

California Environmental Protection Agency



Air Resources Board

**PROPOSED 2010
AMENDMENTS TO
THE STATE AREA
DESIGNATIONS,
CRITERIA, AND
MAPS**



February 2010

***Proposed 2010 Amendments to the
State Area Designations Criteria,
Area Designations, and
Maps***

***STAFF REPORT:
Initial Statement of Reasons for Proposed Rulemaking***

Release Date: February 4, 2010

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This document has been reviewed and approved by the staff of the California Environmental Protection Agency, Air Resources Board. Approval does not signify that the contents necessarily reflect the views and policies of the California Air Resources Board.

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EXECUTIVE SUMMARY

The Air Resources Board (ARB or Board) has established health-based State ambient air quality standards (State standards) to identify outdoor pollutant levels considered safe for the public—including those individuals most sensitive to the effects of air pollution, such as children and the elderly. After State standards are established, State law requires ARB to designate each area as attainment, nonattainment, nonattainment-transitional, or unclassified for each State standard. The area designations, which are based on the most recent available data, indicate the healthfulness of the air quality throughout the State. Currently, the Board makes area designations for the ten pollutants with State standards listed in title 17, California Code of Regulations, section 70200: ozone, suspended particulate matter (PM₁₀), fine suspended particulate matter (PM_{2.5}), carbon monoxide (CO), nitrogen dioxide, sulfur dioxide, lead, sulfates, hydrogen sulfide, and visibility reducing particles.

As required by State law, ARB established designation criteria to ensure that the area designations for State standards are made in a consistent manner. Based on these criteria and as required by State law, the Board originally adopted the area designation regulations in 1989 and has updated them periodically. Under State law, the Board must periodically review the designations criteria and annually review the area designations and make changes as necessary based on the most recent data.

Proposed Changes to the Area Designation Criteria Regulations

As a result of our review, ARB staff is proposing several minor cleanup changes to the designation criteria, as summarized below. These changes would not alter the way in which the Board designates areas, but would clarify existing aspects of the designation criteria, assure consistency among the various provisions of the criteria, and aid in streamlining the designation process.

- *Remove dates referencing specific versions of the Code of Federal Regulations to ensure use of most current requirements*
- *Remove language requiring a district to initiate the request for a nonattainment-transitional designation*
- *Add provision to allow attainment areas without current monitoring data to remain attainment if emissions have not substantially increased.*
- *Remove references to Appendix 4 and outdated screening criteria contained therein.*
- *Remove language specifying completion date of annual review.*

Staff is also proposing changes to the area designation process. Under the current process, ARB staff proposes area designations to the Board at a Board Hearing. The Board then adopts any changes. Staff is proposing to revise the language in the Area Designation regulations to allow for a more streamlined review, approval, and adoption

by the Executive Officer or his or her delegate, rather than by the Board. In addition, Staff is proposing that a public hearing on future Area Designations be held only if requested by a stakeholder.

The Administrative Procedures Act specifies additional requirements for any rulemaking activity (e.g., notice of the proposed action, public discussions, final statement of reasons, availability of the rulemaking file, etc.). Staff is not proposing any changes to these other aspects.

Proposed Changes to the Area Designation Regulations

As noted previously, ARB conducts a routine annual review of the State area designations. Based on the 2006 through 2008 air quality data, ARB staff is proposing changes to the current area designation regulations for ozone, PM_{2.5}, nitrogen dioxide, and lead, for several areas of California. The proposed changes are summarized in Table ES-1.

Under State law, the area designation changes for PM_{2.5}, nitrogen dioxide, lead, and two of the changes for ozone require formal action by the Board. In contrast, the ozone designation change between nonattainment and nonattainment-transitional occurs by operation of law under the provisions of Health and Safety Code (H&SC) section 40925.5. However, ARB staff is proposing the Board confirm this change in the area designation regulations.

Maps and Tables of Area Designations for State and National Ambient Air Quality Standards

As required by State law, this staff report also includes maps and tables identifying areas with at least one violation of a State standard or national ambient air quality standard (national standard). The maps and tables provided fulfill the statutory requirement in H&SC section 40718 and reflect the proposed area designations for State standards that are summarized in this staff report. The maps and tables also reflect current area designations for national standards.

TABLE ES-1
PROPOSED AREA DESIGNATIONS FOR STATE STANDARDS

Pollutant	Air Basin/ County	Current Designation	Proposed Designation
Ozone	Lake Tahoe Air Basin (LTAB)		
	Entire Air Basin	U	N
	North Coast Air Basin (NCAB)		
	Sonoma County (portion)	N	A
	Sacramento Valley Air Basin (SVAB)		
	Yuba and Sutter Counties	N	NA-T*
Nitrogen Dioxide	South Coast Air Basin (SCAB)		
	Entire Air Basin	A	N
Lead	South Coast Air Basin (SCAB)		
	Los Angeles County (portion)	A	N
PM_{2.5}	Great Basin Valleys Air Basin (GBVAB)		
	Entire Air Basin	U	A
	Sacramento Valley Air Basin (SVAB)		
	Colusa County	U	A
	Placer County (SVAB portion)	N	A
	Shasta County	U	A
	Yuba and Sutter Counties	U	A

Designation Categories:

A = Attainment; N = Nonattainment; NA-T = Nonattainment-Transitional; U = Unclassified.

* The change in ozone designation from nonattainment to nonattainment-transitional occurs by operation of law under Health and Safety Code section 40925.5. Similarly, the change from nonattainment-transitional back to nonattainment also occurs by operation of law.

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CHAPTER I

BACKGROUND

A. INTRODUCTION

This chapter provides background information on the differences between the State and national ambient air quality standards, the legal requirements for the State designation criteria and area designations, the implications of being designated for the various pollutants, and the public process used in developing the proposed amendments to the area designation regulations. The proposed changes to the designation criteria are described in Chapter III. The proposed changes to the area designations are described in Chapter IV.

B. STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS

To protect public health, ARB has adopted health-based ambient (outdoor) air quality standards. These standards define the maximum amount of an air pollutant that can be present in ambient air without harm to the public's health. Ambient air quality standards are established to protect even sensitive individuals in our communities. California law requires ARB to set State standards in consideration of public health, safety, and welfare. The Board has adopted State standards for ten pollutants: ozone (O₃), suspended particulate matter (PM₁₀), fine suspended particulate matter (PM_{2.5}), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), sulfates, lead (Pb), hydrogen sulfide, and visibility reducing particles.

In addition to the State standards, the Federal Clean Air Act requires the United States Environmental Protection Agency (U.S. EPA) to set national ambient air quality standards (national standards). It also permits states to adopt additional or more health-protective standards. California's State standards for most pollutants are more protective of public health than national standards. In addition, California has established State standards for pollutants not covered by national standards (for example, sulfates, hydrogen sulfide, and visibility reducing particles).

An ambient air quality standard is generally specified as a concentration averaged over a specific time period, such as 1-hour, 8-hours, 24-hours, or one year. The different averaging times and concentrations are meant to protect against different exposure effects. Some ambient air quality standards are expressed as a concentration that is not to be exceeded. Others are expressed as a concentration that is not to be equaled or exceeded.

