

# **Public Hearing to Consider the Proposed 2023 Amendments to the Area Designations for State Air Quality Standards**

## **Staff Report: Initial Statement of Reasons**

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# Contents

Public Hearing to Consider the Proposed 2023 Amendments to the Area Designations for State Air Quality Standards.....	0
Staff Report: Initial Statement of Reasons.....	0
Executive Summary .....	3
Introduction and Background .....	5
A. Introduction.....	5
B. State and National Ambient Air Quality Standards.....	5
C. General Provisions of the Designation Criteria .....	5
D. Designation Categories .....	5
1. Nonattainment. ....	6
2. Nonattainment-Transitional.....	6
3. Attainment. ....	6
4. Unclassified. ....	6
E. Designation Process .....	6
F. Designation Value.....	7
G. Size of Designated Area .....	7
H. Data Requirements .....	7
I. Highly Irregular or Infrequent Events.....	8
1. Extreme Concentration Event.....	8
2. Exceptional Event.....	8
3. Unusual Concentration Event.....	8
J. Legal Requirements .....	9
K. Annual Data Review .....	9
The Problem that the Proposal is Intended to Address.....	9
A. Rationale .....	10
1. The proposed amendments can help identify need for adopting further regulations.....	10
2. The proposed amendments provide the public with information for personal decisions...	10
3. The proposed amendments provide business and government with information for worker health and safety decisions. ....	10
4. The proposed amendments fulfill statutory requirements.....	10
5. The proposed amendments assist the districts in developing plans, if needed. ....	11
The Specific Purpose and Rationale of Each Adoption, Amendment, or Repeal .....	11

A. Section 60201 – Table of Area Designations for Ozone .....	11
1. Lake Tahoe Air Basin .....	12
2. Mountain Counties Air Basin .....	13
3. Sacramento Valley Air Basin .....	14
4. San Francisco Bay Area Air Basin .....	14
B. Section 60208 - Table of Area Designations for Hydrogen Sulfide.....	15
1. Salton Sea Air Basin.....	15
C. Section 60210 – Table of Area Designations for Fine Particulate Matter (PM <sub>2.5</sub> ) .....	15
1. Sacramento Valley Air Basin .....	15
Benefits Anticipated from the Regulatory Action, Including the Benefits or Goals Provided in the Authorizing Statute .....	16
A. Impacts for Local Districts .....	16
B. Purpose, Benefits, and Goals .....	16
Protecting the health, safety, and welfare of the public. ....	16
Safeguarding the quality of the physical environment.....	16
Encouraging a regional approach to meeting the State ambient air quality standards, whenever possible.....	16
Consistency with the State goal of providing a healthy and safe environment .....	17
C. Implications of Area Designations.....	17
1. Areas Designated as Nonattainment .....	17
2. Areas Designated as Nonattainment-Transitional.....	18
3. Areas Designated as Attainment or Unclassified .....	18
D. Other Impacts and Benefits .....	19
Air Quality .....	19
Environmental Analysis.....	19
Environmental Justice .....	20
Economic Impacts Assessment .....	21
A. Legal Requirement .....	21
B. Potential Impact on Businesses, Business Competitiveness, Employment, and Business Creation, Elimination, or Expansion .....	21
C. Potential Cost to Local and State Agencies.....	22
1. Fiscal Effect on Local Government.....	22

2. Fiscal Impact on State Government .....	23
Evaluation of Regulatory Alternatives .....	24
A. No Reasonable Alternatives to the Amendments.....	24
B. Small Business Alternative .....	24
C. Performance Standards in Place of Prescriptive Standards .....	25
Justification for Adoption of Regulations Different from Federal Regulations Contained in the Code of Federal Regulations.....	25
Public Process for Development of the Proposed Action (Pre-Regulatory Information) .....	25
References.....	25
Appendices .....	26
Appendix A 2023 Amendments to the State Area Designations .....	26
Appendix B Area Designation Criteria .....	26
Appendix C Maps and Tables of Area Designations for State and National Ambient Air Quality Standards .....	26
Appendix D Convention for Rounding Ambient Air Quality Data .....	26
Appendix E Designations Values and Expected Peak Day Concentrations .....	26
Appendix F Data Tables for Pollutants with Nonattainment Areas.....	26

## Executive Summary

The California Air Resources Board (CARB or Board) has established State ambient air quality standards (State standards or standards) to protect public health and welfare. State law requires CARB to annually assess the air quality in each area of California and determine whether it meets State standards. These area designations are based on established criteria, ensuring they are made in a consistent manner. CARB reviews area designations for all State standards using the most currently available air quality data. Each area of the State is designated as one of four categories:

- Attainment – pollutant concentrations do not violate the State standard;
- Nonattainment – pollutant concentrations violate the State standard;
- Nonattainment-Transitional – pollutant concentrations violate the State standard, but air quality is nearing attainment; and
- Unclassified – insufficient data.

### Proposed Changes

This review of the area designations is based on 2020 through 2022 air quality data. Based on these data, CARB staff is proposing amendments to current area designation regulations for ozone, hydrogen sulfide (H<sub>2</sub>S), and fine particulate matter (PM<sub>2.5</sub>). While designation changes from nonattainment to nonattainment-transitional occur by operation of law, other amendments to the designations require formal CARB action. The proposed designation amendments are summarized in Table ES-1.

TABLE ES-1  
Proposed Designation Amendments for State Standards *(Based on 2020-2022 data)*

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 <sub>2</sub> S	Salton Sea Air Basin - Riverside County	Unclassified	Nonattainment
PM <sub>2.5</sub>	Sacramento Valley Air Basin - Butte County	Nonattainment	Attainment

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

**Additional Information**

State law also requires CARB to annually review and publish maps and tables identifying the attainment status of each area of the State with respect to both the State and national ambient air quality standards (national standards). Updated maps and tables are provided in Appendix C to this report. They reflect the proposed amendments to area designations for State standards that are summarized in this staff report, those changes that occurred by operation of law, and the current area designations for the national standards.

# Introduction and Background

## A. Introduction

This chapter provides background information on the differences between the State and national standards, the legal requirements for the State designation criteria and area designation regulations, and the annual data review.

## B. State and National Ambient Air Quality Standards

California law requires CARB to establish State standards in consideration of public health, safety, and welfare. These standards define the maximum amount of a pollutant that can be present in the ambient air. Currently, there are State standards for ten pollutants: ozone, suspended particulate matter (PM<sub>10</sub>), PM<sub>2.5</sub>, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), sulfates, lead, H<sub>2</sub>S, and visibility-reducing particles. In addition to the State standards, the federal Clean Air Act requires the United States Environmental Protection Agency (U.S. EPA) to establish national standards. In some cases, California's State standards are more health-protective than the corresponding national standards. Additionally, CARB has established State standards for pollutants not covered by national standards (sulfates, H<sub>2</sub>S, and visibility-reducing particles).

Both State and national standards are generally specified as a concentration averaged over a specific period, such as 1-hour, 8-hour, 24-hour, 30 days, or 1 year. The different averaging times and concentrations are meant to protect against different exposure impacts. Some standards are expressed as a concentration that is not to be exceeded, while others are expressed as a concentration that is not to be equaled or exceeded. The national standards are further categorized as primary standards (established to protect public health) and secondary standards (established to protect public welfare). Appendix C contains a table listing the State and national standard levels, averaging times, and analytical measurement methods.

