

California Air Resources Board

Public Hearing to Consider Proposed 2022  
Amendments to Area Designations for  
State Ambient Air Quality Standards

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

***Public Hearing Date: January 26, 2023***  
***Agenda Item No.: 23-1-1***

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## I. General

The Staff Report: Initial Statement of Reasons for Rulemaking (Staff Report), entitled Proposed 2022 Amendments to Area Designations for State Ambient Air Quality Standards, released November 29, 2022, is incorporated by reference herein. The Staff Report contained a description of the rationale for the proposed amendments. On November 29, 2022, all references relied upon and identified in the staff report were made available to the public.

On January 26, 2023, California Air Resources Board (CARB or Board) adopted amendments to the area designation regulations by Resolution 23-2. Utilizing air quality data collected from 2019 through 2021, the Board adopted amendments which changed the area designations for ozone and fine particulate matter (PM<sub>2.5</sub>). Changes of the ozone designations are as follows: Lake Tahoe Air Basin from attainment to nonattainment, Amador County in the Mountain Counties Air Basin and Shasta County in the Sacramento Valley Air Basin from nonattainment-transitional to nonattainment, and Tuolumne County in the Mountain Counties Air Basin and Santa Barbara County in the South Central Coast Air Basin from nonattainment to nonattainment-transitional. The change of the PM<sub>2.5</sub> designation is for Sutter and Yuba Counties in the Sacramento Valley Air Basin from attainment to nonattainment. These changes are summarized in Table 1.

**Table 1. Proposed Designation Amendments for State Standards**

Pollutant	Designation Area	Current Designation	Proposed Designation
Ozone	Lake Tahoe Air Basin	Attainment	Nonattainment
Ozone	Mountain Counties Air Basin - Amador County	Nonattainment-Transitional	Nonattainment
Ozone	Mountain Counties Air Basin - Tuolumne County	Nonattainment	Nonattainment-Transitional*
Ozone	Sacramento Valley Air Basin - Shasta County	Nonattainment-Transitional	Nonattainment
Ozone	South Central Coast Air Basin – Santa Barbara County	Nonattainment	Nonattainment-Transitional*
PM <sub>2.5</sub>	Sacramento Valley Air Basin- Sutter and Yuba Counties	Attainment	Nonattainment

\* Changes in ozone designation from nonattainment to nonattainment-transitional occurred by operation of law under Health and Safety Code section 40925.5.

## **A. Mandates and Fiscal Impacts to Local Governments and School Districts**

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.

A change in area designation status can result in a change in requirements for local air districts, which are local government agencies. Upon the change in the Lake Tahoe Air Basin area designation from attainment to nonattainment for ozone, two air districts, Placer County Air Pollution Control District and El Dorado County Air Quality Management District, are required to submit a report to the Board of their plan to achieve the air quality standards every three years, and an annual update to the plan.

The change in Sutter and Yuba Counties in the Sacramento Valley Air Basin area designation from attainment to nonattainment for PM<sub>2.5</sub> has no fiscal impact on the Feather River Air Pollution Control District because this pollutant is not subject to any specific statutory planning requirements.

Therefore, the total three-year lifetime costs of the proposed amendments amount to approximately \$35,956 to all affected air districts.

There are no fiscal impacts to any State agencies. The addition of reporting requirements could add CARB staff review time resulting in a minor cost increase.

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 Executive Officer has determined, pursuant to California Code of Regulations, title 1, section 4, that this regulatory action will not affect small businesses because the proposed regulatory action does not contain any requirements for action.

## **B. Consideration of Alternatives**

Health and Safety Code section 39608 requires an annual review of the area designations for State standards. The proposed area designations reflect the most current and complete ambient air quality data, collected from 2019 through 2021. 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. The Board determined the proposed amendments give 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.

For the reasons set forth in the Staff Report, in staff’s comments and responses at the hearing, and in this Final Statement of Reasons, 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law than the action taken by the Board.

## **II. Modifications Made to the Original Proposal**

### **A. Modifications Approved at the Board Hearing and Provided for in the 15-Day Comment Period**

There were no modifications to the original proposal. The amended regulations, which the Board adopted, are identical to those initially proposed by the staff and made available in the staff report released November 29, 2022.

### **B. Non-Substantial Modifications**

Modifications were made to the justification of tables with the Final Regulation Order to align left.

## **III. Documents Incorporated by Reference**

No documents are incorporated by reference in this regulation.

## **IV. Summary of Comments and Agency Response**

Written comments were received during the 45-day comment period in response to the January 26, 2023 public hearing notice, and written and oral comments were presented at the Board Hearing. Listed below are the organizations and individuals that provided comments during the 45-day comment period:

**Table 2. Written Comments Received During the 45-Day Comment Period**

<b>Commenter, Date</b>	<b>Affiliation</b>
1. Mercer, Andrew (12-23-2022)	none
2. Thao, Meng (1-5-2023)	none

1. Comment: What are you really interested in regarding these outlying areas that you refer to as protecting their environment? It has come to my attention that you are only interested in EV and nothing else matters. EV is NOT the answer YET AND is causing more damage to this world environment than most polluting sources. So what are you doing for the current environmental crises in the Central Valley and all over the state?

Agency Response: This comment was not responsive to the amendments in this rulemaking and therefore no response is needed.

2. Comment: We should be the first state to proactively push for and legislate remote work. Less cars on the street should help with our air quality. There should be rules, policies, and incentives for private companies as well.

Agency Response: This comment was not responsive to the amendments in this rulemaking and therefore no response is needed.

**Table 3. Oral Comment Presented at the Board Hearing**

Commenter, Date	Affiliation
Dietzkamei, Janet	none

1. Comment: I would like to say that we in the San Joaquin Valley still have the worst PM<sub>2.5</sub> and ozone levels in the United States. This is a very, very concerning situation, because thousands of us, myself included, have asthma as a result of breathing this air.

Agency Response: This comment was not responsive to the amendments in this rulemaking and therefore no response is needed.

## V. Peer Review

Health and Safety Code section 57004 sets forth requirements for peer review of identified portions of rulemakings proposed by entities within the California Environmental Protection Agency, including CARB. Specifically, the scientific basis or scientific portion of a proposed rule may be subject to this peer review process. As this rulemaking only updates the labels identifying air quality in each area of the State, a peer review is not required.