The national standards are further categorized as primary standards and secondary standards. The national primary standards are meant to protect public health. The national secondary standards are meant to protect the public welfare from any known or anticipated adverse effects of the pollutant.

C. LEGAL REQUIREMENTS

Health and Safety Code (H&SC) section 39607(e) requires the Board to establish criteria for designating areas as attainment or nonattainment for the State standards and to periodically review these criteria to ensure their continued relevance. The criteria describe the procedures that the Board must use in determining area designations for State standards and are summarized in Chapter II. The Board originally adopted the required designation criteria in June 1989 and subsequently amended them in June 1990, May 1992, December 1992, November 1993, November 1995, September 1998, and most recently, in January 2004. Proposed changes to the designation criteria can be found in Chapter III.

H&SC section 39608 requires the Board to use the designation criteria in designating areas of California as attainment, nonattainment, or unclassified for the State standards. In addition, HS&C section 40925.5 provides a mechanism for redesignating a nonattainment district as nonattainment-transitional for ozone. Finally, H&SC section 39608 requires the Board to conduct an annual review of the area designations and update them as new information becomes available. As warranted, the Board makes changes to the existing area designations, as well as making area designations for any new or revised State standards.

The area designations are made on a pollutant-by-pollutant basis, for all pollutants listed in the California Code of Regulations, title 17, section 70200. These pollutants are: ozone, PM₁₀, PM_{2.5}, carbon monoxide, nitrogen dioxide, sulfur dioxide, sulfates, lead, hydrogen sulfide, and visibility reducing particles.

In addition to the designation criteria and area designation requirements, H&SC section 40718 requires the Board to publish maps showing the areas with one or more measured violations of any State standard or national standard. The maps and summary tables provided in Attachment C fulfill this requirement. The maps and tables for the State standards reflect the changes to the area designations as described in Chapter IV. The maps and tables for the national standards reflect the current federal area designations, as promulgated by the U.S. EPA. Attachment C also contains a table that lists the applicable standards, averaging times, and analytical measurement methods for both the State and national standards. For additional information about the area designations for national standards, visit the U.S. EPA website at:

<http://www.epa.gov/airprogm/oar/oaqps/greenbk>

U.S. EPA has recently issued area designations for the national PM_{2.5} standards which became effective in December 2009. A map and table depicting these designations are included in Attachment C.

D. PUBLIC PROCESS

In order to facilitate public comment during the designation review process, ARB staff requested public input in a number of ways.

After ARB staff's initial review of the 2006 through 2008 air quality data, staff noted potential changes to the existing area designations for ozone, nitrogen dioxide, lead, and PM_{2.5}. After these preliminary reviews, staff contacted the affected districts to discuss the results of the review. These discussions included the basis for the designation change, additional information relevant to the designation change, and an opportunity for district input. Furthermore, staff encouraged districts to submit any other information they would like considered. Staff also maintained a web-based subscriber notification process or listserve. For those who subscribe, the listserve provides automatic electronic updates related to area designation issues.

On December 3, 2009, staff announced a public workshop scheduled for December 17, 2009. Staff notified all district air pollution control officers, subscribers to our listserve about the workshop, as well as subscribers to the Environmental Justice listserve. The workshop announcement included a discussion of the staff's proposed amendments to the area designations based on the most recent three complete calendar years of air quality data. Approximately 20 people participated in this workshop.

The proposed amendments described in this staff report incorporate comments received from the public. The Board is scheduled to consider these amendments at a public hearing in March 2010.

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CHAPTER II

AREA DESIGNATION CRITERIA

A. INTRODUCTION

This chapter provides a summary of the existing designation criteria. The following sections describe the general provisions of the designation criteria, the area designation categories, the data requirements, the size of the designated areas, and the requirements for identifying highly irregular or infrequent events. Proposed changes to the designation criteria are discussed in Chapter III, and an underline/strikeout version of the revised criteria is provided in Attachment A.

B. GENERAL PROVISIONS OF THE DESIGNATION CRITERIA

The designation criteria describe the procedures the Board must use in determining an area's designation status with respect to the State standards. In summary, the designation criteria specify:

- The requirements for each area designation category;
- The data the Board will use for making the area designations;
- How the Board will determine the size of a designated area; and
- The requirement for an annual review of the area designations by the Board's Executive Officer.

C. DESIGNATION CATEGORIES

In determining which designation category is appropriate for an area, it is essential to understand the difference between an *exceedance* and a *violation*. An exceedance is any concentration that is higher than the level of the State standard. In contrast, violations are a subset of the exceedances. A violation is any exceedance (concentration above the level of the State standard) that is not affected by a highly irregular or infrequent event, and therefore, cannot be excluded from the area designation process (refer to discussion in Section F, below).

The designation criteria specify four designation categories: nonattainment, nonattainment-transitional, attainment, and unclassified. The Board will designate an area as *nonattainment* for a pollutant if air quality data show that a State standard for the pollutant was violated at least once during the previous three calendar years. As explained above, exceedances that are affected by highly irregular or infrequent events are not considered violations of a State standard and are not used as a basis for designating an area as nonattainment.

The *nonattainment-transitional* designation is a subcategory of nonattainment. The

Board will designate an area as nonattainment-transitional for a pollutant other than ozone if air quality data show that a State standard for that pollutant was violated two or fewer times at each of the sites in the area during the most recent calendar year. In addition, an evaluation of recent air quality trends and meteorological and emissions data must show that air quality in the area either has stabilized or has improved. Finally, each site in the area must be expected to reach attainment for the pollutant within three years.

In contrast to the nonattainment-transitional requirements for other pollutants, the ozone nonattainment-transitional requirements are specified in State law (H&SC section 40925.5). The H&SC specifies that the ozone nonattainment-transitional designation be made by district area (rather than air basin, county, or other geographic area) and be based on exceedances, not violations. Because ozone nonattainment-transitional is based on exceedances, all measurements above the level of the State ozone standard are considered and none are excluded. Furthermore, the H&SC specifies that only nonattainment districts may be designated as nonattainment-transitional for ozone.

Specifically, H&SC section 40925.5 specifies that a nonattainment district (or the portion of a district within an air basin) is designated as nonattainment-transitional for ozone if air quality data show three or fewer exceedances of the State standard at each site within the district (or portion of the district) during the most recent calendar year.

Finally, unlike the nonattainment-transitional designation for other pollutants, the redesignation of an ozone nonattainment district area as nonattainment-transitional occurs by operation of law. However, the Board confirms the change based on the guidelines set forth in the designation criteria. The Board also makes sure the area designation regulations are amended to reflect the ozone nonattainment-transitional designation.