## C. General Provisions of the Designation Criteria

The designation criteria describe the procedures CARB must use in determining an area's designation status with respect to the State standards. In summary, the designation criteria specify the:

- Requirements for each designation category;
- Data to use in making area designation determinations;
- Procedure for excluding qualifying high concentrations;
- Size of the designated area; and
- Requirement for an annual review of the area designations.

## D. Designation Categories

The designation criteria specify four designation categories: nonattainment, nonattainment-transitional, attainment, and unclassified. Determining which category is appropriate for an area is generally based on the number of violations in the area. Therefore, it is essential to understand the difference between an exceedance and a violation. An exceedance is any concentration that is higher than the level of the State standard. In contrast, violations are a subset of exceedances. A violation is an exceedance that is not affected by a highly irregular

or infrequent event and therefore cannot be excluded from the area designation process (see the subsection “Highly Irregular or Infrequent Events” below).

## **1. Nonattainment.**

CARB designates an area as nonattainment for a pollutant if air quality data show a State standard for that pollutant was violated one or more times during the previous three calendar years.

## **2. Nonattainment-Transitional.**

The nonattainment transitional category is a subcategory of nonattainment, with different requirements for ozone than for the other pollutants. For non-ozone pollutants, CARB designates an area as nonattainment-transitional if air quality data show a State standard for that pollutant was violated two or fewer times at each site in the area during the most recent calendar year. In contrast, the nonattainment-transitional requirements for ozone are specified in State law rather than in the designation criteria. Specifically, Health and Saf. Code (HSC) section 40925.5 specifies that a nonattainment district (or entire portion of a district within an air basin) is designated as nonattainment-transitional for ozone if air quality data show three or fewer exceedances of the State standard at each site in the area during the most recent calendar year.

There are four key differences in the ozone nonattainment-transitional requirements, compared with those for the other pollutants. First, the designated area is always a district (or the entire portion of a district within an air basin), rather than an air basin, county, or other geographic area. Second, the designation is based on exceedances, which means all air quality measurements are considered—none are excluded. Third, only nonattainment areas may be designated as nonattainment-transitional for ozone. Finally, the ozone nonattainment-transitional designation occurs by operation of law and is non-discretionary (HSC section 40925.5). CARB updates the area designation regulations to reflect the change.

## **3. Attainment.**

In contrast to nonattainment and nonattainment-transitional, CARB designates an area as attainment for a pollutant if data show the State standard was not violated during the previous three calendar years. Data used for an attainment designation must be representative of the averaging time of the standard and complete for the time period evaluated.

## **4. Unclassified.**

Finally, CARB designates an area as unclassified for a pollutant if the available data are insufficient to support any other designation category.

## **E. Designation Process**

The area designations are based on air quality data for record as defined in section 70301 of the designation criteria (Appendix B). The process used to designate an area is generally the same for each pollutant:

- Gather data for the three-year period for each site in the area;
- Evaluate data representativeness and data completeness for each site;
- Identify and exclude exceedances affected by highly irregular or infrequent events;
- Tabulate the number of exceedances and violations by site;



- Determine the designation value for each site;
- Determine the designation value for the area; and
- Determine the appropriate designation category.

## **F. Designation Value**

Determining the designation value is the most critical part of the designation process because the designation value determines the designation category. The designation value is the measured concentration that is used to determine the designation status of a given area. In practice, the designation value is the highest measured concentration in the three-year period that remains after excluding concentrations affected by highly irregular or infrequent events.

A designation value is determined for each monitoring site by pollutant. The highest designation value for any site in the area by pollutant becomes the designation value for the area for the given pollutant. When there is more than one standard for a single pollutant, a designation value is determined for each standard. For example, there are both a 1-hour and an 8-hour State ozone standard. As a result, there is a 1-hour designation value as well as an 8-hour designation value. The final area designation will reflect the designation category with the most violations of the standard for either of the two averaging periods. Using ozone as an example, consider an area with a 1-hour ozone designation value that is lower than the State standard, indicating attainment, and an 8-hour designation value that is higher than the State standard, indicating nonattainment. In this case, the area would be designated as nonattainment for ozone.

## **G. Size of Designated Area**

The size of the area designated for a pollutant varies, depending on the nature of the pollutant, the location of contributing emissions sources, meteorology, and topographic features. An air basin is the area generally designated for pollutants with a regional impact: ozone, NO<sub>2</sub>, sulfates, and visibility-reducing particles. A county (or portion of a county located within an air basin) is generally the area designated for pollutants with a more localized impact: CO, SO<sub>2</sub>, lead, and H<sub>2</sub>S. Depending on the area and the characteristics of the emissions sources, PM<sub>10</sub> and PM<sub>2.5</sub> may be considered to have either regional or localized impacts. In some cases, CARB may designate a smaller area if it finds that the smaller area has distinctly different air quality.

## **H. Data Requirements**

To the extent possible, the area designations are based on the most recent air quality data. These must be data for record, which means they satisfy specific siting and quality assurance procedures established by the U.S. EPA and CARB. Generally, data for record are those data collected by or under the direction of CARB or the local air pollution control and air quality management districts (districts). Air quality data from other sources may also qualify as data for record if the same requirements are met. For area designation purposes, air quality measurements and statistics are rounded to the precision of the State standard before being compared with the standard. The rounding convention is summarized in Appendix D.

When adequate and recent air quality data are not available, CARB may use other types of information to determine an appropriate area designation. These other types of information

may include historical air quality data, emissions data, meteorological data, topographical data, and data relating to the characteristics of population or emissions.

## **I. Highly Irregular or Infrequent Events**

The designation criteria provide for excluding certain high air quality measurements from the area designation process. More specifically, the criteria provide for excluding exceedances affected by highly irregular or infrequent events, because it is not reasonable to mitigate these exceedances through the regulatory process. Appendix 2 to California Code of Regulations (CCR), title 17, sections 70300 to 70306 to the designation criteria (Appendix B) defines three types of highly irregular or infrequent events: extreme concentration events, exceptional events, and unusual concentration events.

### **1. Extreme Concentration Event**

An extreme concentration is identified using a statistical procedure. This procedure calculates a concentration that is not expected to be exceeded more than once per year, on average. The calculated value is commonly called the Expected Peak Day Concentration or EPDC (described in more detail in Appendix E). In practice, a pollutant-specific EPDC is calculated for each monitoring site, using air quality data measured at the site during at least the most recent three calendar years. The EPDC value is rounded to the precision of the State standard and then compared with air quality measurements for the same site, which are also rounded to the precision of the State standard. Measurements that exceed the State standard and are higher than the rounded EPDC are excluded from the area designation process; these exceedances are not considered violations of the standard. In contrast, measurements that exceed the State standard but are equal to or lower than the rounded EPDC are not excluded from the designation process; these values are considered violations of the State standard.

In cases where data are not complete for the three-year period being evaluated, the EPDC may not be valid for area designation purposes. If the EPDC is not valid, no measurements are excluded as extreme concentration events. Finally, an EPDC is calculated only for standards with an averaging time equal to or less than 24 hours.

