

Updated Informative Digest

Proposed 2021 Amendments to Area Designations for State Ambient Air Quality Standards

Sections Affected:

Proposed amendment to California Code of Regulations, title 17, sections 60203, 60305 and 60210.

Background and Effect of the Proposed Regulatory Action:

The California Air Resource Board (CARB or Board) 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 the California Code of Regulations (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.

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 or 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 2018 through 2020. The proposed amendments provide for the following changes within CCR title 17:

- NO₂ Area Designations (section 60203);
 - Redesignate the CA 60 Near-Road Portion of San Bernardino, Riverside, and Los Angeles Counties in South Coast Air Basin as Attainment.
- PM₁₀ Area Designations (section 60205); and
 - Redesignate Mendocino County in the North Coast Air Basin as Attainment.
- PM_{2.5} Area Designations (section 60210).
 - Redesignate Santa Barbara County in the South Central Coast Air Basin 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 assess local air quality more accurately. 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.

Description of Regulatory Action

On December 28, 2021, CARB released the Notice of Public Hearing (45-Day Notice) and Staff Report: Initial Statement of Reasons for Rulemaking (Staff Report), titled "Public Hearing to Consider Proposed 2021 Amendments to Area Designations for State Ambient Air Quality Standards," for public review. The Staff Report contains a description of the rationale for the proposed amendments. On December 28, 2021, all references relied upon and identified in the Staff Report were made available to the public. CARB received no written comments during the 45-Day Notice comment period.

On February 24, 2022, CARB conducted a public hearing. CARB staff informed the Board of the proposed amendment of 2021 Area Designations for State Ambient Air Quality Standards and the Board received no written or oral comments from the public. At the conclusion of the hearing, the Board approved Resolution 22-4 for adoption of the proposed regulation.

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, § 11346.5, subd. (a)(3)(D)):

The proposed changes, as well as the process for affecting 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 CCR, 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 and in CCR, 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 Initial Statement of Reasons and in CCR, 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 (CCR, title 17, section 70303), Nonattainment-transitional for pollutants other than ozone (CCR, title 17, section 70303.1), Nonattainment-transitional for ozone (CCR, title 17, section 70303.5), and Attainment (CCR, title 17, section 70304) in making these proposed designations.

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...."

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.