In contrast to nonattainment and nonattainment-transitional, the Board will designate an area as *attainment* for a pollutant if data show the State standard for that pollutant was not violated during the previous three calendar years. As described earlier, exceedances affected by highly irregular or infrequent events are not considered violations, and therefore, are not considered in designating areas as attainment. As a result, an area can have measured concentrations that are higher than the level of the State standard and still be designated as attainment. Finally, the Board will designate an area as *unclassified* for a pollutant if the available data do not support a designation of nonattainment or attainment.

D. DATA REQUIREMENTS

To the extent possible, the Board makes area designations for each pollutant based on the most recent ambient air quality data. The air quality data must be *data for record*, which are those air quality data that satisfy specific siting and quality assurance procedures established by the U.S. EPA and adopted by the Board. Generally, data for record are those data collected by or under the direction of the Board or the districts. Air quality data from other sources may also qualify as data for record, as long as the same requirements are met. For area designation purposes, air quality measurements and statistics are rounded to the precision of the State standard before being compared with the State standard. The rounding convention is summarized in Attachment D.

When adequate and recent air quality data are not available, the Board may use other types of information to determine an appropriate area designation. These other types of information may include historical air quality data, emissions data, meteorological data, topographical data, and data relating to the characteristics of population or emissions.

E. SIZE OF DESIGNATED AREA

The size of the area designated for a pollutant may vary depending on the nature of the pollutant, the location of contributing emission sources, meteorology, and topographic features. Normally, an air basin is the area designated for pollutants with a regional impact: ozone, nitrogen dioxide, sulfates, and visibility reducing particles. A county (or the portion of a county located within an air basin) is normally the area designated for pollutants with a more localized impact: carbon monoxide, sulfur dioxide, lead, and hydrogen sulfide. PM₁₀ and PM_{2.5} could be considered either a regional or a local pollutant. In some cases, the Board may designate a smaller area if the Board finds that the smaller area has distinctly different air quality. This finding is based on a review of the air quality data, meteorology, topography, and the distribution of population and emissions. In designating a smaller area as nonattainment, the sources with emissions that contribute to a violation must be included within the designated area. In defining a smaller designation area, the Board uses political boundary lines whenever possible.

F. HIGHLY IRREGULAR OR INFREQUENT EVENTS

While area designations for State standards are based on ambient air quality data, the designation criteria provide for excluding certain high values. In particular, the designation criteria provide for excluding exceedances affected by *highly irregular or infrequent events* because it is not reasonable to mitigate these exceedances through the regulatory process. Appendix 2 to the designation criteria defines three types of highly irregular or infrequent events:

- Extreme concentration events;
- Exceptional events; and
- Unusual concentration events.

An *extreme concentration event* is identified by a statistical procedure that calculates the concentration that is not expected to be exceeded more than once per year, on average. This value is also referred to as the Expected Peak Day Concentration or EPDC. Adverse meteorology is one potential cause of an extreme concentration event. However, a specific, identifiable cause is not necessary for an exceedance to be identified as an extreme concentration.

In practice, a pollutant-specific EPDC is calculated for each monitoring site using air quality data measured at the site during the most recent three calendar years. The EPDC value is rounded to the precision of the State standard and then compared with the air quality measurements from the same site, which are also rounded to the precision of the State standard. Air quality measurements that exceed the State standard, and that are higher than the rounded EPDC value, are excluded from the area designation process. These exceedances are not considered violations of the State standard. However, air quality measurements that exceed the State standard and are equal to or lower than the rounded EPDC value are not excluded from the area designation process. These values are considered violations of the State standard.

In contrast to an extreme concentration event, an *exceptional event* is an exceedance of a State standard that is caused by a specific, identifiable event that is beyond reasonable regulatory control. An exceptional event may be caused by an act of nature (for example, a forest fire or a severe windstorm) or it may be of human origin (for example, a chemical spill or industrial accident).

Finally, an *unusual concentration event* is an unexpected or atypical exceedance of a State standard that cannot be identified as an extreme concentration event or an exceptional event. Unusual concentration events are identified only for areas already designated as attainment or unclassified at the time of the exceedance. In identifying such events, the Executive Officer must make specific findings based on relevant information. Generally, unusual concentration events are identified in areas with limited air quality data, and therefore, uncertainty as to what level of concentrations are expected to occur.

The unusual concentration event allows a wait-and-see approach in making nonattainment designations. However, there is a time limit. An area may retain its attainment or unclassified designation based on the exclusion of one or more exceedances affected by an unusual concentration event for up to three consecutive years. If an exceedance occurs during the fourth year, the area is redesignated as nonattainment, unless the exceedance can be excluded as an extreme concentration event or an exceptional event. The idea behind this time limit is that within three years, the air quality data record should be complete enough to determine whether the area is attainment or nonattainment.

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CHAPTER III

PROPOSED AMENDMENTS TO THE AREA DESIGNATION CRITERIA

A. INTRODUCTION

H&SC section 39607(e) requires the Board to establish area designation criteria. These designation criteria provide the basis for the Board to designate areas as nonattainment, nonattainment-transitional, attainment, or unclassified for the State standards, as required by H&SC section 39608.

H&SC section 39607(e) further requires the Board to periodically review the designation criteria to ensure their continued relevance. As part of the current review, ARB staff recommends amending several provisions of the designation criteria as summarized below and discussed in more detail in the following sections. The proposed amendments do not change the way in which ARB staff makes the State area designations, but simplify the designation process and clarify current practices. The full text of the proposed amendments, in underline and strikeout format, can be found in Attachment A to this staff report.

- *70300. General Statement of Purpose*
 - *Replace reference to state board with Executive Officer or his or her delegate to ensure consistency with change in section 70306.*

- *70301. Air Quality Data Used for Designations*
 - *Delete date referencing specific version of the Code of Federal Regulations to ensure use of the most current requirements.*
 - *Allow determinations to be made by the Executive Officer or his or her delegate to ensure consistency with change in section 70306.*

- *70302. Geographic Extent of Designations*
 - *Replace reference to state board with Executive Officer or his or her delegate to ensure consistency with change in section 70306.*

- *70303. Criteria for Designating and Area as Nonattainment*
 - *Replace reference to state board with Executive Officer or his or her delegate to ensure consistency with change in section 70306.*
 - *Allow identifications to be made by the Executive Officer or his or her delegate to ensure consistency with change in section 70306.*

- *70303.1. Criteria for Designating an Area as Nonattainment-Transitional for Pollutants Other than Ozone*
 - *Replace reference to state board with Executive Officer or his or her delegate to ensure consistency with change in section 70306.*