### **2. Exceptional Event**

In contrast to an extreme concentration event, an exceptional event is an exceedance of a State standard that is caused by a specific, identifiable event and is beyond reasonable regulatory control. An exceptional event may be caused by an act of nature (for example, a wildfire or severe windstorm) or it may be of human origin (for example, a chemical spill or industrial accident). Air quality measurements identified as exceptional events are not considered violations and are excluded from the designation process.

### **3. Unusual Concentration Event**

An unusual concentration is an unexpected or atypical exceedance of a State standard that cannot be identified as an extreme concentration or an exceptional event. Unusual concentrations are identified only for areas already designated as attainment or unclassified. Generally, unusual concentrations are identified for sites with limited air quality data, and therefore, uncertainty as to the expected concentration levels. In identifying such events, the Executive Officer must make specific findings based on relevant information. An area may retain its attainment or unclassified designation based on the exclusion of unusual concentrations for up to three consecutive years. If an exceedance occurs during the fourth

year, the area is redesignated as nonattainment, unless the exceedance can be excluded as an extreme concentration or an exceptional event.

## **J. Legal Requirements**

HSC section 39607(e) requires CARB to establish and periodically review criteria for designating areas as attainment or nonattainment for the State standards. The criteria (Appendix B) describe the procedures that CARB must use in determining area designations for State standards (CCR, title 17, sections 70300 through 70306, and appendices 1 through 3). CARB originally adopted the required designation criteria in June 1989 and has updated them several times since, most recently in March 2010.

HSC section 39608 requires CARB to use the designation criteria to designate areas of California as attainment, nonattainment, or unclassified for the State standards. It also requires CARB to conduct an annual review of the area designations and update them, as warranted. The area designations are made for each of the ten pollutants previously listed. In addition, HSC section 40925.5 provides for the redesignation of a nonattainment district as nonattainment-transitional for ozone by operation of law.

HSC section 40718 requires CARB to publish maps showing the areas with one or more violations of any State or national standard. The maps and summary tables provided in Appendix C to this report fulfill this requirement by indicating the attainment status of each area of the State. The maps and tables for the State standards reflect the proposed area designation amendments of this report, as well as those changes that occurred by operation of law. The maps and tables for the national standards reflect the current national area designations, as promulgated by U.S. EPA.

## **K. Annual Data Review**

Each year, CARB monitors air pollutants in California in cooperation with districts and with other agencies. Based on these monitoring data, and in consultation with the districts, CARB is required to annually identify and designate each area which is in attainment and each area which is in nonattainment for each State standard. CARB must make this identification and designation on a pollutant-by-pollutant basis. Where CARB finds that data are not sufficient to determine the attainment or nonattainment status for an area, CARB will identify the area as unclassified.

CARB has completed its annual review of the latest complete monitoring data (2020 to 2022). These data indicate that previous designations for certain pollutants in certain air basins are no longer applicable. Therefore, the healthfulness of the air quality in these affected air basins is not accurately portrayed to the public and the districts. CARB proposes to update the designations and maps to be consistent with the monitoring data.

## **The Problem that the Proposal is Intended to Address**

HSC section 39608 requires CARB to monitor air quality and to annually designate each air basin as attainment, nonattainment, or unclassified for the State standards based on these data. Likewise, HSC section 40718 requires CARB to publish maps identifying those cities, counties, or portions thereof which violate any State or national standard. Collectively, the purposes, benefits, and goals of these two statutes, which are identified as references to this rulemaking, are:

- To protect the health, safety, and welfare of the public, including those at risk of adverse effects with exposure to air pollution, such as children, the elderly, and people who are active outdoors;
- To safeguard the quality of the physical environment in which Californians live by an intensive, coordinated State, regional, and local effort to protect and enhance the ambient air quality of the State;
- To encourage a regional approach to meeting State standards throughout the State, whenever possible; and
- To be consistent with the State goal of providing a decent home and suitable living environment for every Californian.

## **A. Rationale**

### **1. The proposed amendments can help identify need for adopting further regulations.**

The Legislature found and declared that the people of the State of California have a primary interest in the quality of the physical environment in which they live. (HSC section 39000.) Furthermore, this public interest must be safeguarded by an intensive, coordinated State, regional, and local effort to protect and enhance the ambient air quality of the State. (HSC section 39001.) As stated previously, CARB is required to establish State standards in consideration of public health, safety, and welfare. CARB is charged with coordinating efforts to attain and maintain ambient air quality standards. (HSC section 39003.) CARB is also required to adopt rules and regulations that will achieve the ambient air quality standards. (HSC section 39602.5.) Attainment of these health-based standards is necessary to protect public health and welfare, particularly of children, the elderly, and those with respiratory diseases. It is therefore in the public interest that these standards be attained and maintained. Toward this end, the proposed amendments are necessary for determining what, if any, further regulations may be needed to attain and maintain the State standards.

### **2. The proposed amendments provide the public with information for personal decisions.**

The annual review and update of the area designations provides the public with an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal residency and employment, as well as participation in outdoor activities.

### **3. The proposed amendments provide business and government with information for worker health and safety decisions.**

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

### **4. The proposed amendments fulfill statutory requirements.**

The proposed amendments are necessary to satisfy the statutory requirement in HSC section 39608 to annually review and update the area designations based on the most recent, complete, and quality-assured air quality monitoring data, i.e., from 2020 through 2022. The

proposed amendments also ensure CARB satisfies its statutory requirement in HSC section 40718 to publish maps showing the areas with one or more violations of any State or national standard.

CARB is required to post on its website information on air quality conditions and trends statewide and on the status and effectiveness of State and local air quality programs. (HSC section 39604.) Therefore, the proposed amendments are also necessary to provide data to fulfill this requirement.

## **5. The proposed amendments assist the districts in developing plans, if needed.**

These designations are used to measure or estimate progress, or lack thereof, in the attainment of State standards. This in turn allows the districts to submit to CARB a plan for attaining and maintaining the State standards to ensure the future health and welfare of the people of the State of California, and the State's environment and economy, are protected. The districts' plans may include the adoption and implementation of regulations to reduce emissions of those pollutants and their precursors that exceed the standards. Therefore, the proposed amendments also serve as the basis, framework, and rationale for future plans to reduce emissions.

As the area designations are labels that describe the healthfulness of the air quality in each area, the proposed amendments do not contain any requirements for action.

## **The Specific Purpose and Rationale of Each Adoption, Amendment, or Repeal**

The purpose of the proposed amendments is to update the area designations using the most recent and complete air quality data for each pollutant. Currently, designations are made for ten pollutants: ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, CO, NO<sub>2</sub>, SO<sub>2</sub>, sulfates, lead, H<sub>2</sub>S, and visibility-reducing particles. The proposed amendments would change the designation of the specified air basin, or portion thereof, as attainment, nonattainment, or unclassified for the State standards based on these data.

The proposed amendments to the area designations would not result in any direct impact on public health or the environment because the regulations do not contain any requirements for action; they are labels identifying the air quality in each area.

