

California Air Resources Board

**Public Hearing to Consider the Proposed
2024 Amendments to the Area Designations
for State Air Quality Standards
Staff Report: Initial Statement of Reasons**

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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, based on analysis of air quality data collected at the more than 200 regulatory air monitoring sites across California operated by CARB, the local air districts, and federal agencies:

- Nonattainment – pollutant concentrations violate the State standard;
- Nonattainment-Transitional – pollutant concentrations violate the State standard, but air quality is nearing attainment;
- Attainment – pollutant concentrations do not violate the State standard; and
- Unclassified – no data or insufficient data to support a designation of attainment or nonattainment.

A. Proposed Changes

This review of the area designations is based on 2021 through 2023 air quality data. Based on these data, CARB staff is proposing amendments to current area designation regulations for ozone, suspended particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}). 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 1.

Table 1 Proposed Designation Amendments for State Standards (Based on 2021-2023 data)

Pollutant	Designation Area	Current Designation	Proposed Designation
Ozone	Sacramento Valley Air Basin – Shasta County	Nonattainment	Nonattainment-Transitional*
PM ₁₀	Mountain Counties Air Basin – Nevada County	Nonattainment	Unclassified
PM ₁₀	Mountain Counties Air Basin – Plumas County	Nonattainment	Unclassified
PM ₁₀	Mountain Counties Air Basin – Sierra County	Nonattainment	Unclassified
PM _{2.5}	San Francisco Bay Area Air Basin	Nonattainment	Attainment

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

B. Additional Information

A table showing State and national ambient air quality standards (national standards) is included in Appendix C on page C-2. 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 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.

I. 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, PM₁₀, PM_{2.5}, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), sulfates, lead, hydrogen sulfide (H₂S), 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, H₂S, 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 Safety Code (H&SC) section 70303.5 specifies that a nonattainment air pollution control or air quality management district (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 (H&SC 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 no data or the available data are insufficient to support a designation of attainment or nonattainment. The Area Designation Criteria (Appendix B) describe the procedures that CARB must use in determining area designations for State standards (CCR, tit. 17§§ 70300 through 70306, and appendices 1 through 3).

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, NO₂, 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, SO₂, lead, and H₂S. Depending on the area and the characteristics of the emissions sources, PM₁₀ and PM_{2.5} 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 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

H&SC 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, tit. 17, §§ 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.

H&SC section 39608 requires CARB to use the designation criteria to designate areas of California as attainment, nonattainment, or unclassified for the State standards. In addition, H&SC section 40925.5 provides for the redesignation of a nonattainment district as nonattainment-transitional for ozone by operation of law. Finally, H&SC section 39608 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 to the designation criteria and area designation requirements, H&SC 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 local air 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 (2021 to 2023). These data indicate that the 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.

II. The Problem that the Proposal is Intended to Address

H&SC 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, H&SC 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 the 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 (H&SC § 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 (H&SC § 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 (H&SC § 39003). CARB is also required to adopt rules and regulations that will achieve the ambient air quality standards (H&SC § 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 businesses and the government with information for worker health and safety decisions.

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

4. The proposed amendments fulfill statutory requirements.

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 (H&SC § 39604). Therefore, the proposed amendments are also necessary to provide data to fulfill this requirement.

The proposed amendments are necessary to satisfy the statutory requirement in H&SC 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 2021 through 2023.

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 that 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.

III. 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, complete air quality data for each pollutant. Currently, designations are made for ten pollutants: ozone, PM₁₀, PM_{2.5}, CO, NO₂, SO₂, sulfates, lead, H₂S, 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 H&SC 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 2021 through 2023. Based on these data, CARB staff proposes amendments to area designations for ozone, PM₁₀, and PM_{2.5}. These changes, listed below, amend the existing CCR, title 17, Chapter 1, Subchapter 1.5, Article 1.5, sections 60201, 60205, 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.

H&SC 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 exceptional events.