- *Delete requirement for a district to initiate the request for a nonattainment-transitional designation.*
- *70303.5. Requirements for Ozone Nonattainment-Transitional.*
 - *Allow determinations to be made by the Executive Officer's delegate to ensure consistency with change in section 70306.*
- *70304. Criteria for Designating an Area as Attainment*
 - *Replace reference to state board with Executive Officer or his or her delegate to ensure consistency with change in section 70306.*
 - *Add provision allowing attainment areas without current monitoring data to remain attainment if emissions have not increased substantially.*
 - *Allow identifications to be made by the Executive Officer's delegate to ensure consistency with change in section 70306.*
- *70305. Criteria for Designating an Area as Unclassified*
 - *Replace reference to state board with Executive Officer or his or her delegate to ensure consistency with change in section 70306.*
- *70306. Annual Review of Designations*
 - *Revise language to allow for Executive Officer's or his or her delegate's review and adoption of annual changes to designations and provide for a public hearing if requested.*
- *Appendix 2: Air Resources Board Procedure for Reviewing Air Quality Data Possibly Affected by a Highly Irregular or Infrequent Event*
 - *Delete reference to the federal exceptional events guidelines and provide for consideration of both natural and anthropogenic events as exceptional events under Appendix 2.*
 - *Allow identifications of air quality data impacted by highly irregular or infrequent events to be made by the Executive Officer or his or her delegate to ensure consistency with change in section 70306.*
- *Appendix 3: Criteria for Determining Data Completeness*
 - *Delete specific required months for nitrogen dioxide, thereby requiring data be collected during all 12 months of the year.*
- *Appendix 4: Screening Procedure for Determining Attainment Designations for Areas with Incomplete Air Quality Data*
 - *Delete Appendix 4 in its entirety.*
 - *Revise language in section 70304(c) to specify the screening procedure.*

B. SECTION 70300. GENERAL STATEMENT OF PURPOSE

Section 70300 specifies the objective of the area designation criteria is to guide the state board in making its designations. ARB staff proposes that reference to the state board be replaced with reference to the Executive Officer or his or her delegate. This proposed change would align this section with the changes proposed for section 70306.

C. SECTION 70301(a)(1) AND (a)(2). AIR QUALITY DATA USED FOR DESIGNATIONS

Section 70301 specifies that designations shall be based on “*data for record*” and defines what comprises “*data for record*.” Currently, section 70301 includes references to the 1987 version of monitoring methods and quality assurance requirements in the Code of Federal Regulations (CFR). Because U.S. EPA periodically modifies these requirements, staff proposes to delete the date referencing a specific version of the CFR, thereby ensuring use of the most current federal requirements.

Section 70301(a)(1) and 70301(a)(2) specify that the Executive Officer determines whether air quality data constitutes “*data for record*” based on siting and quality assurance procedures. In order to align staff’s proposal that the Executive Officer or his or her delegate makes future area designations, staff proposes changes to these sections to also allow the Executive Officer’s delegate to determine data for record.

D. SECTION 70302. GEOGRAPHIC EXTENT OF DESIGNATIONS

Section 70302 specifies the geographic extent of the areas designated. ARB staff proposes that reference to the state board be replaced with reference to the Executive Officer or his or her delegate. This proposed change would align this section with the changes proposed for section 70306.

E. SECTION 70303. CRITERIA FOR DESIGNATING AN AREA AS NONATTAINMENT

Section 70303 specifies the requirements for nonattainment designation for all pollutants. ARB staff proposes that reference to the state board be replaced with reference to the Executive Officer or his or her delegate. This proposed change would align this section with the changes proposed for section 70306.

Section 70303(b) requires the Executive Officer to identify highly irregular or infrequent events. In order to align staff’s proposal that the Executive Officer or his or her delegate makes future area designations, staff proposes changes to this section to also allow the Executive Officer’s delegate to identify highly irregular or infrequent events.

F. SECTION 70303.1(a). CRITERIA FOR DESIGNATING AN AREA AS NONATTAINMENT-TRANSITIONAL FOR POLLUTANTS OTHER THAN OZONE

Section 70303.1 specifies the requirements for the nonattainment-transitional designation for pollutants other than ozone. The section states that ARB staff will, if requested by a district before May 1, designate an area as nonattainment-transitional for a pollutant other than ozone if the area meets the specified requirements. In general, a district does not request the designation change, rather ARB staff evaluates the data and notifies the district if the area qualifies. ARB staff proposes removing the requirement for district initiation of this process. This change clarifies existing procedures.

ARB staff also proposes that reference to state board be replaced with reference to the Executive Officer or his or her delegate. This proposed change would align this section with the changes proposed for section 70306.

G. SECTION 70303.5(b). REQUIREMENTS FOR OZONE NONATTAINMENT-TRANSITIONAL

Section 70303.5(b) specifies the situation where an area that would ordinarily qualify as nonattainment-transitional for ozone is instead designated by the Executive Officer as nonattainment. Staff proposes to also allow the Executive Officer's delegate to designate these areas. This proposed change would align this section with the changes proposed for section 70306.

H. SECTION 70304. CRITERIA FOR DESIGNATING AN AREA AS ATTAINMENT

Section 70304 specifies the requirements for attainment designation for all pollutants. ARB staff proposes that reference to the state board be replaced with reference to the Executive Officer or his or her delegate. This proposed change would align this section with the changes proposed for section 70306.

In addition, section 70304(c) specifies the requirements for an attainment designation under Appendix 4 for areas with limited or no air quality data. Currently, the provisions apply to nitrogen dioxide, sulfur dioxide, sulfates, and lead. Because ARB staff proposes deleting Appendix 4, staff proposes modifying section 70304(c) to allow current attainment areas to remain attainment when they have limited or no air quality data during the most recent three-year period, and emissions have not increased substantially.

Many attainment areas discontinue monitoring when concentrations meet the standard and continue to be very low. However, Appendix 4 includes population and emissions threshold criteria that reflect outdated assumptions rather than current conditions. Evaluating the most recent emissions data and emissions trends provides a better approach. If emissions have not increased substantially since the area was designated

as attainment and the standard is not likely to be violated, the area would remain designated as attainment. This change provides more flexibility and clarifies an existing process.

In addition, staff proposes adding carbon monoxide (CO) to the list of pollutants evaluated under section 70304(c). Carbon monoxide is a directly emitted primary pollutant, but was not included when the provision was originally adopted in 1989 because CO concentrations throughout California were substantially higher than they are now, many areas were designated as nonattainment, and the monitoring network was comprehensive. Over the years, CO concentrations have dropped dramatically, and there are no longer any nonattainment areas. Furthermore, the current attainment designations were all based on monitored data. Therefore, evaluating emissions should be adequate for an area to remain designated as attainment.

I. SECTION 70305. CRITERIA FOR DESIGNATING AN AREA AS UNCLASSIFIED

Section 70305 specifies the requirements for unclassified designation for all pollutants. ARB staff proposes that reference to the state board be replaced with reference to the Executive Officer or his or her delegate. This proposed change would align this section with the changes proposed for section 70306.

J. SECTION 70306. ANNUAL REVIEW OF DESIGNATIONS

To provide a more streamlined and cost-effective approach to the timely presentation of the designation status of an area, ARB staff proposes that section 70306 be revised to allow the Executive Officer or his or her delegate to conduct the annual review of the designations and hold a public hearing upon request. Section 70306 currently requires the Executive Officer to complete annual reviews by November 15. ARB staff proposes that this deadline be removed to allow for completion of the reviews at the most appropriate time based on data availability. This proposed change does not substantially change the public process, but streamlines it, allowing the designations process to be completed by the Executive Officer, or his or her delegate, in a timely manner with the most current air quality data available.