As required by HSC section 39608, CARB staff review and update the area designations each year, based on air quality data from the most recent three calendar years. This year's review considered air quality data collected during 2020 through 2022. Based on these data, CARB staff proposes amendments to area designations for ozone, H<sub>2</sub>S, and PM<sub>2.5</sub>. These changes, listed below, amend the existing CCR, title 17, Chapter 1, Subchapter 1.5, Article 1.5, Sections 60201, 60208, and 60210. The proposed amendments, once adopted by CARB, must be approved by the Office of Administrative Law before they become effective.

### **A. Section 60201 – Table of Area Designations for Ozone**

This section identifies the ozone designation status for all areas in California. Updating the designation statuses reflects the latest ozone air quality data.

The State ozone standards are a 1-hour standard of 0.09 parts per million (ppm) and an 8-hour standard of 0.070 ppm, neither to be exceeded. To be considered in attainment, the designation values for sites in the area by air basin or county, must be at or below both standards. An area is designated as nonattainment if either (or both) of the designation values exceed the level of the standard and the area does not qualify for nonattainment-transitional.

HSC section 40925.5 specifies that a nonattainment district is designated as nonattainment-transitional for ozone if air quality data show three or fewer exceedances of the State standard at each site in the area during the most recent calendar year. This designation occurs by operation of law, is non-discretionary, and includes all data collected during the previous calendar year including data possibly affected by highly irregular or infrequent events.

Based on ozone air quality data collected during 2020 through 2022, CARB staff have determined that the current designation status in some areas no longer accurately reflect air quality in those areas. CARB staff recommends designation changes for the following areas. The specific air quality data used for redesignating each area are described in the following sections.

- Redesignate Lake Tahoe Air Basin as Nonattainment-Transitional;
- Redesignate Amador County in the Mountain Counties Air Basin as Nonattainment-Transitional;
- Redesignate Calaveras County in the Mountain Counties Air Basin as Nonattainment-Transitional;
- Redesignate Placer County portion of the Mountain Counties Air Basin as Nonattainment-Transitional;
- Redesignate Butte County in the Sacramento Valley Air Basin as Nonattainment-Transitional;
- Redesignate Sutter Buttes portion of Sutter County in the Sacramento Valley Air Basin as Nonattainment-Transitional;
- Redesignate the remainder of Sutter County and Yuba County in the Sacramento Valley Air Basin as Nonattainment-Transitional; and
- Redesignate San Francisco Bay Area Air Basin as Nonattainment-Transitional.

## **1. Lake Tahoe Air Basin**

The Lake Tahoe Air Basin is comprised of the eastern portions of El Dorado and Placer counties and is currently designated as nonattainment for ozone. During 2020 through 2022, monitoring data are available for one site, and data for the Tahoe City site are both representative and complete. The Tahoe City monitoring site has a State 1-hour- ozone designation value of 0.09 ppm and a State 8-hour ozone designation value of 0.083 ppm. The monitoring site shows three or fewer ozone exceedances during the most recent calendar year, as well as the current calendar year, as specified in the designation criteria (CCR, title 17, section 70303.5). Based on these data, Lake Tahoe Air Basin qualifies as nonattainment-transitional for ozone by operation of law. Staff recommends the Board confirm the change in designation for the Lake Tahoe Air Basin from nonattainment to nonattainment-transitional and amend CCR, title 17, section 60201 accordingly to reflect this change.

## **2. Mountain Counties Air Basin**

### **a) Amador County**

Amador County comprises Amador County Air Pollution Control District and is currently designated as nonattainment for ozone. During 2020 through 2022, monitoring data are available for one site in Amador County. Monitoring data for the Jackson site are representative and complete. The Jackson monitoring site has a State 1-hour ozone designation value of 0.09 ppm and a State 8-hour ozone designation value of 0.076 ppm. The monitoring site shows three or fewer ozone exceedances during the most recent calendar year, as well as the current calendar year, as specified in the designation criteria. Based on these data, Amador County qualifies as nonattainment-transitional for ozone by operation of law. CARB staff recommends the Board confirm the change in designation for Amador County from nonattainment to nonattainment-transitional and amend CCR, title 17, Section 60201 to reflect this change.

### **b) Calaveras County**

Calaveras County comprises Calaveras County Air Pollution Control District and is currently designated as nonattainment for ozone. During 2020 through 2022, monitoring data are available for one site in Calaveras County. Monitoring data for the San Andreas site are representative and complete. The San Andreas monitoring site has a State 1-hour ozone designation value of 0.09 ppm and a State 8-hour ozone designation value of 0.080 ppm. The monitoring site shows three or fewer ozone exceedances during the most recent calendar year, as well as the current calendar year, as specified in the designation criteria. Based on these data, Calaveras County qualifies as nonattainment-transitional for ozone by operation of law. CARB staff recommends the Board confirm the change in designation for Calaveras County from nonattainment to nonattainment-transitional and amend CCR, title 17, Section 60201 accordingly to reflect this change.

### **c) Placer County**

The portion of Placer County in the Mountain Counties Air Basin is currently designated as nonattainment for ozone. During 2020 through 2022, monitoring data are available for one site in the portion of Placer County of the Mountain Counties Air Basin. Monitoring data for the Colfax site are representative and complete. The Colfax monitoring site has a State 1-hour ozone designation value of 0.10 ppm and a State 8-hour ozone designation value of 0.083 ppm. The monitoring site shows three or fewer ozone exceedances during the most recent calendar year, as well as the current calendar year, and the area is the entire portion of Placer County Air Pollution Control District within the Mountain Counties Air Basin as specified in the designation criteria (CCR, title 17, section 70303.5). Based on these data, the entire portion of Placer County within the Mountain Counties Air Basin qualifies as nonattainment-transitional for ozone by operation of law. CARB staff recommends the Board confirm the change in designation for the area from nonattainment to nonattainment-transitional and amend CCR, title 17, Section 60201 accordingly to reflect this change.

### **3. Sacramento Valley Air Basin**

#### **a) Butte County**

Butte County comprises Butte County Air Quality Management District and is currently designated as nonattainment for ozone. During 2020 through 2022, monitoring data are available for two sites in Butte County. Monitoring data for the two sites are representative and complete. CARB staff identified the Paradise monitoring site as the high ozone site, and data for 2020-2022 has a State 1-hour ozone designation value of 0.09 ppm and a State 8-hour ozone designation value of 0.079 ppm. The monitoring site shows three or fewer ozone exceedances during the most recent calendar year, as well as the current calendar year, as specified in the designation criteria. Based on these data, Butte County qualifies as nonattainment-transitional for ozone by operation of law. CARB staff recommends the Board confirm the change in designation for Butte County from nonattainment to nonattainment-transitional and amend CCR, title 17, Section 60201 accordingly to reflect this change.

#### **b) Yuba and Sutter Counties**

Sutter Buttes in Sutter County and the Remainder of Sutter County and Yuba County are encompassed within Feather River County Air Quality Management District and both areas are currently designated as nonattainment for ozone. The two most populated areas in these two counties, Yuba City in Sutter County, and Marysville in Yuba County, form a contiguous urbanized area, separated only by the Feather River. The Yuba City monitoring site data for 2020 through 2022 has a State 1-hour ozone designation value of 0.08 ppm and a State 8-hour ozone designation value of 0.073 ppm. The Sutter Buttes monitoring site has a State 1-hour ozone designation value of 0.11 ppm and a State 8-hour designation value of 0.091 ppm. The monitoring sites show three or fewer ozone exceedances during the most recent calendar year, as well as the current calendar year, as specified in the designation criteria. Based on these data, Sutter Buttes in Sutter County and the Remainder of Sutter County and Yuba County both qualify as nonattainment-transitional for ozone by operation of law. CARB staff recommends the Board confirm the change in designation for Sutter Buttes in Sutter County and the Remainder of Sutter County and Yuba County in the Sacramento Valley Air Basin from nonattainment to nonattainment-transitional and amend CCR, title 17, Section 60201 accordingly to reflect this change.