Based on ozone air quality data collected during 2021 through 2023, CARB staff recommends designation changes for the following area:

- Redesignate Shasta County in the Sacramento Valley Air Basin as Nonattainment-Transitional

1. Sacramento Valley Air Basin

a) Shasta County

Shasta County comprises Shasta County Air Quality Management District and is currently designated as nonattainment for ozone. During 2021 through 2023, monitoring data are available for four sites in Shasta County. Monitoring data for three sites are representative and complete. CARB staff identified the Lassen Volcanic National Park monitoring site as the high ozone site, data for 2021-2023 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, Shasta County qualifies as nonattainment-transitional for ozone by operation of law. CARB staff recommends the Board confirm the change in designation for Shasta County from nonattainment to nonattainment-transitional and amend CCR section 60201 accordingly to reflect this change.

B. Section 60205 - Table of Area Designations for Suspended Particulate Matter (PM₁₀)

This section identifies the PM₁₀ designation status for all areas in California. Updating the designation statuses reflects the latest PM₁₀ air quality data.

The State PM₁₀ standards are a daily standard of 50 micrograms per cubic meter (µg/m³) and an annual standard of 20 µg/m³, not to be exceeded. To be considered in attainment, the designation values for sites in the area 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.

Based on PM₁₀ air quality data collected during 2021 through 2023, CARB staff recommends designation changes for the following areas:

- Redesignate Nevada, Plumas, and Sierra Counties in the Mountain Counties Air Basin as unclassified

1. Mountain Counties Air Basin

a) Nevada County

Nevada County comprises a portion of the Northern Sierra Air Quality Management District and is currently designated as nonattainment for PM₁₀.

As set forth in "Criteria for Designating an Area as Unclassified", contained in CCR, title 17, section 70305, redesignation of an area to unclassified is appropriate if the data do not support a designation of attainment or nonattainment.

There is no active PM₁₀ monitoring site in Nevada County. The last California-approved PM₁₀ monitor in the county was discontinued in June 2000, and the last federally-approved monitor was discontinued in December 2006. The closest PM₁₀ monitor for State area designation purposes is located at the Yuba City site on the border of Yuba and Sutter Counties in the Sacramento Valley Air Basin and not representative of conditions in the Mountain Counties Air Basin.

The mountainous terrain of the county precludes substantial PM₁₀ transport from outside areas with typical wind patterns from the south and west, where limited PM₁₀-emitting facilities are

located. With no monitors in the area, and the closest monitor to the west in the higher populated area of Yuba City, CARB staff cannot confirm the attainment or nonattainment status of Nevada County. Although the population of the county has increased by 34% since it was originally designated nonattainment in 1989, there is no evidence of a corresponding increase in PM₁₀ emissions. No PM₁₀-emitting facilities are located in Nevada County and the main sources of PM₁₀, construction/demolition and non-paved road dust, have remained stable since 2000.

Based on the information presented and the lack of air quality data, CARB staff recommends the Board confirm the change in designation for Nevada County from nonattainment to unclassified for PM₁₀ and amend CCR, title 17, section 60205 accordingly to reflect this change.

b) Plumas County

Plumas County comprises a portion of the Northern Sierra Air Quality Management District and is currently designated as nonattainment for PM₁₀.

As set forth in "Criteria for Designating an Area as Unclassified", contained in CCR, title 17, section 70305, redesignation of an area to unclassified is appropriate if the data do not support a designation of attainment or nonattainment.

There is no active PM₁₀ monitoring site in Plumas County. The last PM₁₀ monitor in the county was discontinued in June 2007. The closest PM₁₀ monitors for State area designation purposes are located at the Chico site in Butte County and at the Red Hill site in Tehama County, both in the Sacramento Valley Air Basin and not representative of conditions in the Mountain Counties Air Basin.

The mountainous terrain of the county precludes substantial PM₁₀ transport from outside areas with typical wind patterns from the south and west, where limited PM₁₀-emitting facilities are located. With no monitors in the area, and the closest monitors to the west in the higher populated areas of Red Hill and Chico, CARB staff cannot confirm the attainment or nonattainment status of Plumas County. The population of the county has decreased by less than two percent since it was originally designated nonattainment in 1989. There are two PM₁₀-emitting facilities located in Plumas County, one in Chester and one in Quincy. Both of these facilities have decreased PM₁₀ emissions by approximately 70 percent since 2008. The remaining main sources of PM₁₀, construction/demolition and non-paved road dust, have remained stable since 2000.

