

State of California
AIR RESOURCES BOARD

Resolution 04-6

January 22, 2004

Agenda Item No.: 04-1-5

WHEREAS, Health and Safety Code (H&SC) sections 39600 and 39601 authorize the Air Resources Board (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 (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 (districts) in areas where the State standards are not attained;

WHEREAS, the Act in H&SC 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, sulfur dioxide, suspended particulate matter or PM10, fine particulate matter or PM2.5, 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 title 17, CCR, sections 70300 through 70306, and Appendices 1 through 4, thereof, establishing designation criteria consistent with the requirements of the Act;

WHEREAS, the Act in H&SC 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 H&SC section 39607(e);

WHEREAS, the Act in H&SC 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 60209, and has updated them annually based on a review of recent air quality data;

WHEREAS, H&SC 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 as "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, title 17, CCR, section 70303.5(b) states that areas that qualified as nonattainment-transitional for ozone based on data from the previous calendar year under H&SC section 40925.5(a), but data for the current year have more than three exceedance days at any one monitoring location, are to be designated as nonattainment;

WHEREAS, on June 20, 2002, the Board adopted a new State standard for fine particulate matter (PM2.5), set forth in title 17, CCR, section 70200, lowered the level of the State annual suspended particulate matter (PM10) standard, revised the averaging method for the annual PM10 standard, and revised the measurement method for the State sulfates standard;

WHEREAS, after holding a public workshop on October 15, 2003, and in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, the ARB staff proposed amendments to section 70302(a) of the designation criteria set forth in title 17, CCR, sections 70300 through 70306, and Appendices 1 through 4, thereof, that would specify a geographic area for PM2.5 designations to be an air basin, as set forth in Attachment A;

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 set forth in title 17, CCR, sections 70300 through 70306, and Appendices 1 through 4, thereof, that would not change the way in which the Board makes area designations, but would clarify existing provisions of the designation criteria and provide for consistency among the various provisions of the existing designation criteria, affecting title 17, CCR, sections 70302(a) and (b), 70303(b), 70303.1(a), (a)(1), and (b), 70303.5(a)(1) and (a)(3), 70304(b)(2), and Appendix 1, Appendix 2, and Appendix 3 to title 17, CCR, sections 70300 through 70306, as set forth in Attachment A;

WHEREAS, based on a review of 2000 through 2002 air quality data, the areas of San Luis Obispo County and the portion of Sonoma County that is in the North Coast Air Basin have demonstrated attainment of the State ozone standard;

WHEREAS, based on a review of 2000 through 2002 air quality data and 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 Ozone in title 17, CCR, section 60201, for San Luis Obispo County, the North Coast Air Basin portion of Sonoma County, Butte County, the North Central Coast Air Basin, and Colusa County, to the Table of Area Designations for Carbon Monoxide in title 17, CCR, section 60202, for the South Coast Air Basin portion of Los Angeles County, and to the Table of Area Designations for Sulfates in title 17, CCR, section 60206, for the San Bernardino County portion of the Searles Valley Planning Area, as set forth in Attachment B;

WHEREAS, based on a review of 2000 through 2002 air quality data and in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, the ARB staff proposed adding a new Table of Area Designations for Fine Particulate Matter (PM_{2.5}) as title 17, CCR, section 60210, with each area of the State designated as attainment, nonattainment, or unclassified for the new State PM_{2.5} standard, as set forth in Attachment B;

WHEREAS, based on a review of 2000 through 2002 air quality data and in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, the ARB staff reviewed the existing area designations for suspended particulate matter (PM₁₀) but determined no changes were warranted based on the revised State PM₁₀ standard;

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 Description of Non-County Areas in title 17, CCR, section 60200, by updating the description for the City of Calexico, adding a description for the portion of Plumas County referred to as the Portola Valley, and adding a description for the portion of San Bernardino County referred to as the federal Southeast Desert Modified AQMA for Ozone, thereby making the descriptions of non-county areas consistent with the staff's proposed amendments to the area designations, as set forth in Attachment B;

WHEREAS, the proposed amendments to the designation criteria are consistent with the requirements of the Act as specified in H&SC section 39607(e);

WHEREAS, the proposed amendments to the area designations are consistent with the requirements of the Act as specified in H&SC section 39608;

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 area designations set forth in title 17, CCR, sections 60200, 60201, 60202, 60206, and 60210, are consistent with the designation criteria contained in title 17, CCR, sections 70300 through 70306, and Appendices 1 through 4, thereof;
4. This regulatory action will not have a significant adverse impact on the environment because it does not direct or require any specific activity or response that could result in an environmental impact but serves only to identify as nonattainment those areas with air quality that does not meet State standards, including for the first time, PM_{2.5} nonattainment areas. Such identification involves the nonattainment areas in the planning process whereby rules and regulations may be implemented, after appropriate environmental review, to reduce emissions and improve air quality, ultimately resulting in environmental benefits because they are aimed at attaining and maintaining the State standards as well as protecting public health; 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 amendments to title 17, CCR, sections 70302(a) and (b), 70303(b), 70303.1(a), (a)(1), and (b), 70303.5(a)(1) and (a)(3), 70304(b)(2), and Appendix 1, Appendix 2, and Appendix 3 to title 17, CCR, sections 70300 through 70306, as set forth in Attachment A;

BE IT FURTHER RESOLVED that the Board hereby adopts the amendments to title 17, CCR, sections 60200, 60201, 60202, 60206, and 60210, as set forth in Attachment B.

I hereby certify that the above is a true and correct copy of Resolution 04-6, as adopted by the Air Resources Board.

Lori Andreoni, Clerk of the Board

Resolution 04-6

January 22, 2004

Identification of Attachments to the Resolution

- Attachment A: Text of the Proposed Amendments to the Area Designation Criteria, California Code of Regulations, title 17, sections 70300 through 70306, and Appendices 1 through 4, thereof, as included in the Initial Statement of Reasons.
- Attachment B: Text of the Proposed Amendments to the Area Designations, California Code of Regulations, title 17, sections 60200 through 60210, as included in the Initial Statement of Reasons.