### **4. San Francisco Bay Area Air Basin**

San Francisco Bay Area Air Basin comprises Bay Area Air Quality Management District and is currently designated as nonattainment for ozone. During 2020 through 2022, monitoring data are available for 20 sites in San Francisco Bay Area Air Basin, and data from 18 sites are representative and complete. CARB staff identified San Martin-Murphy monitoring site as the high ozone site, and data for 2020-2022 has a State 1-hour ozone designation value of 0.10 ppm and a State 8-hour ozone designation value of 0.080 ppm. The monitoring site shows three or fewer ozone exceedances during the most recent calendar year, as well as the current calendar year, as specified in the designation criteria. Based on these data, San Francisco Bay Area Air Basin qualifies as nonattainment-transitional for ozone by operation of law. CARB staff recommends the Board confirm the change in designation for San Francisco Bay Area Air Basin from nonattainment to nonattainment-transitional and amend CCR, title 17, Section 60201 accordingly to reflect this change.



## **B. Section 60208 - Table of Area Designations for Hydrogen Sulfide.**

This section identifies the H<sub>2</sub>S designation status for all areas of California. The H<sub>2</sub>S standard was adopted for the purpose of odor control and is a 1-hour standard of 0.03 ppm, not to be equaled or exceeded. To be in attainment, the designation values for sites in the area must be below this standard. An area is designated as nonattainment if the designation values exceed the level of the standard.

Based on H<sub>2</sub>S air quality data collected during 2020 through 2022, CARB staff determined that the current designation status of one area no longer accurately reflects air quality in that area and recommend the following designation change:

- Redesignate Riverside County portion of the Salton Sea Air Basin as Nonattainment.

### **1. Salton Sea Air Basin**

The Riverside County portion of the Salton Sea Air Basin is within the South Coast Air Quality Management District and is currently designated as unclassified for the State H<sub>2</sub>S standard. During 2020 through 2022, monitoring data are available for one site in the area. Monitoring data for the Mecca site are representative and complete. The Mecca monitoring site has a State 1-hour H<sub>2</sub>S designation value of 0.04 ppm. The Salton Sea is the largest lake in California and is in the Sothern portion of Riverside County. H<sub>2</sub>S is caused by naturally occurring anaerobic digestion in the Salton Sea, and emissions from the Salton Sea contribute to poor H<sub>2</sub>S air quality. CARB staff worked with the South Coast Air Quality Management District to define the nonattainment area as the Riverside County portion of the Salton Sea Air Basin based on air quality data analysis and modeling.

Based on these data, CARB staff recommends the Board redesignate the Riverside County portion of the Salton Sea Air Basin as nonattainment for H<sub>2</sub>S and amend CCR, title 17, Section 60208 accordingly to reflect this change.

## **C. Section 60210 – Table of Area Designations for Fine Particulate Matter (PM<sub>2.5</sub>)**

This section identifies the PM<sub>2.5</sub> designation status for all areas of California. The State PM<sub>2.5</sub> standard is an annual standard of 12 micrograms per cubic meter (µg/m<sup>3</sup>), not to be exceeded. To be in attainment, the designation values for sites in the area must be at or below this standard. An area is designated as nonattainment if the designation values exceed the level of the standard.

Based on PM<sub>2.5</sub> air quality data collected during 2020 through 2022, CARB staff determined that the current designation status of one area no longer accurately reflects air quality in that area and recommend the following designation change:

- Redesignate Butte County in the Sacramento Valley Air Basin as Attainment.

### **1. Sacramento Valley Air Basin**

The Butte County Air Quality Management District is comprised of the entirety of Butte County. There are three State PM<sub>2.5</sub> monitoring sites in the county: one at Chico, one at Gridley, and one in the Town of Paradise, which is currently not operating and in the process of being relocated. The area is currently designated as nonattainment for PM<sub>2.5</sub>.

During 2020 through 2022, monitoring data are available for two sites in Butte County. Both sites, at Chico and Gridley, have three years of complete data with annual PM<sub>2.5</sub> designation values of 11 µg/m<sup>3</sup> and 10 µg/m<sup>3</sup>, respectively; the third site, at Paradise, does not have complete data.

Wildfires in 2020 heavily influenced concentrations on a number of sampling days. These values were due to exceptional events as determined by the criteria in Appendix 2 and were not used in calculating the designation value for State designation purposes.

Based on these data, CARB staff recommends the Board redesignate Butte County in the Sacramento Valley Air Basin as attainment for PM<sub>2.5</sub> and amend CCR, title 17, Section 60210 accordingly to reflect the latest PM<sub>2.5</sub> air quality data.

## **Benefits Anticipated from the Regulatory Action, Including the Benefits or Goals Provided in the Authorizing Statute**

The intent of the proposed regulatory action is to update the air quality designations for each air basin, or portion thereof, to be consistent with the most recent complete monitoring data. Adopting the proposed amendments to the area designations would not result in any direct impact on public health or the environment because the regulations do not contain any requirements for action.

### **A. Impacts for Local Districts**

State law requires districts and CARB to make a coordinated effort to protect and enhance the ambient air quality (HSC sections 39001 through 39003). As part of this effort, the districts must adopt rules and regulations sufficiently effective to achieve and maintain the State standards (HSC sections 40001 and 41500). These requirements, if determined to be necessary, would result in improved air quality in communities throughout the State, resulting in lower potential health risks.

### **B. Purpose, Benefits, and Goals**

**Protecting the health, safety, and welfare of the public.** The designations provide labels indicating the healthfulness of the current air quality throughout the State. These labels allow the public to make better informed decisions regarding their personal health, safety, and welfare.

**Safeguarding the quality of the physical environment.** This goal is to be accomplished by an intensive, coordinated State, regional, and local effort to protect and enhance the ambient air quality of the State. CARB and the districts have coordinated their efforts in obtaining and reviewing air quality monitoring data, identifying highly irregular or infrequent events, and evaluating meteorological, topographical, and other data relating to the characteristics of population or emissions. This coordinated effort has resulted in the proposed amendments to the area designations in order to accurately reflect the healthfulness of the air quality in each area.

**Encouraging a regional approach to meeting the State ambient air quality standards, whenever possible.** The proposed amendments designate areas as attainment, nonattainment, nonattainment-transitional, or unclassified by pollutant.

Designations are not made on a statewide basis; where appropriate, these designations are made for each air basin, district, or sub-region based on meteorological, topographical, and other data relating to the characteristics of population or emissions. The proposed designations by discrete areas allow each district to assess the air quality of individual areas and address their unique situations and needs. This allows each district to identify the most cost-effective, efficient, and acceptable approach to achieve the State standards.