Based on the additional information presented and the lack of air quality data, CARB staff recommends the Board confirm the change in designation for Plumas County from nonattainment to unclassified for PM₁₀ and amend CCR, title 17, section 60205 accordingly to reflect this change.

c) Sierra County

Sierra County comprises a portion of the Northern Sierra Air Quality Management District and is currently designated as nonattainment for PM₁₀.

As set forth in “Criteria for Designating an Area as Unclassified”, contained in CCR, title 17, section 70305, redesignation of an area to unclassified is appropriate if the data do not support a designation of attainment or nonattainment.

There is no active PM₁₀ monitoring site in Sierra County. The last PM₁₀ monitor in the county was discontinued in June 2000. The closest PM₁₀ monitors for State area designation purposes are located at the Chico site in Butte County and at the Yuba City site on the border between Yuba and Sutter Counties, both in the Sacramento Valley Air Basin and not representative of conditions in the Mountain Counties Air Basin.

The mountainous terrain of the county precludes substantial PM₁₀ transport from outside areas with typical wind patterns from the west and southwest, where limited PM₁₀-emitting facilities are located. With no monitors in the area, and the closest monitors to the west in the higher populated areas of Chico and Yuba City, CARB staff cannot confirm the attainment or nonattainment status of Sierra County. The population of the county has decreased by less than four percent since 1992. The one PM₁₀-emitting facility located in Sierra County, in the town of Loyalton, closed in 2010, and the current main sources of PM₁₀, construction/demolition and non-paved road dust, have remained stable since 2000.

Based on the additional information presented and the lack of air quality data, CARB staff recommends the Board confirm the change in designation for Sierra County from nonattainment to unclassified for PM₁₀ and amend CCR, title 17, section 60205 accordingly to reflect this change.

C. Section 60210 - Table of Area Designations for Fine Particulate Matter (PM_{2.5})

This section identifies the PM_{2.5} designation status for all areas of California. Updating the designation statuses reflects the latest PM_{2.5} air quality data.

The State PM_{2.5} standard is an annual standard of 12 micrograms per cubic meter (µg/m³), 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_{2.5} air quality data collected during 2021 through 2023, 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 the San Francisco Bay Air Basin as attainment

1. San Francisco Bay Air Basin

The San Francisco Bay Air Basin is comprised of the entirety of the Bay Area Air Quality Management District. The area is currently designated as nonattainment for PM_{2.5}.

Data completeness criteria, set forth in “Criteria for Determining Data Completeness”, contained in Appendix 3 to CCR, title 17, sections 70300 to 70306, allows for the use of one year of complete data, if the maximum pollutant concentration is less than half the applicable

State standard, or the use of two years of complete data if the maximum concentration is less than three-quarters of the standard.

During 2021 through 2023, data was collected at 17 sites located in the San Francisco Bay Area Air Basin; 15 of these sites are active in 2023, two sites were closed in 2021 and have invalid annual averages for that year. Eight of the remaining sites have three years of complete data below the annual standard and four sites meet the criteria for the use of two years of complete data with an annual average of less than three-quarters of the standard. The high site for the San Francisco Bay Area Air Basin is the San Jose-Knox site. This site has three years of complete data and a designation value of 11 µg/m³. Although three of the remaining active sites did not have complete data, analysis of the data available indicates that concentrations are well below the State standard.

Based on these data, staff recommends the Board redesignate the San Francisco Bay Air Basin as attainment for PM_{2.5} and amend CCR, title 17, section 60210 accordingly to reflect the latest PM_{2.5} air quality data.

IV. 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 (H&SC §§ 39001 through 39003). As part of this effort, the districts must adopt rules and regulations sufficiently effective to achieve and maintain the State standards (H&SC §§ 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 if an area has met air quality standards 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, NO₂, and SO₂. The nonattainment districts must submit these attainment plans to the Board for approval (H&SC § 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; H&SC §§ 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 (H&SC §§ 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 (H&SC § 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 (H&SC § 39612; CCR, tit. 17 §§ 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 (H&SC § 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.

