

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED 2019 AMENDMENTS TO AREA DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of the proposed 2019 amendments to the regulations designating areas of California as Attainment, Nonattainment, Nonattainment-transitional, or Unclassified for pollutants with State ambient air quality standards.

DATE: December 12, 2019

TIME: 9:00 A.M.

LOCATION: California Environmental Protection Agency
California Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., December 12, 2019, and may continue at 8:30 a.m., on December 13, 2019. This item is scheduled to be heard on the Board's Consent Calendar, unless removed upon the request of a Board member or if someone in the audience submits a request-to-speak card on this item. Please consult the agenda for the meeting, which will be available at least ten days before December 12, 2019, to determine when this item will be considered.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on October 25, 2019. Written comments not physically submitted at the hearing must be submitted on or after October 25, 2019, and **received no later than December 9, 2019**. Any written comments on the Environmental Analysis must be submitted on or after October 25, 2019, and **received no later than December 9, 2019**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. CARB requests that when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, Section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, Sections 39600, 39601, 39607(e), 39608, and 40925.5. This action is proposed to implement, interpret, and make specific Sections 39607(e), 39608, and 40925.5.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, Section 11346.5, subd. (a)(3))

Sections Affected: Proposed amendment to California Code of Regulations, title 17, Section 60201.

Background and Effect of the Proposed Regulatory Action:

CARB is charged with the responsibility of adopting ambient air quality standards in consideration of the public health, safety, and welfare (Health and Safety Code [H&SC] Section 39606). To date, CARB has adopted State ambient air quality standards (State standards) for ten pollutants, set forth in CCR, title 17, Section 70200. In addition, H&SC Section 39607(e) requires CARB to establish designation criteria which provide the basis for designating areas of California as Attainment or Nonattainment with respect to the State standards. The designation criteria are set forth in CCR, title 17, Sections 70300 through 70306, and appendices 1 through 3 thereof. Based on these designation criteria, H&SC Section 39608 further requires CARB to establish and annually review area designations for State standards.

CARB may also consider other changes to the sections affected, as listed on page 2 of this notice, during the course of this rulemaking process.

Objectives and Benefits of the Proposed Regulatory Action:

During the annual review, CARB determines whether changes to the existing area designations are warranted based on an evaluation of recent air quality data. The proposed amendments to the area designations classify the air quality in communities as to whether it meets the State standards. Depending on the proposed changes to an

area's designation, the local air quality management district of air pollution control district (district) may be required to adopt and submit a plan to correct for deficiencies in meeting the State standards for ozone, carbon monoxide, nitrogen dioxide, and sulfur dioxide. Districts may modify the emissions reduction strategy or alternative measure of progress in the plan if the district demonstrates to CARB's satisfaction that the modified strategy is at least as effective in improving air quality as the strategy in the plan.

The annual review and update of the area designations gives the public, businesses, and government an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. In addition, businesses and government are given the opportunity to make informed decisions regarding worker health and safety.

Objectives:

This year's review of the area designations is based on air quality data from 2016 through 2018. The proposed amendments provide for the following changes:

- Ozone Area Designations (Section 60201):
 - Redesignate Santa Barbara County in the South Central Coast Air Basin as Attainment. This area is currently designated as Nonattainment-transitional.
 - Redesignate Yuba County and that portion of Sutter County outside of the Sutter Buttes in the Sacramento Valley Air Basin as Nonattainment. This area is currently designated as Attainment.

Benefits:

Environmental Justice. Some communities experience higher exposures to air pollutants, and it is a priority of CARB to ensure that full protection is afforded to all Californians. CARB's designations provide members of these communities with updated information about the air quality of their communities which, as stated, allows them to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities.

Safeguarding the quality of the physical environment. An area's designation status provides a classification that assists local districts to more accurately assess local air quality. As discussed above, depending on the proposed changes to an area's designation, a district may be required to adopt and submit a plan to correct for deficiencies in meeting the State standards for ozone, carbon monoxide, nitrogen dioxide, and sulfur dioxide. As a result, indirect benefits to the quality of the physical environment may result if the district adopts or amends its regulations with a goal toward achieving the State standards.

Encouraging a regional approach to the State ambient air quality, whenever possible. The proposed designations by discrete areas allow each local district to assess the air quality of individual areas and address their unique situations and needs. This approach allows each local district to identify the most cost-effective, efficient, and acceptable approach to achieve the State standards.

Consistency with the State goal of providing a decent home and suitable living environment. The annual review and update of the area designations gives local districts an updated and more accurate indication of whether the health-based standards are being met. This information allows local districts to make informed decisions regarding appropriate actions to meet the State standards.

Protection of worker safety. The annual review and update of the area designations gives the public, businesses, and government an updated and more accurate indication of whether the health-based standards are being met. This information also allows businesses and government the opportunity to make better informed decisions regarding worker health and safety.

Comparable Federal Regulations:

There are no comparable federal or local regulations that address area designations for the State standards.

An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, Section 11346.5, subd. (a)(3)(D)):

The proposed changes, as well as the process for effecting those changes, to the area designations are consistent and compatible with existing State regulations.