K. APPENDIX 2: AIR RESOURCES BOARD PROCEDURE FOR REVIEWING AIR QUALITY DATA POSSIBLY AFFECTED BY A HIGHLY IRREGULAR OR INFREQUENT EVENT

Appendix 2 to the designation criteria describes the procedures ARB staff uses to review air quality impacted by highly irregular or infrequent events, which include exceptional events, extreme concentration events, and unusual concentration events. In May 2007, U.S. EPA promulgated a final rule for the treatment of data influenced by exceptional events, which includes both natural events and anthropogenic events. This final rule replaced previous exceptional event guidelines. ARB staff proposes updating the references in Appendix 2 to federal documents that are considered when evaluating

exceptional events. Specifically, staff proposes updating the reference to the federal exceptional events guidelines, thereby providing for consideration of both natural events and anthropogenic events as exceptional events under Appendix 2.

Staff also proposes to allow identifications of air quality data impacted by highly irregular or infrequent events to be made by the Executive Officer or his or her delegate. This proposed change would align this Appendix with the changes proposed for section 70306.

L. APPENDIX 3: CRITERIA FOR DETERMINING DATA COMPLETENESS

Appendix 3 describes the criteria for determining whether a group or set of individual air quality measurements or statistics is sufficient to reflect the time of day and season of the year during which high concentrations are expected to occur. Under the designation criteria, the set of air quality measurements or statistics used for making designations of attainment or nonattainment-transitional must be complete. Staff proposes deleting the reference to October through December as the “Required Months” for nitrogen dioxide. With the addition of a State annual standard, nitrogen dioxide data need to be available for all 12 months of a year to be considered complete. Deleting the specific reference to nitrogen dioxide puts it under the category of “Other Pollutants,” for which data must be available for January through December in order to be considered complete.

M. APPENDIX 4: SCREENING PROCEDURE FOR DETERMINING ATTAINMENT DESIGNATIONS FOR AREAS WITH INCOMPLETE AIR QUALITY DATA

Appendix 4 establishes a Screening Procedure for nitrogen dioxide, sulfur dioxide, sulfates, and lead that was originally adopted in 1989 and revised in 1996. The Screening Procedure applies to areas with limited or no air quality data for these four pollutants. Appendix 4 contains specific population and emissions threshold criteria that are now outdated. With the proposed amendments to section 70304(c), the Screening Procedure is no longer needed. Therefore, staff proposes deleting Appendix 4 to the designation criteria.

CHAPTER IV

PROPOSED AMENDMENTS TO THE AREA DESIGNATIONS

A. INTRODUCTION

This chapter describes the area designation process and the proposed changes to the area designation regulations. As required by H&SC section 39608, the Board updates the area designations each year, based on a review of data from the most recent three calendar years. This year's review is based on air quality data collected during the calendar years 2006 through 2008. These proposed changes amend the existing CCR, title 17, sections 60201, 60203, 60207, and 60210. Once adopted by the Board, the proposed amendments must be approved by the Office of Administrative Law before they become effective, with the exception of those that occur by operation of law.

Based on data collected during 2006 through 2008, the staff proposes changes to the area designations for four pollutants, as summarized below. Changes in area designation status are appropriate for ozone, nitrogen dioxide, lead, and PM_{2.5}. Summary tables of the designation values for these pollutants can be found in Attachment E. No changes are proposed for the remaining pollutants: carbon monoxide, PM₁₀, sulfur dioxide, sulfates, hydrogen sulfide, and visibility reducing particles.

- *Proposed Changes to Ozone Area Designations (section 60201):*
 - *Redesignate the Sonoma County portion of the North Coast Air Basin as Attainment.*
 - *Redesignate the Lake Tahoe Air Basin as Nonattainment.*
 - *Confirm the redesignation of Yuba and Sutter Counties in the Sacramento Valley Air Basin as Nonattainment-Transitional that occurred by operation of law.*

- *Proposed Changes to Nitrogen Dioxide Area Designations (section 60203):*
 - *Redesignate the South Coast Air Basin as Nonattainment.*

- *Proposed Changes to Lead (Particulate) Area Designations (section 60207):*
 - *Redesignate that portion of Los Angeles County in the South Coast Air Basin as Nonattainment.*

- *Proposed Changes to Fine Particulate Matter (PM_{2.5}) Area Designations (section 60210):*
 - *Redesignate the Great Basin Valleys Air Basin as Attainment.*
 - *Redesignate five counties in the Sacramento Valley Air Basin (Colusa, Placer (portion), Shasta, Sutter, and Yuba) as Attainment.*

B. DESIGNATION PROCESS

The area designations are based on air quality data for record as defined in section 70301 of the designation criteria. Data for record must meet established siting and quality assurance procedures. Generally, data for record are those data collected by the Board or the districts. However, data from other sources may also be considered, as long as they satisfy the established procedures.

The process used to designate an area with respect to a State standard is generally the same for each of the ten pollutants:

- Gather data for the three-year period for each site in the area;
- Evaluate data representativeness and data completeness for each site;
- Identify and exclude exceedances affected by highly irregular or infrequent events;
- Tabulate the number of exceedances and violations by site;
- Determine the designation value for each site in the area;
- Determine the designation value for the area; and
- Determine the appropriate area designation category.

Determining the designation value is the most critical part of the designation process because the designation value determines, in large part, the area designation. More detail about the designation value and how it is determined, is given in the following section.

C. DESIGNATION VALUE

The designation value is the measured concentration that is used to determine the designation status of a given area. In practice, the designation value is the highest measured concentration in the three year period that remains, after excluding measurements identified as affected by highly irregular or infrequent events.

Under Appendix 2 to the designation criteria, there are three types of highly irregular or infrequent events: extreme concentration events, exceptional events, and unusual concentration events. Each of these types of events is described more fully in Chapter II. The extreme concentration event is the most frequently used method for excluding values from the designation process. Using a statistical process, ARB staff computes a site-specific and pollutant-specific value for each State standard with an

averaging time of 24-hours or less. This computed value represents the concentration not expected to be exceeded more than once per year, on average, based on the distribution of data for the site. The resulting value, the Expected Peak Day Concentration (EPDC), is rounded to the precision of the State standard before being used. The measured or averaged (for example, 8-hour average) pollutant concentrations are also rounded and compared with the rounded EPDC. Any rounded concentrations that are higher than the rounded EPDC are excluded as extreme concentration events. Although the EPDC is designed to exclude an average of one exceedance per year, over the long-term, it will not necessarily exclude one exceedance per year during any particular three-year period. Depending on the distribution of the data, the EPDC will sometimes exclude more than one exceedance per year and sometimes less than one exceedance per year. In many cases, the EPDC will not exclude any exceedances during a given three-year period. Once the extreme concentrations are excluded from the database, the highest remaining concentration becomes the designation value for the site, unless it is identified as an exceptional event or unusual concentration event.