### **Consistency with the State goal of providing a healthy and safe**

**environment.** As the area designations are labels that describe the healthfulness of the air quality in each area, the proposed amendments do not contain any requirements for action. However, the annual review and update of the area designations provides the public with an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal residency.

## **C. Implications of Area Designations**

The State designation criteria specify four designation categories: nonattainment, nonattainment-transitional, attainment, and unclassified. A nonattainment designation indicates one or more violations of the State standard have occurred. A nonattainment-transitional designation is a subcategory of nonattainment that indicates improving air quality, with only occasional violations or exceedances of the State standard. In contrast, an attainment designation indicates no violation of the State standard. Finally, an unclassified designation indicates either no, or an incomplete set of, air quality data. Although the area designations themselves are labels indicating the healthfulness of air quality and do not contain any requirements for action, there may be other legal requirements, based on an area's designation status, as described below.

### **1. Areas Designated as Nonattainment**

State law requires nonattainment districts to develop plans for attaining the State standards for ozone, CO, NO<sub>2</sub>, and SO<sub>2</sub>. The nonattainment districts must submit these attainment plans to the Board for approval (HSC section 40911). Ozone nonattainment districts that are impacted by transport from upwind areas (in other words, ozone violations are caused by emissions transported from upwind areas located outside the district) are required to develop ozone attainment plans to mitigate those violations that occur in the absence of transport (in other words, ozone violations that are caused by locally generated emissions; HSC sections 39610(b) and 40912). Violations caused by a combination of transported and locally generated emissions must be mitigated by both the upwind and downwind areas. Ozone violations caused by overwhelming transport must be mitigated by the responsible upwind district(s).

A district with an area designated as nonattainment for any of the remaining pollutants is not subject to any specific statutory planning requirements. However, such districts must adopt and enforce rules and regulations to expeditiously attain the State standards for these pollutants (HSC sections 40001 and 40913). Furthermore, a nonattainment district has the option of developing and implementing an attainment plan or adopting regulations to control the emissions that contribute to these pollutants (HSC section 40926).

Gasoline dispensing facilities in districts that CARB determines are nonattainment for the State ozone standard are required to meet CARB's Enhanced Vapor Recovery performance standards and specifications set forth in sections 3 through 9, inclusive, of CP-201 Certification Procedure for Vapor Recovery Systems at Dispensing Facilities, while such facilities in

attainment areas are generally exempted. If exempt facilities become subject to additional standards due to a subsequent redesignation of their district from attainment to nonattainment, the facilities will have four years to comply.

An additional consequence of a nonattainment designation is that the Board collects fees from large, non-vehicular sources located in the nonattainment area (HSC section 39612; CCR, title 17, sections 90800.8 through 90806). District sources permitted to emit 250 tons per year or more of any nonattainment pollutant or its precursors are subject to these fees (HSC section 39612(d)). The fees are used to help defray the costs of State programs related to non-vehicular sources.

## **2. Areas Designated as Nonattainment-Transitional**

Nonattainment-transitional is a subcategory of the nonattainment designation. Therefore, a district with a nonattainment area that is redesignated as nonattainment-transitional is still subject to the same requirements as described in the preceding section. However, in contrast to the nonattainment designation, a nonattainment-transitional designation may signal a change in how these requirements are implemented. For example, a district that currently is implementing an approved attainment plan may determine that some of the additional control measures contained in the attainment plan are not needed to reach attainment by the earliest practicable date. As a result, the nonattainment-transitional designation provides the district with a signal that it may be appropriate to review, and perhaps modify, its approved attainment plan. However, district actions in response to a nonattainment-transitional designation must be consistent with State and federal regulations and statutes.

HSC section 40925.5 specifically allows a district with an area designated as nonattainment-transitional for ozone to shift some stationary source control measures from the rulemaking calendar to the contingency category if the district finds these control measures are no longer necessary to accomplish expeditious attainment of the State ozone standard. These actions do not apply to control measures required to mitigate the effects of pollutant transport. The Board may disapprove any action of the district within 90 days if the Board finds that the action will delay expeditious attainment of the State ozone standard.

## **3. Areas Designated as Attainment or Unclassified**

State law does not impose any specific planning requirements upon districts with areas designated as attainment or unclassified. However, State law does require that the State standards not only be attained but also maintained. State law requires the districts and the Board to make a coordinated effort to protect and enhance the ambient air quality (HSC sections 39001 through 39003). As part of this effort, the districts must adopt rules and regulations sufficiently effective to achieve and maintain the State standards (HSC sections 40001 and 41500).

Gasoline dispensing facilities in districts that CARB determines are unclassified for the State ozone standard are required to meet CARB's Enhanced Vapor Recovery performance standards and specifications set forth in sections 3 through 9, inclusive, of CP-201 Certification Procedure for Vapor Recovery Systems at Dispensing Facilities. If exempt facilities become subject to additional standards due to a subsequent redesignation of their district from attainment to nonattainment, the facilities will have four years to comply.

## **D. Other Impacts and Benefits**

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. This information also allows businesses and government the opportunity to make better-informed decisions regarding worker health and safety.

### **Air Quality**

The proposed amendments to the area designations do not contain any requirements for action, and, therefore, would not result in any direct air quality or environmental impacts. However, the area designations do label areas with respect to the healthfulness of their air quality.

### **Environmental Analysis**

This chapter provides the basis for CARB's determination that the proposed regulation is exempt from the requirements of the California Environmental Quality Act (CEQA). A brief explanation of this determination is provided below. CARB's regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the State's ambient air quality, has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 of CEQA (CCR, title 14, section 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including but not limited to, preparing environmental impact reports, negative declarations, and initial studies. CARB, as a lead agency, prepares a substitute environmental document (referred to as an "Environmental Analysis" or "EA") as part of the Staff Report prepared for a proposed action to comply with CEQA (CCR, title 17, sections 60000-60008). If the regulation is finalized, a Notice of Exemption will be filed with the Office of the Secretary for the Natural Resources Agency for public inspection.

CARB staff has determined that the proposed regulation is exempt from CEQA under the "general rule" or "common sense" exemption (CCR, title 14, section 15061(b)(3)). The common-sense exemption states a project is exempt from CEQA if:

The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed regulation includes the following changes: Proposed Changes to ozone Area Designations (CCR, title 17, section 60201), Proposed Changes to H<sub>2</sub>S Area Designations (CCR, title 17, section 60208), and Proposed Changes to PM<sub>2.5</sub> Area Designations (CCR, title 17, section 60210). These changes are to the labels that indicate the healthfulness of the current air quality throughout the State. These proposed changes do not contain any requirements for action, and, therefore, they would not result in any direct air quality or environmental impacts.

Based on CARB staff's review, there is no possibility that the proposed regulation may result in a significant adverse impact on the environment; therefore, this activity is exempt from CEQA.

## **Environmental Justice**

State law defines environmental justice as the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies (Gov. Code, § 65040.12, subd. (e)(1)). Environmental justice includes, but is not limited to, all of the following: (A) The availability of a healthy environment for all people; (B) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities; (C) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process; (D) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions (Gov. Code, § 65040.12, subd. (e)(2)). The Board approved its Environmental Justice Policies and Actions (Policies) on December 13, 2001, to establish a framework for incorporating environmental justice into CARB's programs consistent with the directives of State law. These policies apply to all communities in California but are intended to address the disproportionate environmental exposure burden borne by low-income communities and communities of color. Environmental justice is one of CARB's core values and fundamental to achieving its mission.

