

State of California
AIR RESOURCES BOARD

Resolution 06-41

November 16, 2006

Agenda Item No.: 06-10-7

WHEREAS, Health and Safety Code (H&SC) 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 (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 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 title 17, CCR, sections 70300 through 70306, and Appendices 1 through 4 thereof, establishing designation criteria consistent with the requirements of the Act, with subsequent amendments on June 15, 1990, May 15, 1992, December 10, 1992, November 18, 1993, November 16, 1995, September 24, 1998, and January 20, 2004;

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, currently contained in title 17, CCR, sections 60200 through 60210, and has updated them annually based on a review of recent air quality data;

WHEREAS, on April 28, 2005, the Board adopted a new State 8-hour average ozone standard, set forth in title 17, CCR, section 70200, retained the existing 1-hour average ozone standard, and retained the measurement method for ozone; the combination of the 8-hour and 1-hour averaging times are designed to provide adequate public health protection from short-term peak exposures, and longer, lower concentration exposures;

WHEREAS, based on a review of 2003 through 2005 calendar year air quality data, the Imperial County portion of the Salton Sea Air Basin has demonstrated attainment of the State carbon monoxide standards;

WHEREAS, based on a review of 2003 through 2005 calendar year air quality data, the Sonoma County portion of the North Coast Air Basin area has demonstrated attainment of the State PM10 standards;

WHEREAS, based on a review of 2003 through 2005 calendar year air quality data, the San Luis Obispo County portion of the South Central Coast Air Basin has demonstrated attainment of the State PM2.5 standards;

WHEREAS, based on a review of 2003 through 2005 calendar year air quality data, the Lake Tahoe Air Basin and the Lassen and Modoc county portions of the Northeast Plateau Air Basin qualify as unclassified for the State ozone standards;

WHEREAS, based on a review of 2003 through 2005 calendar year air quality data, the Inyo County portion of the Great Basin Valleys Air Basin, the San Luis Obispo County portion of the South Central Coast Air Basin, the Siskiyou County portion of the Northeast Plateau Air Basin, and the Sonoma County portion of the North Coast Air Basin, qualify as nonattainment for the State ozone standard;

WHEREAS, based on a review of 2003 through 2005 calendar year air quality data, those portions of Butte, Shasta, Solano, Sutter, Tehama, Yolo, and Yuba counties in the Sacramento Valley Air Basin, and the entire North Central Coast Air Basin, qualify as nonattainment for the State ozone standard by operation of law;

WHEREAS, ARB staff has provided opportunities for public comment, including a public workshop held on July 24, 2006, consulted with air districts, and considered all comments before proposing to the Board amendments to the area designations;

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Ozone in title 17, CCR, section 60201, for the Sonoma County portion of the North Coast Air Basin, the North Central Coast Air Basin, the San Luis Obispo County portion of the South Central Coast Air Basin, Siskiyou, Lassen, and Modoc counties in the

Northeast Plateau Air Basin, those portions of Butte, Shasta, Solano, Sutter, Tehama, Yolo, and Yuba counties in the Sacramento Valley Air Basin, the Inyo County portion of the Great Basin Valleys Air Basin, and the Lake Tahoe Air Basin, as set forth in Attachment A;

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Carbon Monoxide in title 17, CCR, section 60202, for the portion of Imperial County that is in the Salton Sea Air Basin, as set forth in Attachment A;

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Suspended Particulate Matter (PM10) in title 17, CCR, section 60205, for the Sonoma County portion of the North Coast Air Basin, as set forth in Attachment A;

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Fine Particulate Matter (PM2.5) in title 17, CCR, section 60210 for the San Luis Obispo County portion of the South Central Coast Air Basin, as set forth in Attachment A;

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 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; and

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.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that:

1. The proposed amendments to the tables of area designations comply with the requirements of H&SC section 39608;
2. The proposed amendments to the area designations set forth in title 17, CCR, sections 60201, 60202, 60205, and 60210, are consistent with the designation criteria contained in title 17, CCR, sections 70300 through 70306, and Appendices 1 through 4 thereof;
3. 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. 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

4. 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 as and less burdensome to public agencies, small businesses, or private persons or businesses other than small businesses than the proposed action.

BE IT FURTHER RESOLVED that the Board hereby adopts the amendments to title 17, CCR, sections 60201, 60202, 60205, and 60210, as set forth in Attachment A.

I hereby certify that the above is a true and correct copy of Resolution 06-41, as adopted by the Air Resources Board.

Lori Andreoni, Clerk of the Board

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Identification of Attachments to the Resolution

Attachment A: Proposed Amendments to the Area Designations, California Code of Regulations, title 17, sections 60201, 60202, 60205, and 60210, as included in the Initial Statement of Reasons released September 29, 2006.