In proposing the designation changes, CARB has considered the data for record (defined in California Code of Regulations, title 17, Section 70301(a)),¹ which meet the representativeness and completeness criteria. The representativeness criteria are set forth in Appendix B to the Initial Statement of Reasons (ISOR) and in the California Code of Regulations, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 1. The completeness criteria are also set forth in Appendix B to the ISOR and in the California Code of Regulations, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 3.

In addition, CARB has considered the criteria for designating areas as Nonattainment (California Code of Regulations, title 17, Section 70303), Nonattainment-transitional for

¹ California Code of Regulations, title 17, Section 70301(a) provides, "Except as otherwise provided in this article, designations shall be based on 'data for record.' (1) Data for record are those data collected by or under the auspices of the state board or the districts for the purpose of measuring ambient air quality, and which the Executive Officer or his or her delegate has determined comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations or other equivalent procedures. (2) Any other data which are provided by a district or by any other person will be data for record if the Executive Officer or his or her delegate determines within 90 days of submittal of complete supporting documentation that the data comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations or other equivalent procedures...."

ozone (California Code of Regulations, title 17, Section 70303.5), and Attainment (California Code of Regulations, title 17, Section 70304) in making these proposed designations.

During the process of developing the proposed regulatory action, CARB conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED REGULATION

Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, Section 11346.5, subs. (a)(5)&(6)):

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

Under Government Code Sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, nor costs or mandate to school districts. The proposed regulatory action would trigger reporting requirements under the H&SC Sections 40910-40930 and potentially create costs to one local air district, which is not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with Section 17500), and cost savings to another local air district by allowing the suspension of the reporting requirements under the H&SC Sections 40910-40930.

Housing Costs (Gov. Code, Section 11346.5, subd. (a)(12)):

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, Sections 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):

The Executive Officer has made an initial determination that the proposed regulatory action would 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.

Results of The Economic Impact Analysis/Assessment (Gov. Code, Section 11346.5, subd. (a)(10)):

NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment (EIA):

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would 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. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

The area designations are labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves are simply labels of an area's air quality, they do not contain any specific requirements for action, but may trigger or suspend the review, adoption, and submittal of a triennial plan by a local district. As a result, in most cases they have no specific, direct economic impact. In general, this regional approach to categorizing air quality allows each district to identify the most cost-effective and efficient approach to achieve the ambient air quality standards. The change in ozone designation from Nonattainment to Attainment for Santa Barbara County will suspend a reporting requirement for the Santa Barbara County Air Pollution Control District and will result in cost savings. Conversely, the change in ozone designation from Attainment to Nonattainment for Yuba and Sutter Counties will reinstate a reporting requirement for the Feather River Air Quality Management District and will result in some costs to the district.

In addition, the annual review and update of the area designations gives the public an indication of whether the health-based standards are being met, thereby allowing the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. These personal health and residency decisions may translate into cost savings from reduced medical expenses, hospitalizations, and time off from work, as well as improved psychological benefits. It also allows businesses and government the opportunity to make informed decisions about worker health and safety. These business and government decisions may also translate into cost savings from reduced workers' expenses such as medical expenses, hospitalizations, time off from work, and workers' compensation, as well as improved worker morale.

Benefits of the Proposed Regulation:

The objective of the proposed amendments to the regulation is to review and update the area designations which give the public, businesses, and government, an indication of whether the health-based standards are being met.

A summary of these benefits is provided; please refer to "Objectives and Benefits," under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion on page 2.

Cost Impacts on Representative Private Persons or Businesses (Gov. Code, Section 11346.5, subd. (a)(9)):

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

Effect on Small Business (Cal. Code Regs., tit. 1, Section 4, subds. (a) and (b)):

The Executive Officer has also determined under California Code of Regulations, title 1, Section 4, that the proposed regulatory action would not affect small businesses because the proposed regulatory actions are simply labels of an area's air quality; they do not contain any specific requirements for action, other than triggering the review, adoption, and submittal of a triennial plan by the local district. As a result, they have no specific, direct impact on small businesses.

Consideration of Alternatives (Gov. Code, Section 11346.5, subd. (a)(13)):

Before taking final action on the proposed regulatory action, the Board must determine that 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulation and concluded that this is exempt pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed action may result in significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Section VII of the ISOR.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alternativo u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative, Theresa Najita, Air Pollution Specialist, Central Valley Air Quality Planning Section, at (916) 322-7297 or Jenette Kwong, Air Resources Engineer, Air Quality Analysis Section, at (916) 324-9460.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Proposed 2019 Amendments to Area Designations for State Ambient Air Quality Standards."

Copies of the ISOR, which includes the full text of the proposed regulatory language in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below or may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on October 22, 2019.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with Section 11340).

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before final adoption.

The public may request a copy of the modified regulatory text from CARB's Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2019/2019-state-area-designations-regulation>

CALIFORNIA AIR RESOURCES BOARD



Richard W. Corey
Executive Officer

Date: *October 8, 2019*

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.arb.ca.gov.