

State of California  
AIR RESOURCES BOARD

**Executive Order R-12-013**

*Relating to Proposed 2012 Amendments to Area Designations for  
State Ambient Air Quality Standards*

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 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 PM<sub>10</sub>, fine particulate matter or PM<sub>2.5</sub>, 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 districts with a nonattainment designation for the State ozone standard to be designated as nonattainment-transitional by operation of law if, during a single calendar year, the State standard is not exceeded more than three times at any monitoring location within the district;

WHEREAS, title 17, CCR, sections 70300 through 70306, direct the Executive Officer, or his or her delegate, to make designations for areas as attainment, nonattainment, nonattainment-transitional, or unclassified for each of the pollutants for which State standards have been established;

WHEREAS, title 17, CCR, section 70306, directs the Executive Officer, or his or her delegate, to conduct the annual review of all designations and hold a public hearing, if requested, pursuant to Government Code section 11346.8(a);

WHEREAS, based on staff's review of 2008 through 2010 calendar year air quality data, the North Coast Air Basin, the Northeast Plateau Air Basin, and Ventura County in the South Central Coast Air Basin qualify as attainment for the State PM<sub>2.5</sub> standard;

WHEREAS, based on staff's review of 2008 through 2010 calendar year air quality data, the portions of Glenn, Solano, and Yolo Counties located in the Sacramento Valley Air Basin qualify as nonattainment-transitional for the State ozone standards by operation of law;

WHEREAS, before proposing amendments to the area designations, ARB staff provided opportunities for public comment (including a public workshop held on February 21, 2012), consulted with districts, and considered all comments during this process;

WHEREAS, on July 12, 2012, the Board released a notice of public comment period and invitation to request a public hearing to consider for approval the proposed amendments to the Area Designations for State Ambient Air Quality Standards, as set forth in the Initial State of Reasons also released to the public on July 12, 2012;

WHEREAS, one written comment was received during the initial 45-day comment period, and this comment has been considered by the Executive Officer;

WHEREAS, no request for a public hearing was received;

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

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Fine Particulate Matter (PM<sub>2.5</sub>) in title 17, CCR, section 60210, for the North Coast Air Basin, the Northeast Plateau Air Basin, and Ventura County in 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 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, all 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 Executive Officer finds that:

1. The proposed amendments to the tables 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. The area designations are simply labels that describe the healthfulness of the air quality in each area. Therefore, this regulatory action will not result in any significant adverse impacts on the environment, because it does not direct or require any specific activity or response that could result in any environmental impacts. Nonattainment areas may be subject to 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 Executive Officer, or that has otherwise been identified and brought to the attention of the Executive Officer, 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.

WHEREAS, the Executive Officer determined that no additional conforming modifications to the regulation were appropriate.

NOW, THEREFORE, IT IS ORDERED that no written responses to comments are necessary, because the only comment received was not responsive to the amendments in this rulemaking and no environmental issues were raised .

IT IS FURTHER ORDERED that sections 60201 and 60210, title 17, California Code of Regulations, are adopted as set forth in Attachment A to this Order.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with nonsubstantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 28<sup>th</sup> day of December 2012, at Sacramento, California.

/s/

---

James N. Goldstene  
Executive Officer

Attachment