

State of California
AIR RESOURCES BOARD

Resolution 99-38

November 18, 1999

Agenda Item No.: 99-9-4

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 (CCR), 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, November 16, 1995, and September 24, 1998, the Board amended the CCR, Title 17, sections 70300 through 70306, and Appendices 1 through 4, establishing designation 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 contained in the CCR, 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, ARB staff proposed an amendment to the Table of Area Designations for Ozone to provide a different designation for northern Sonoma County from the remainder of the North Coast Air Basin, in section 60201, Title 17, CCR, as set forth in Attachment A;

WHEREAS, the staff proposes a nonsubstantive change to update the reference to nonattainment-transitional areas in section 60201, Title 17, CCR, as set forth in Attachment A;

WHEREAS, ARB staff has provided opportunities for public comment and considered such comments before proposing to the Board an amendment 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:

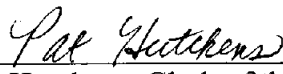
1. The proposed amendment to the tables of area designations and the nonsubstantive change comply with the requirements of Health and Safety Code section 39608;
2. The proposed amendment to the tables of area designations set forth in the CCR, Title 17, section 60201, and the nonsubstantive change are consistent with the designation criteria contained in the CCR, Title 17, sections 70300 through 70306 and Appendices 1 through 4;
3. The areas not recommended for redesignation include: Inyo County not redesignated to attainment for ozone because of incomplete data; Calaveras County and the Mountain Counties Air Basin portion of El Dorado County not redesignated to attainment for PM₁₀ because the monitoring sites do not represent highest concentrations in the respective areas; the North Coast Air Basin portion of Sonoma County not redesignated to attainment for PM₁₀ because of violations at a special purpose monitoring site; and the Lake Tahoe Air Basin portion of El Dorado County not redesignated to nonattainment for ozone, San Diego Air Basin not redesignated to nonattainment for sulfates, and Santa Barbara County not redesignated to

nonattainment for hydrogen sulfide, because the measured exceedance(s) are excluded as affected by highly irregular or infrequent events, consistent with the provisions of Appendix 2 to the designation criteria;

4. 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; 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 Board hereby adopts the amendment and the nonsubstantive change to the California Code of Regulations, Title 17, section 60201, as set forth in Attachment A.

I hereby certify that the above is a true and correct copy of Resolution 99-38, as adopted by the Air Resources Board.



Pat Hutchens, Clerk of the Board

RECEIVED BY
Office of the Secretary

FEB 18 2000