

**Public Hearing to Consider Proposed 2023
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 25, 2024
Agenda Item No.: 24-1-1.*

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I. General

The Staff Report: Initial Statement of Reasons for Rulemaking (staff report), entitled Proposed 2023 Amendments to Area Designations for State Ambient Air Quality Standards, released November 28, 2023, is incorporated by reference herein. The staff report contained a description of the rationale for the proposed amendments. On November 28, 2023, all references relied upon and identified in the staff report were made available to the public.

On January 25, 2024, California Air Resources Board (CARB or Board) adopted amendments to the area designation regulations by Resolution 24-1. Utilizing air quality data collected from 2020 through 2022, the Board adopted amendments that changed the area designations for ozone, hydrogen sulfide (H₂S), and fine particulate matter (PM_{2.5}). Changes of the ozone designations are as follows: Lake Tahoe Air Basin, Amador, Calaveras, and Placer Counties in the Mountain Counties Air Basin, Butte County, Sutter Buttes in Sutter County, Remainder of Sutter County and Yuba County in the Sacramento Valley Air Basin and San Francisco Bay Area Air Basin from nonattainment to nonattainment-transitional.

The change for H₂S designation is for the Riverside County portion of the Salton Sea Air Basin from unclassified to nonattainment. The change of the PM_{2.5} designation is for Butte County in the Sacramento Valley Air Basin from nonattainment to attainment. 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	Nonattainment	Nonattainment-Transitional*
Ozone	Mountain Counties Air Basin - Amador County	Nonattainment	Nonattainment-Transitional*
Ozone	Mountain Counties Air Basin - Calaveras County	Nonattainment	Nonattainment-Transitional*
Ozone	Mountain Counties Air Basin - Placer County	Nonattainment	Nonattainment-Transitional*
Ozone	Sacramento Valley Air Basin - Butte County	Nonattainment	Nonattainment-Transitional*
Ozone	Sacramento Valley Air Basin - Sutter Buttes in Sutter County	Nonattainment	Nonattainment-Transitional*
Ozone	Sacramento Valley Air Basin - Remainder of Sutter County and Yuba County	Nonattainment	Nonattainment-Transitional*
Ozone	San Francisco Bay Area Air Basin	Nonattainment	Nonattainment-Transitional*
H ₂ S	Salton Sea Air Basin - Riverside County	Unclassified	Nonattainment

Pollutant	Designation Area	Current Designation	Proposed Designation
PM _{2.5}	Sacramento Valley Air Basin - Butte County	Nonattainment	Attainment

* 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. Ozone changes from nonattainment to nonattainment-transitional may allow some air districts the option to suspend some reporting requirements. However, these costs were not quantified because the changes to the reports are anticipated to be minor, and it is not certain if the air districts would choose to suspend reporting.

The change in the Riverside County portion of the Salton Sea Air Basin from unclassified to nonattainment for H₂S has no fiscal impact to South Coast Air Quality Management District because this pollutant is not subject to any specific statutory planning requirements.

The change in Butte County in the Sacramento Valley Air Basin area designation from nonattainment to attainment for PM_{2.5} has no fiscal impact on the Butte County Air Quality Management District because this pollutant is not subject to any specific statutory planning requirements.

There are no fiscal impacts to any State agencies. The change in reporting requirements should not add CARB staff review time resulting in no cost changes.

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 the 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 2020 through 2022. The Board considered 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 updated and more accurate 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 28, 2023.

B. Non-Substantial Modifications

There were no non-substantial modifications to the original proposal.

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 25, 2024, public hearing notice, and written and oral comments were not 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

Commenter, Date	Affiliation
Tom Dickinson, 12/13/2023	Malibou Lake Mountain Club incorporated

Comment: Hi, Malibou Lake has over the years silted up and is a methane emitter. Requesting if California State has grants to have lake dredged to where no silt to generate methane gas. Lake would be one less methane emitter. I appreciate your time and help. Stay safe
tks Tom Dickinson.

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.