H&SC 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 (H&SC §§ 39001 through 39003). As part of this effort, the districts must adopt rules and regulations sufficiently effective to achieve and maintain the State standards (H&SC §§ 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 the 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 the government the opportunity to make better-informed decisions regarding worker health and safety.

V. 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.

VI. 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, tit. 14, § 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, tit. 17, §§ 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, tit. 14, § 15061(b)(3)). The commonsense exemption states a project is exempt from CEQA if "[t]he 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, tit. 17, § 60201), Proposed Changes to PM₁₀ Area Designations (CCR, tit. 17, § 60205), and Proposed Changes to PM_{2.5} Area Designations (CCR, tit. 17, § 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.

VII. 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, 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.

VIII. 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 ten million dollars in any single year or fifty 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, NO₂, and SO₂. The nonattainment districts must submit these attainment plans to the Board for approval (H&SC, § 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 (H&SC, §§ 40001 and 40913).

a) Fiscal Impact on Shasta County Air Quality Management District

The change in the Sacramento Valley Air Basin in Shasta County from nonattainment to nonattainment-transitional for ozone would allow the Shasta County AQMD the option to suspend some reporting requirements (H&SC, §§ 40925.5(c), 40925.5(d)). 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 air districts would choose to suspend reporting.

b) Fiscal Impact on Northern Sierra Air Quality Management District

The change in Nevada, Sierra, and Plumas Counties in the Mountain Counties Air Basin from nonattainment to unclassified for PM₁₀ has no fiscal impact to the Northern Sierra Air Quality Management District because this pollutant is not subject to any specific statutory planning requirements related to particulate matter (H&SC, § 40911).

c) Fiscal Impact on Bay Area Air Quality Management District

The change in the San Francisco Bay Area Air Basin from nonattainment to attainment for PM_{2.5} has no fiscal impact to the Bay Area Air Quality Management District because this pollutant is not subject to any specific statutory planning requirements related to particulate matter (H&SC, § 40911).

d) Summary of Impacts on Local Government

Overall, the proposed amendments would result in costs of approximately \$0 to the affected air district. Due to the Shasta County AQMD already being an ozone nonattainment area, if the air district chooses to suspend reporting, the total cost impact to the air districts updating the reports would be minor over the three-year period, which would begin in the fiscal year (2026/2027) and continue for two subsequent fiscal years (2027/2028 and 2028/2029).

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.

2. Fiscal Impact on State Government

Upon the change in the Sacramento Valley Air Basin in Shasta County area designations from nonattainment to nonattainment-transitional for ozone, the Shasta County AQMD, 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 tracking the annual updates involves less than an hour of CARB staff time per report. Due to the air district already being in an ozone nonattainment area, if the air district chooses to suspend reporting, the total impact to staff time would be minor over the three-year period, which would begin in the fiscal year (2026/2027) and continue for two subsequent fiscal years (2027/2028 and 2028/2029).

D. The Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

As stated in the rationale, 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.

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.

IX. Evaluation of Regulatory Alternatives

State law in H&SC section 39607(e) requires CARB to establish criteria for designating areas as attainment or nonattainment for the State standards. State law in H&SC 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, subdivision (b)(4) 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 than 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 Shasta County in the Sacramento Valley Air Basin, as well as retain the nonattainment designation in Nevada, Plumas, and Sierra counties in the Mountain Counties for PM₁₀ and the nonattainment designation for PM_{2.5} the San Francisco Bay Area 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.

X. 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.

XI. 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 a public workshop and had other meetings with interested persons during the development of the proposed regulation. These informal pre-rulemaking discussions provided 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 2021 through 2023 air quality data, CARB staff noted potential changes to the existing area designations for ozone, PM₁₀,

and PM_{2.5}. 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 18, 2024, CARB staff announced a public workshop scheduled for October 2, 2024. 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 2021 through 2023 air quality data. Approximately 39 stakeholders participated in the workshop.

XII. Documents Relied Upon

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. 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>

XIII. Appendices

Appendix A 2024 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