Because some communities experience higher exposures to air pollutants, it is a priority of CARB to ensure that full protection is afforded to all Californians. Though the proposed amendments to the area designations do not contain any requirements for action, the area designations are designed to identify areas with unhealthful air quality, based on the most recently available complete data, and can help better inform actions to improve air quality. In addition, during the designation process, staff works closely with the districts and communities to make sure all environmental justice related issues are taken into consideration.

This year, CARB staff used the CalEnviroScreen as a tool to help define the new nonattainment area (the Riverside County portion of the Salton Sea Air Basin) for H<sub>2</sub>S. CARB staff worked with the South Coast Air Quality Management District staff to make sure that the environmental justice communities in the area are informed about the proposed change and potential impacts. In 2021, the Eastern Coachella Valley Community Steering Committee, South Coast Air Quality Management District, and CARB closely collaborated to develop the Eastern Coachella Valley Community Emissions Reduction Plan, which also addressed the H<sub>2</sub>S issue in the area. South Coast Air Quality Management District has a notification system in place that alerts community members when the H<sub>2</sub>S levels exceed the State standard. In addition to these alerts, South Coast Air Quality Management District issues odor advisories when H<sub>2</sub>S levels are forecasted to exceed the State standard and they have information about the potential effects H<sub>2</sub>S might cause. No enforcement action takes place in this case because the H<sub>2</sub>S is caused by naturally occurring anaerobic digestion in the Salton Sea.

## **Economic Impacts Assessment**

The proposed amendments are not anticipated to impose any costs or savings on businesses and individuals and therefore have no statewide adverse economic impacts, including impacts on California employment, business status, or competitiveness.

### **A. Legal Requirement**

Government Code sections 11346.2(b)(2) and 11346.3(b) require the preparation of an economic impact assessment. Specifically, section 11346.3 of the Government Code requires California agencies, in proposing to adopt or amend any administrative regulation, to:

- assess the potential for adverse economic impacts on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states;
- include the potential impact of the regulation on California jobs, business expansion, and business elimination or creation;
- estimate the costs or savings to any State or local agency and school district in accordance with instructions adopted by the Department of Finance; and
- include any non-discretionary cost or savings to local agencies, and the cost or savings in federal funding to the State.

The proposed regulatory amendments are not projected to exceed either major regulation threshold because they do not have potential costs exceeding 10 million dollars in any single year or 50 million dollars in any 12-month period.

### **B. Potential Impact on Businesses, Business Competitiveness, Employment, and Business Creation, Elimination, or Expansion**

The proposed amendments do not contain any requirements for action on individuals and businesses. However, districts may use new area designations in planning for future actions. Because districts are local government agencies, these impacts are described in the fiscal impact section. Therefore, the proposed amendments will have no statewide economic impact directly affecting individuals and businesses, including the ability of California businesses to compete with businesses in other states, 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, or on representative private persons.

Pursuant to CCR, title 1, section 4, the proposed amendments would not affect small businesses because no action is required by them.

Before taking final action on the proposed amendments, CARB must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, 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 action. CARB staff found no reasonable alternative to the proposed amendments that would be more effective and less burdensome to affected businesses or private persons.

## **C. Potential Cost to Local and State Agencies**

### **1. Fiscal Effect on Local Government**

A change in area designation status can result in a change in reporting requirements for some districts, which are local government agencies. State law requires nonattainment districts to develop plans for attaining the State standards for ozone, CO, NO<sub>2</sub>, and SO<sub>2</sub>. The nonattainment districts must submit these attainment plans to the Board for approval (HSC section 40911). A district with an area designated as nonattainment for any of the remaining pollutants is not subject to any specific statutory planning requirements. However, such districts must adopt and enforce rules and regulations to expeditiously attain the State standards for these pollutants (HSC sections 40001 and 40913).

#### **a) Fiscal Impact on Placer County Air Pollution Control District and El Dorado County Air Quality Management District**

The change in the Lake Tahoe Air Basin from nonattainment to nonattainment-transitional would allow the Placer County Air Pollution Control District and El Dorado County Air Quality Management District the option to suspend some reporting requirements (HSC sections 40925.5(c), 40925.5(d)). As a result, Placer County Air Pollution Control District and El Dorado County Air Quality Management District may have some costs to updating the triennial report and some cost savings to updating the annual reports, if they choose to suspend the reporting. However, these costs were not quantified because the changes to the triennial and annual reports are anticipated to be minor, and it is not certain if the districts would choose to suspend reporting.

#### **b) Fiscal Impact on Amador County, Calaveras County, and Placer County Air Pollution Control Districts**

The change in Amador, Calaveras, and Placer Counties in the Mountain Counties Air Basin from nonattainment to nonattainment-transitional would allow the Amador County, Calaveras County, and Placer County Air Pollution Control Districts the option to suspend some reporting requirements (HSC sections 40925.5(c), 40925.5(d)). As a result, Amador County, Calaveras County, and Placer County Air Pollution Control Districts may have some costs to updating the triennial report and some cost savings to updating the annual reports, if they choose to suspend the reporting. However, these costs were not quantified because the changes to the triennial and annual reports are anticipated to be minor, and it is not certain if the districts would choose to suspend reporting.

#### **c) Fiscal Impact on Butte County and Feather River Air Quality Management Districts**

The change in Butte County, Sutter Buttes, Remainder of Sutter County, and Yuba County in the Sacramento Valley Air Basin from nonattainment to nonattainment-transitional would allow the Butte County and Feather River Air Quality Management Districts the option to suspend some reporting requirements (HSC sections 40925.5(c), 40925.5(d)). As a result, Butte County and Feather River Air Quality Management Districts may have some costs to updating the triennial report and some cost savings to updating the annual reports, if they choose to suspend the reporting. However, these costs were not quantified because the changes to the



triennial and annual reports are anticipated to be minor, and it is not certain if the districts would choose to suspend reporting.

#### **d) Fiscal Impact on Bay Area Air Quality Management District**

The change in the San Francisco Bay Area Air Basin from nonattainment to nonattainment-transitional would allow the Bay Area Air Quality Management District the option to suspend some reporting requirements (HSC sections 40925.5(c), 40925.5(d)). As a result, Bay Area Air Quality Management District may have some costs to updating the triennial report and some cost savings to updating the annual reports, if they choose to suspend the reporting. However, these costs were not quantified because the changes to the triennial and annual reports are anticipated to be minor, and it is not certain if the districts would choose to suspend reporting.

#### **e) Fiscal Impact on South Coast Air Quality Management District**

The change in the Riverside County portion of the Salton Sea Air Basin from unclassified to nonattainment for H<sub>2</sub>S has no fiscal impact to South Coast Air Quality Management District because this pollutant is not subject to any specific statutory planning requirements (HSC section 40911).