A designation value is determined for each pollutant, for each monitoring site in an area. The highest designation value for any site in the area becomes the designation value for the area. When there is more than one standard for a single pollutant, a designation value is determined for each standard averaging time. For example, there is both a 1-hour and an 8-hour State standard for ozone. As a result, there is a 1-hour designation value, as well as an 8-hour designation value. The final area designation reflects the more stringent designation category of the two averaging periods. Using ozone as an example, consider an area with a 1-hour ozone designation value that is lower than the standard, indicating attainment. In contrast, the 8-hour designation value for the same area may be higher than the State 8-hour standard, indicating nonattainment. In this case, the area would be designated as nonattainment for ozone because that is the more stringent designation category.

When there are less than three complete years of air quality data for a site, the EPDC may not be valid for area designation purposes. If the EPDC is not valid, no measurements are excluded as extreme concentration events. In this case, the designation value for a site is simply the highest measured concentration during the specified three-year period, after excluding measurements affected by exceptional events or unusual concentration events.

Finally, there is no EPDC for State annual standards and the designation value is the highest annual average concentration in the three-year period.

D. OZONE

The State ozone standards are a 1-hour standard of 0.09 ppm and an 8-hour standard of 0.070 ppm, neither to be exceeded. Both of these standards must be met for an area to be attainment.

Based on data collected during 2006 through 2008, the staff recommends a change in the ozone designation for four areas. As described previously, the change from ozone nonattainment to nonattainment-transitional occurs by operation of law. Similarly, the change from ozone nonattainment-transitional back to nonattainment also occurs by operation of law. In these cases, the Board simply confirms the change based on guidelines set forth in the designation criteria, and takes the steps necessary to make sure the change is reflected in the area designation regulations. In contrast, all other designation changes for ozone require Board action.

1. Lake Tahoe Air Basin

The staff recommends that the Board redesignate the Lake Tahoe Air Basin as nonattainment for ozone. The Lake Tahoe Air Basin is comprised of the eastern portions of El Dorado and Placer counties. This area is currently designated as unclassified. During 2006 through 2008, monitoring data are available for one site located at the South Lake Tahoe Airport. Data for this site are representative and complete, with violations of the State 8-hour ozone standards. The site has an 8-hour ozone designation value of 0.077 ppm and had twelve violations of the 8-hour ozone standard during the three year period.

2. North Coast Air Basin

a. Sonoma County

The staff recommends that the Board redesignate Sonoma County as attainment for ozone. Sonoma County is located in the North Coast Air Basin and is currently designated as nonattainment. During 2006 through 2008, monitoring data are available for one site located in the City of Healdsburg. Data for this site are representative and complete, with no violations of the State 1-hour or 8-hour ozone standards. The site has an 8-hour ozone designation value of 0.065 ppm and meets all the requirements for attainment, as specified in the designation criteria. Because the remaining portion of the North Coast Air Basin is already designated attainment, this change will bring the entire Basin into attainment.

3. Sacramento Valley Air Basin

a. Yuba and Sutter Counties

The staff recommends that the Board confirm the change in designation for Yuba and Sutter Counties to nonattainment-transitional and amend the area designation regulations to reflect this change that occurred by operation of law. The Yuba and Sutter Counties include the Feather River Air Quality Management District. Yuba and Sutter Counties are located in the Sacramento Valley Air Basin and are currently designated as nonattainment. During 2006 through 2008, monitoring data are available

for one site located in Yuba City. Data for this site are representative and complete. The site has an 8-hour ozone designation value of 0.082 ppm, and meets all the requirements for nonattainment-transitional, with three or fewer exceedances in each year during the three year period, as well as the current calendar year, as specified in the designation criteria.

E. NITROGEN DIOXIDE

The Air Resources Board established a 1-hour nitrogen dioxide (NO₂) standard of 0.25 ppm in 1992, and the entire State has attained the standard since 1995. In 2007, after an extensive review of scientific literature, the Air Resources Board lowered the 1-hour NO₂ standard to 0.18 ppm and established a new annual average NO₂ standard of 0.030 ppm. The standards were approved by the Office of Administrative Law and became effective on March 20, 2008.

ARB staff recommendations are, for the first time, based on air quality data with respect to both the revised 1-hour NO₂ and new annual average NO₂ standards. If either standard is violated, the area must be designated as nonattainment. Although the 1-hour NO₂ standard was strengthened, all areas in California continue to meet the more stringent standard. However, the South Coast Air Basin violates the annual average NO₂ standard. Monitoring data is provided in Table IV-1 for the both the 1-hour and annual average designation values.

The annual average NO₂ concentration is calculated using a prescribed methodology. The first step is to truncate hourly values to the precision of the standard and then calculate a quarterly average. Data for each quarter must be complete. The quarterly averages are truncated, then averaged together to determine an annual average. The annual average is then rounded to three decimal places, to be consistent with the precision of the annual standard. The highest annual average for the most recent three year period becomes the designation value. Any site having an annual average concentration greater than 0.030 ppm is designated nonattainment.

1. South Coast Air Basin

The staff recommends that the Board redesignate the South Coast Air Basin as nonattainment for the nitrogen dioxide (NO₂) standard. The air basin is currently designated as attainment. During 2006 through 2008, monitoring data are available for 13 sites located throughout the air basin, and are representative and complete. The NO₂ standard was exceeded at 3 monitoring sites located in Lynwood and Pomona in Los Angeles County and Upland in San Bernardino County. The air basin has an annual NO₂ designation value of 0.031 ppm, and meets all the requirements for nonattainment, as specified in the designation criteria.

**TABLE IV-1
Proposed Area Designations for the State Nitrogen Dioxide Standard⁽¹⁾**

Air Basin	Annual Average Designation Site	Annual Average DV [0.030 ppm]	Designation Based on Annual Average	1-Hour Designation Site	1-Hour DV [0.18 ppm]	Designation Based on 1-Hour Standard	Purposed Designation
Mojave Desert	Barstow	0.022	A	Barstow	0.09	A	A
Mountain Counties	Grass Valley	0.003	A	Grass Valley	0.04	A	A
North Central Coast	Salinas-#3	0.007	A	Salinas-#3	0.05	A	A
North Coast	Willits	0.009	A	Willits	0.04	A	A
Sacramento Valley	Sacramento-T St	0.016	A	North Highlands	0.13	A	A
Salton Sea	Calexico-Ethel	0.014	A	Calexico-Ethel	0.10	A	A
San Diego	Otay Mesa	0.024	A	Otay Mesa	0.11	A	A
San Francisco Bay Area	San Jose	0.018	A	San Jose	0.07	A	A
San Joaquin Valley	Bakersfield-Golden	0.021	A	Shafter	0.09	A	A
South Central Coast	Simi Valley	0.013	A	Santa Barbara	0.06	A	A
South Coast	Lynwood/Pomona/Upland	0.031	N	Los Angeles-North Main	0.12	A	N

(1) Based on ambient Nitrogen Dioxide data collected during 2006, 2007 and 2008. Areas without monitoring data are not included in the table.

DV = Designation Value, A = Attainment, and N = Nonattainment.

