

State of California  
AIR RESOURCES BOARD

**Final Statement of Reasons for Rulemaking,  
Including Summary of Comments and Agency Responses**

**PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO  
THE AREA DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS**

Public Hearing Date: June 23, 2011  
Agenda Item No.: 11-4-2

**I. GENERAL**

On June 23, 2011, the Air Resources Board (ARB or Board) conducted a public hearing to consider amendments to the area designations for State ambient air quality standards (contained in title 17, California Code of Regulations (CCR), sections 60200 through 60210). The Staff Report: Initial Statement of Reasons for Rulemaking, entitled "Proposed Amendments to State Area Designations and Maps 2011" (staff report or ISOR), was made available to the public beginning May 5, 2011. The ISOR, which is incorporated by reference herein, contained a description of the rationale for the proposed amendments. The Final Statement of Reasons for Rulemaking, or FSOR, updates the ISOR by summarizing written and oral comments received during the 45-day public comment period.

Following the public hearing on June 23, 2011, the Board, by Resolution 11-21, adopted amendments to the area designation regulations. These regulations set forth designations of attainment, nonattainment, nonattainment-transitional, and unclassified for each area of the State with respect to the State standards. Health and Safety Code (H&SC) section 39608(c) requires the Board to conduct an annual review of the area designations and update them as warranted. The amendments to the area designation regulations affect title 17, CCR, section 60201. Based on data collected during 2007 through 2009, the Board redesignated one area for ozone. The Board also amended the area designation regulations to reflect the change in designation for ozone from nonattainment to nonattainment-transitional for Lake Tahoe Air Basin and from nonattainment-transitional to nonattainment for Glenn County in the Sacramento Valley Air Basin. These two changes took effect by operation of law under the provisions of H&SC section 40925.5. The designations the Board adopted are summarized in Table 1.

*Update of Information Contained in the Initial Statement of Reasons (ISOR)*

The ISOR was made available to the public on May 5, 2011. No changes were made after its release.

### Fiscal Impacts

The Board has determined that this regulatory action will not result in a mandate to any local agency or school district, the costs of which are reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code.

The Board has determined that this 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 Board has determined that this 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.

In addition, the Board has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.53(e), on private persons or businesses directly affected resulting from this regulatory action.

Finally, the Board has determined, pursuant to title 1, CCR, section 4, that this regulatory action will not affect small businesses because the proposed regulatory action does not contain any requirements for action.

### Consideration of Alternatives

H&SC section 39608 requires the Board to make and to annually review the area designations for State ambient air quality standards. The proposed area designations reflect the most current and complete ambient air quality data, collected during 2007 through 2009. The Board considered the potential alternatives to the proposed amendments, namely the no action alternative. However, based on the available data, the Board found that the proposed amendments are more appropriate than the no action alternative, which would not be consistent with State law. Furthermore, the no action alternative would not serve to inform the public about the healthfulness of air quality.

In summary, the Board determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed or would be as effective and less burdensome to affected private persons than the action taken by the Board.

### Modifications to the Original Proposal

There were no modifications to the original proposal. The amended regulations the Board adopted are identical to those initially proposed by the staff and made available in the staff report released on May 5, 2011.

## **II. SUMMARY OF COMMENTS AND AGENCY RESPONSES**

No comments were received during the 45-day comment period, which began on May 5, 2011. In addition, there was no public testimony at the public hearing on June 23, 2011.

**TABLE 1**

***Amendments to the Area Designations for State Standards***

Adopted by the Air Resources Board on June 23, 2011

<b><i>POLLUTANT</i></b>	<b><i>AREA</i></b>	<b><i>DESIGNATION</i></b>
Ozone	Northeast Plateau Air Basin	Attainment
	Lake Tahoe Air Basin	Nonattainment-Transitional*
	Glenn County (Sacramento Valley Air Basin)	Nonattainment*

\* The change in ozone designation from nonattainment-transitional to nonattainment and the change in ozone designation from nonattainment to nonattainment-transitional occur by operation of law, under the provisions of Health and Safety Code section 40925.5.