#### **f) Fiscal Impact on Butte County Air Quality Management District**

The change in Butte County in the Sacramento Valley Air Basin from nonattainment to attainment for PM<sub>2.5</sub> has no fiscal impact to Butte County Air Quality Management District because this pollutant is not subject to any specific statutory planning requirements related to particulate matter (HSC section 40911).

#### **g) Summary of Impacts on Local Government**

Overall, the proposed amendments would result in costs of approximately \$0 to all affected districts. Due to these districts already being in ozone nonattainment areas, if districts choose to suspend reporting, the total cost impact to districts updating the reports would be minor over the three-year period, which would begin in the fiscal year (2025/2026) and continue for two subsequent fiscal years (2026/2027 and 2027/2028).

Pursuant to Government Code section 11346.9(a)(2), the costs to local agencies would be non-reimbursable because the proposed amendments would not constitute a new obligation. The proposed amendments would trigger reporting requirements under HSC sections 40910-40930 and potentially create costs to local air districts, cost would not be reimbursable pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code. As such, the proposed amendments neither require local agencies to undertake a new program nor to provide an increased level of service in an existing program. (See Cal. Govt. Code section 17514.)

## **2. Fiscal Impact on State Government**

Upon the change in the Lake Tahoe Air Basin; Amador, Calaveras, and Placer Counties in the Mountain Counties Air Basin; Butte County, Sutter Buttes, Remainder of Sutter County, and Yuba County in the Sacramento Valley Air Basin; and the San Francisco Bay Area Air Basin area designations from nonattainment to nonattainment-transitional for ozone. The Placer County Air Pollution Control District, El Dorado County Air Quality Management District,

Amador County Air Pollution Control District, Calaveras County Air Pollution Control District, Butte County Air Quality Management District, Feather River Air Quality Management District, and Bay Area Air Quality Management District may make changes to the triennial report and annual updates as described previously. The triennial report usually takes about an hour of CARB staff time to review and track; the annual updates involve less than an hour of CARB staff time per report. Due to these districts already being in ozone nonattainment areas, if districts choose to suspend reporting, the total impact to staff time would be minor over the three-year period, which would begin in the fiscal year (2025/2026) and continue for two subsequent fiscal years (2026/2027 and 2027/2028).

## **Evaluation of Regulatory Alternatives**

State law (HSC section 39607(e)) requires CARB to establish criteria for designating areas as attainment or nonattainment for the State standards. State law (HSC section 39608(c)) further requires CARB to use the designation criteria in an annual review of the area designations.

The proposed amendments to the area designations are described in the section “The Specific Purpose and Rationale of Each Adoption, Amendment, or Repeal” of this Initial Statement of Reasons. The proposed amendments reflect the application of the designation criteria set forth in CCR, title 17, sections 70300 through 70306 and Appendices 1 through 3 thereof. Each proposed amendment is accompanied by a discussion of its basis and justification.

Government Code section 11346.2(b)(4)(B) requires CARB to consider and evaluate reasonable alternatives to the proposed regulatory action and provide reasons for rejecting those alternatives. This section discusses alternatives evaluated and provides reasons why these alternatives were not included in the proposal. As explained below, no alternative proposed was found to be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing law. The Board has not identified any reasonable alternatives that would lessen any adverse impact on small business.

### **A. No Reasonable Alternatives to the Amendments**

CARB staff considered potential alternatives to the proposed amendments (namely, the no action alternative). CARB staff find the proposed amendments are more appropriate than the no action alternative, which would be inconsistent with State law, and would retain designations based on older, outdated data. In addition, the no action alternative would not inform the public or districts about the healthfulness of air quality, based on the most recent data.

### **B. Small Business Alternative**

CARB staff also considered the potential alternatives to the proposed amendments that would lessen any adverse impact on small business (namely, the no action alternative). However, as discussed above, the proposed amendments are more appropriate than the no action alternative, which would retain ozone nonattainment designations for Lake Tahoe Air Basin; Amador, Calaveras, and Placer Counties in the Mountain Counties Air Basin; Butte County, Sutter Buttes, Remainder of Sutter County, and Yuba County in the Sacramento Valley Air Basin; and the San Francisco Bay Area Air Basin, as well as retain the unclassified

designation for H<sub>2</sub>S in the Riverside County portion of the Salton Sea Air Basin and the nonattainment designation for PM<sub>2.5</sub> in Butte County in the Sacramento Valley Air Basin.

The proposed amendments will not affect small businesses because they contain no requirements for any action. The no action alternative would neither lessen nor increase any impact on small businesses.

### **C. Performance Standards in Place of Prescriptive Standards**

The proposed amendments do not specify the sole means of compliance with a performance standard by specific actions, measurements, or other quantifiable means, therefore prescriptive standards are not present.

### **Justification for Adoption of Regulations Different from Federal Regulations Contained in the Code of Federal Regulations**

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

### **Public Process for Development of the Proposed Action (Pre-Regulatory Information)**

Consistent with Government Code sections 11346, subdivision (b), and 11346.45, subdivision (a), and with the Board's long-standing practice, CARB staff held public workshops and had other meetings with interested persons during the development of the proposed regulation. These informal pre-rulemaking discussions provided CARB staff with useful information that was considered during development of the regulation that is now being proposed for formal public comment.

To facilitate public comment during the designation review process, CARB staff requested public input in several ways. After CARB staff's initial review of 2020 through 2022 air quality data, CARB staff noted potential changes to the existing area designations for ozone, H<sub>2</sub>S, and PM<sub>2.5</sub>. CARB staff contacted the affected districts to discuss the results of the review and provide an opportunity for district input. CARB staff also maintained a web-based subscriber notification process. For those who subscribe, the system provides electronic updates related to area designation issues.

On September 20, 2023, CARB staff announced a public workshop scheduled for October 4, 2023. This workshop was held in the form of a webinar. CARB staff posted the workshop notice on the CARB website and notified the affected districts, as well as subscribers to the designation subscriber notification system. The workshop announcement included a discussion of CARB staff's proposed amendments to the area designations based on 2020 through 2022 air quality data. Approximately 58 stakeholders participated in the workshop.

### **References**

The following is a list of documents, websites, and other resources used in developing the proposed amendments to the area designations for State standards documented in this staff report:

## **1) Air Quality Data**

California Air Resources Board, Aerometric Data Analysis and Management (ADAM) Data. BARCU staff will make data available to any member of the public who asks to inspect the rulemaking file.

## **2) Eastern Coachella Valley**

Community Emissions Reduction Plan Final (July 2021).

<http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/eastern-coachella-valley/final-cerp/final-cerp-july-2021.pdf>

## **3) Expected Peak Day Concentrations (EPDC)**

California Air Resources Board (1993). Guidance for Using Air Quality-Related Indicators in Reporting Progress in Attaining the State Ambient Air Quality Standards.

<https://ww3.arb.ca.gov/research/apr/past/93-49.pdf>

## **Appendices**

### **Appendix A 2023 Amendments to the State Area Designations**

### **Appendix B Area Designation Criteria**

### **Appendix C Maps and Tables of Area Designations for State and National Ambient Air Quality Standards**

### **Appendix D Convention for Rounding Ambient Air Quality Data**

### **Appendix E Designations Values and Expected Peak Day Concentrations**

### **Appendix F Data Tables for Pollutants with Nonattainment Areas**