F. LEAD (PARTICULATE)

The State lead standard is a 30-day average concentration of 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). This concentration is not to be equaled or exceeded.

1. South Coast Air Basin

a. Los Angeles County

The staff recommends that that the Board redesignate the Los Angeles County portion of the South Coast Air Basin as nonattainment for lead. That portion of Los Angeles County, located in the South Coast Air Basin, is currently designated attainment.

The South Coast Air Quality Management District (District) has collected lead data at

several sites in Los Angeles County for a number of years. Several of these sampling sites are located near lead-related facilities and were established as part of the District's Rule 1420 (Emissions Standard for Lead) that was adopted in September 1992. The purpose of Rule 1420 is to reduce lead emissions from non-vehicular sources. It applies to all facilities that use or process materials containing lead, including primary or secondary lead smelters, foundries, lead-acid battery manufacturers or recyclers, as well as facilities that produce lead-oxide, brass, and bronze. The samplers are located at or beyond the property line of the facility and comply with ARB and U.S. EPA siting and operating criteria. Lead samples are generally collected on a 1-in-6 day schedule, although samples can be collected more frequently at sites with the highest concentrations.

Monitoring data has been collected at several sites throughout the basin during 2006 through 2008. In 2008, monitoring data for one site located near a lead emissions facility violated the State lead standard. The designation value is $2.9 \mu\text{g}/\text{m}^3$. Because lead concentrations drop off fairly rapidly with distance from the source, ARB staff recommends the nonattainment area be limited to the portion of Los Angeles County that is located in the South Coast Air Basin.

G. FINE SUSPENDED PARTICULATE MATTER (PM_{2.5})

There is one State PM_{2.5} standard: an annual average of $12 \mu\text{g}/\text{m}^3$, calculated as an annual arithmetic mean. This concentration is not to be exceeded. Based on data collected during 2006 through 2008, several areas qualify for redesignation as attainment.

1. Great Basin Valleys Air Basin

The staff recommends that the Board redesignate the Great Basin Valleys Air Basin (GBVAB) as attainment for PM_{2.5}. The GBVAB is located in the east central portion of California and is comprised of Alpine, Mono, and Inyo Counties.

Data completeness criteria, set forth in "Criteria for Determining Data Completeness" contained in Appendix 3 to CCR, title 17, section 70304, allows for the use of two years of complete data, if the maximum pollutant concentration is less than three-fourths the applicable state ambient air quality standard. During 2007 through 2008, monitoring data for the Keeler-Cerro Gordo monitoring site were below the three-fourths requirements with the annual average designation value at $7 \mu\text{g}/\text{m}^3$. Based on these data, Great Basin Valleys Air Basin qualifies for attainment for PM_{2.5}.

2. Sacramento Valley Air Basin

The staff recommends that the Board redesignate five counties in the Sacramento Valley Air Basin (SVAB) as attainment for PM_{2.5}. The SVAB is located in the north central portion of California and is comprised of the following areas: Butte County,

Colusa County, Glenn County, western Placer County, Sacramento County, Shasta County, eastern Solano County, Sutter County, Tehama County, Yolo County, and Yuba County. Based on the most recent 2006 to 2008 data, the following areas have a change in designation status.

a. Colusa County

The staff recommends that the Board redesignate Colusa County as attainment. Colusa County comprises the Colusa County Air Pollution Control District and is currently designated as unclassified for PM_{2.5}.

During 2006 through 2008, air quality data are available for the monitoring site in the City of Colusa. The annual average concentrations for Colusa-Sunrise are valid and complete for 2006 and 2007. While the annual average concentration from the primary monitor in 2008 was incomplete due to missing data, data from the California Approved Sampler Beta Attenuation Method (BAM) monitor was available. Per ARB procedures, data from the BAM monitor was substituted for missing values to calculate a valid and complete annual average for 2008.

In addition, the 2008 Northern California Wildfires heavily influenced concentrations on a number of sampling days during the summer of 2008. These values were determined to be due to an exceptional event as determined by the criteria in Appendix 2, and were not used in calculating the annual average.

The estimated State designation value for Colusa-Sunrise is 10 µg/m³. Based on these data, Colusa County qualifies as attainment for PM_{2.5}.

b. Placer County (SVAB portion)

The staff recommends that the Board redesignate that portion of Placer County within the SVAB as attainment. Placer County comprises the Placer County Air Pollution Control District, the eastern portion residing in the Mountain Counties and Lake Tahoe Air Basins, with the western portion within the SVAB. The SVAB portion of Placer County is currently designated as nonattainment for PM_{2.5}.

During 2006 through 2008, data are available for the monitoring site at Roseville. Data for Roseville do not show any violations of the State standard during the three-year period. In addition, the 2008 Northern California Wildfires heavily influenced concentrations on a number of sampling days during the summer of 2008. These values were determined to be due to an exceptional event as determined by the criteria in Appendix 2, and were not used in calculating the annual average.

The estimated State designation value for Roseville is 12 µg/m³. Based on these data, that portion of Placer County in the SVAB qualifies as attainment for PM_{2.5}.

c. Shasta County

The staff recommends that the Board redesignate Shasta County to attainment. Shasta County comprises the Shasta County Air Quality Management District and is currently designated as unclassified for PM_{2.5}.

During 2006 through 2008, data are available for the monitoring site in Redding. Data for Redding do not show any violations of the State standard during the three-year period. In addition, the 2008 Northern California Wildfires heavily influenced concentrations on a number of sampling days during the summer of 2008. These values were determined to be due to an exceptional event as determined by the criteria in Appendix 2, and were not used in calculating the annual average.

The estimated designation value for Redding is 9 µg/m³. Based on these data, Shasta County qualifies as attainment for PM_{2.5}.

d. Sutter and Yuba Counties

The staff recommends that the Board redesignate Sutter and Yuba counties to attainment. Sutter and Yuba counties comprise the Feather River Air Quality Management District (Feather River AQMD) and are currently designated as unclassified for PM_{2.5}.

This redesignation is based on 2006 through 2008 data for the Yuba City monitoring site, located in Sutter County. There is no PM_{2.5} monitoring site located in Yuba County. However, the two most populated areas in the two counties, Yuba City in Sutter County and Marysville in Yuba County, form a contiguous urbanized area, separated only by the Feather River. Because the two towns are so close in proximity, the Yuba City site can be used to represent air quality in both counties.

During 2006 through 2008, air quality data are available for the monitoring site in Yuba City. The annual average concentrations for the Yuba City monitoring site are valid and complete for 2006 and 2008. While the annual average concentration from the primary monitor in 2007 was incomplete due to missing data, data from the California Approved Sampler Beta Attenuation Method (BAM) monitor was available. Per ARB procedures, data from the BAM monitor was substituted for missing values to calculate a valid and complete annual average for 2007.

In addition, the 2008 Northern California Wildfires heavily influenced concentrations on a number of sampling days during the summer of 2008. These values were determined to be due to an exceptional event as determined by the criteria in Appendix 2, and were not used in calculating the annual average.

