

State of California
AIR RESOURCES BOARD

Resolution 11-21

June 23, 2011

Agenda Item No.: 11-4-2

WHEREAS, Health and Safety Code 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 has 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 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, 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 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 3 thereof, establishing designation criteria consistent with the requirements of the Act; these sections were subsequently amended on June 15, 1990, May 15, 1992, December 10, 1992, November 18, 1993, November 16, 1995, September 24, 1998, January 20, 2004, and March 25, 2010;

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

WHEREAS, Health and Safety Code section 40925.5(a) mandates that 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, based on staff's review of 2007 through 2009 calendar year air quality data, the portions of El Dorado County Air Quality Management District and Placer County Air Pollution Control District located in the Lake Tahoe Air Basin qualify as nonattainment-transitional for the State ozone standards by operation of law;

WHEREAS, based on staff's review of 2007 through 2009 calendar year air quality data, Glenn County in the Sacramento Valley Air Basin qualifies as nonattainment for the State ozone standards by operation of law;

WHEREAS, based on staff's review of 2007 through 2009 calendar year air quality data, the Northeast Plateau Air Basin qualifies as attainment for the State ozone standards;

WHEREAS, before proposing amendments to the area designations, ARB staff provided opportunities for public comment (including a public workshop held on March 16, 2011), consulted with districts, and considered all comments received during this process;

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Ozone in title 17, CCR, section 60201, for the Lake Tahoe Air Basin, Glenn County in the Sacramento Valley Air Basin, and the Northeast Plateau Air Basin as set forth in Attachment A;

WHEREAS, the proposed amendments to the area designations are consistent with the requirements of Health and Safety Code 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.

WHEREAS, the Board finds that:

1. The proposed amendments to the table of area designations comply with the requirements of Health and Safety Code section 39608;
2. The proposed amendments to the area designations are consistent with the designation criteria contained in title 17, CCR, sections 70300 through 70306, and Appendices 1 through 3, 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. No reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to title 17, CCR, section 60201, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to determine if additional conforming modifications to the regulation are appropriate. If no additional modifications are appropriate, the Executive Officer shall take final action to adopt the regulation, as set forth in Attachment A hereto. If the Executive Officer determines that additional conforming modifications are appropriate, the Executive Officer shall adopt the modified regulation after making the modified regulatory language and any additional supporting documents and information available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such further modifications as may be appropriate in light of the comments received, and shall present the regulation 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 11-21, as adopted by the Air Resources Board.

/s/

Mary Alice Morency, Clerk of the Board

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June 23, 2011

Identification of Attachment to the Resolution

Attachment A: Text of the Proposed Amendments to the Area Designations, title 17, California Code of Regulations, section 60201, as set forth in Attachment B to the Staff Report: Initial Statement of Reasons released May 5, 2011.

