereby approves the California Code of Regulations, Title 17, sections 70300 through 70306 and Appendices 1 through 4, thereof, as set forth in Attachment A, hereto; and the California Code of Regulations, Title 17, sections 60201 through 60209, as set forth in Attachment B, hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the California Code of Regulations, Title 17, sections 70300 through 70306 and Appendices 1 through 4, thereof, as set forth in Attachment C, hereto, and the California Code of Regulations, Title 17, sections 60201 through 60209, as set forth in Attachment D, hereto, after making the modified regulatory language and additional supporting documents and information available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modification and additional supporting documents and information as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 98-47, as adopted by the Air Resources Board.



Pat Hutchens, Clerk of the Board

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Office of the Secretary

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Winston H. Hickox
Secretary for
Environmental
Protection

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

2020 L Street • P.O. Box 2815 • Sacramento, California 95812 • www.arb.ca.gov



Gray Davis
Governor

Notice of Decision and Response to Significant Environmental Issues

Item: **AMENDMENTS TO THE DESIGNATION CRITERIA AND AMENDMENTS TO THE AREA DESIGNATIONS FOR THE STATE AMBIENT AIR QUALITY STANDARDS**

Adopted by: Executive Order G-99-030

Agenda Item No.: 98-10-2

Public Hearing Date: September 24, 1998

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
Staff Assistant to the Chief Counsel for Litigation

Date:

19 Jul 99

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RESOURCES AGENCY OF CALIFORNIA