The estimated designation value for the Yuba City monitoring site is 11 µg/m³. Based on these data, the Feather River AQMD qualifies as attainment for PM_{2.5}.

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CHAPTER V

ALTERNATIVES TO THE PROPOSED AMENDMENTS

State law (H&SC section 39607(e)) requires the Board to establish criteria for designating areas as attainment, nonattainment, or unclassified for the State standards. State law (H&SC section 39608(c)) further requires the Board to use the designation criteria in an annual review of the area designations.

ARB staff's proposed amendments to the area designations are described in Chapter IV. The proposed area designations reflect the application of the designation criteria set forth in CCR, title 17, sections 70300 through 70306 and Appendices 1 through 4, thereof. Each proposed area designation is accompanied by a discussion of its basis and justification. ARB staff have considered the potential alternatives to the proposed amendments (namely, the no action alternative). However, based on the available data, ARB staff find the proposed amendments are more appropriate than the no action alternative because the no action alternative would not be consistent with State law. In addition, the no action alternative would not inform the public about the healthfulness of air quality based on the most recent data.

ARB staff also considered the potential alternatives to the proposed changes to the area designations process (namely, the no action alternative). ARB staff has determined that the proposed process change is the preferred alternative because it facilitates a more streamlined review and adoption of area designations. This in turn will facilitate a more efficient dissemination of information to the public about the healthfulness of air quality. While the process is streamlined, the opportunity for public participation (e.g., notification of proposed changes, public discussions, final statement of reasons, availability of the rulemaking file, etc.) remains unchanged.

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CHAPTER VI

IMPACTS OF THE PROPOSED AMENDMENTS

A. ECONOMIC IMPACTS

ARB staff do not expect the proposed amendments to have any adverse impacts on California employment, business status, or competitiveness.

1. Legal Requirement

The Government Code requires State agencies proposing to adopt or amend any administrative regulation to assess the potential for adverse economic impact on California business enterprises and individuals. The assessment shall include consideration of the impact of the proposed regulatory amendments on California jobs, business expansion, elimination, or creation, and the ability of California businesses to compete in other states.

State agencies are also required to estimate the cost or savings to any State or local agency and school district in accordance with instructions adopted by the Department of Finance. This estimate is to include non-discretionary costs or savings to local agencies and the costs or savings in federal funding to the State.

2. Potential Impact on Businesses, Business Competitiveness, Employment, and Business Creation, Elimination, or Expansion

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed amendments are presented below.

The proposed amendments to the area designation regulations do not contain any requirements for action. The area designations are simply labels that describe the healthfulness of the air quality in each area, although subsequent requirements for action may result after additional steps, such as plan preparation and approval, are taken. Because the area designation regulations by themselves contain no requirements for action, they have no direct economic impact, and the following general determinations are appropriate.

The proposed changes to the area designations process requires a public hearing before the Executive Officer or his or her delegate if requested pursuant to Government Code section 11346.8(a). Therefore, if a stakeholder wants a public hearing, he or she must submit a written request to ARB. There is no fee associated with the request. Therefore, the only cost associated with this change will be the cost of preparing and submitting the request, which is anticipated to be minimal.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer also has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because the proposed regulatory action does not contain any requirements for action.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency 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 action.

3. Potential Cost to Local and State Agencies

Similar to the previous discussion, the area designations do not contain any requirements for action, and these regulations have no direct economic impact. Therefore, pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State under Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to State or local agencies.

Before taking final action on the proposed amendments to the regulations, the Board must determine that no alternative considered by the agency 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 action.

CHAPTER VII

ENVIRONMENTAL IMPACTS AND ENVIRONMENTAL JUSTICE

A. INTRODUCTION

The intent of the proposed regulatory action is to identify areas with unhealthy ambient air quality. Adopting the proposed amendments to the area designations will not result in any direct impact on public health or the environment because the regulations do not contain any requirements for action. However, because State law specifies certain requirements based on an area's designation status, there may be indirect benefits, based on the area designations.

B. AIR QUALITY AND ENVIRONMENTAL BENEFITS

The area designations do not contain any requirements for action, and therefore, they will not result in any air quality or environmental benefits. However, the area designations do label areas with respect to the healthfulness of their air quality. Based on these labels, certain planning requirements may come into play, thereby providing some indirect benefits to air quality and the environment.

The proposed amendments to the area designations would change the State ozone designations for five areas and the State nitrogen dioxide designations for one area. Under State law, there are specific planning requirements for areas designated as nonattainment for ozone, nitrogen dioxide, sulfur dioxide, and carbon monoxide, or nonattainment-transitional for ozone and carbon monoxide. Furthermore, areas designated as attainment are required to adopt and implement rules and regulations necessary to maintain attainment status. The goal of these planning requirements is to bring the area into attainment as expeditiously as practicable. Therefore, these requirements will result in air quality and environmental benefits.

The staff are proposing one change to the State lead designations. This change would designate an area as nonattainment. Areas designated as nonattainment for a State standard are expected to attain the State standard as expeditiously as possible, but there are no planning requirements for districts designated as nonattainment for the State lead standard.

The staff are also proposing six changes to the State PM_{2.5} designations. These changes would designate areas as attainment. Areas designated as attainment for any pollutant are required to adopt and implement the rules and regulations necessary to maintain attainment status. These requirements will result in air quality and environmental benefits.

The proposed changes to the area designations process requires a public hearing

before the Executive Officer or his or her delegate if requested pursuant to Government Code section 11346.8(a). Currently, a public hearing before the Board always occurs prior to adopting any changes to the area designations. As Board hearings may occur at locations requiring travel, even when stakeholders have no comments, the proposed process change is anticipated to reduce emissions and the use of natural resources associated with travel, presentations at the hearing, and publication of documents for the hearing.

C. ENVIRONMENTAL JUSTICE

The Board is committed to evaluating community impacts of proposed regulations, including environmental justice concerns. Because some communities experience higher exposures to air pollutants, it is a priority of the Board to ensure that full protection is afforded to all Californians. The proposed amendments to the area designations do not contain any requirements for action. However, the area designations are designed to identify areas with unhealthful air quality, based on the most recently available data.

Based on an area's designation category, there may be specific planning requirements for improving the level of air quality. These requirements will result in reduced emissions for all nonattainment communities throughout the State. Furthermore, although State law does not impose any specific planning requirements upon districts with areas designated as attainment or unclassified, State law does require districts and the Board to make a coordinated effort to protect and enhance the ambient air quality (H&SC sections 39001 through 39003). As part of this effort, the districts must adopt rules and regulations sufficiently effective to achieve and maintain the State standards (H&SC sections 40001 and 41500). These requirements will result in improved air quality in communities throughout the State, with associated lower potential health risks.

The proposed changes to the area designations process requires a public hearing before the Executive Officer or his or her delegate if requested pursuant to Government Code section 11346.8(a). These changes, however, do not eliminate the Environmental Justice community's opportunity for public participation and are not expected to result in significant negative impacts in any community.