

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE AREA DESIGNATIONS FOR THE STATE AMBIENT AIR QUALITY STANDARDS

The Air Resources Board (the Board) will conduct a public hearing at the time and place noted below to consider the adoption of amendments to the regulations designating areas of California as nonattainment, attainment, or unclassified for all pollutants for which State ambient air quality standards are set forth in the California Code of Regulations (CCR), Title 17, section 70200.

DATE: November 9, 1994

TIME: 1:00 p.m.

PLACE: Air Resources Board
Board Hearing Room, Lower Level
2020 "L" Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 1:00 p.m., November 9, 1994, and may continue at 8:30 a.m., November 10, 1994. This item may not be considered until November 10, 1994. Please consult the agenda for the meeting, which will be available at least 10 days before November 9, 1994, to determine the order in which the scheduled items will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections affected: California Code of Regulations (CCR), Title 17, sections 60201, 60202, 60204, and 60206.

The California Clean Air Act of 1988 (the Act) (Stats. 1988, ch. 1568), authored by Assemblyman Byron Sher, significantly revised Division 26 of the Health and Safety Code (the HSC). The Act added to the HSC several requirements concerning district plans and control measures to attain and maintain the State ambient air quality standards (State standards). Section 39607(e) of the HSC requires the Board to adopt and periodically review designation criteria. These criteria provide the basis for designating areas as attainment, nonattainment, or unclassified for any State standard cited in CCR, Title 17, section 70200. The pollutants with State standards are: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM10), sulfates, lead, hydrogen sulfide, and visibility reducing particulates. Section 39608 of the HSC requires the Board to adopt area designations for all pollutants with State standards. For each of the nine pollutants listed above, the Board must designate areas of the State as attainment or nonattainment. If the data are not sufficient to designate an area as attainment or nonattainment, the Board must designate the area as unclassified.

The Board approved the original area designations required by the Act on June 9, 1989. The Act requires the Board to review the area designations annually and update them as new information becomes available. The Board has approved amendments to the area designations that resulted from the annual review each year since the original designations. The area designations comprise CCR, Title 17, sections 60200 through 60209.

Based on this year's annual review, the Board staff acknowledges a change in the ozone designation for Mono County by operation of law, which means that the change does not require a formal action by the Board. In addition, the Board staff proposes, for Board adoption, to change the carbon monoxide designations for Santa Clara County, Orange County, San Joaquin County, and Stanislaus County; the sulfur dioxide designation for the Southeast Desert Air Basin portion of Kern County; and the sulfate designation for the South Coast Air Basin.

The proposed amendments only affect the area designations for the State standards and do not affect businesses. Area designations with respect to the National ambient air quality standards (National standards) are promulgated by the U. S. Environmental Protection Agency and contained in Title 40, Code of Federal Regulations, Part 81. The pollutants with National standards are: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM10), and lead. Section 39608 of the HSC authorizes the Board to adopt area designations for pollutants with State standards. For specific areas and pollutants, the area designations for the State standards are different than the designations for the National standards because of differences between the standards themselves and differences in the designation process. Sections 39607(e), 39608, and 40925.5 of the HSC mandate a designation process for California that is different than the current federal designation process.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report pertaining to these amendments which includes an initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal, if any. The Staff Report is entitled "Proposed Amendments to the Area Designations for the State Ambient Air Quality Standards." Copies of the Staff Report and the full text of the proposed amendments may be obtained from the Board's Public Information Office, 2020 "L" Street, Sacramento California 95814, (916) 322-2990. The text of the proposed amendments is written in plain English.

The Board staff has also compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person, identified immediately below.

Further inquiries regarding this matter should be directed to Rich Bradley, Technical Support Division, Post Office Box 2815, Sacramento, California 95812, (916) 322-6076.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Board's Executive Officer has determined that the proposed amendments to the regulations will not impose costs or generate savings, as defined in Government Code section 11346.5(a)(6), to any State agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

The Executive Officer has also determined that adoption of the proposed regulatory action will have no significant adverse economic impact, as defined in Government Code section 11346.53(a), on large or small businesses, including the ability of California businesses to compete with businesses in other states.

The Executive Officer has also determined that there will be no significant potential cost impact, as defined in Government Code section 11346.53(e), on private persons or businesses directly affected resulting from the proposed action.

In accordance with Government Code section 11346.54, the Executive Officer has determined that adoption of the proposed regulatory action will not affect the creation or elimination of jobs within California, the creation of new businesses or the elimination of existing businesses in California, or the expansion of businesses currently doing business in California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

In addition, before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, 2020 "L" Street, Sacramento, California, or Post Office Box 2815, Sacramento, California 95812, no later than 12:00 noon, November 8, 1994, or received by the Board Secretary at the hearing.

The Board requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of the Board staff in advance of the hearing any suggestions for modifications of the proposed amendments to the regulations.

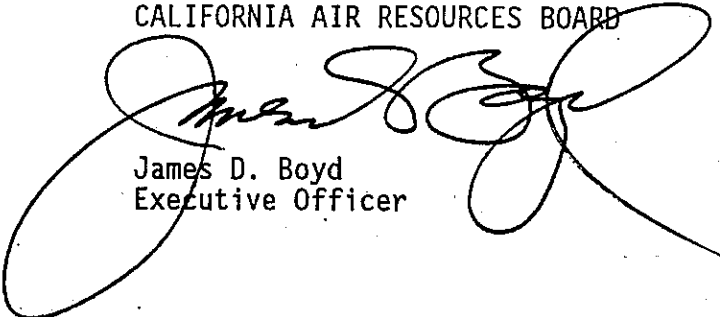
STATUTORY AUTHORITY AND HEARING PROCEDURES

The amendments to the regulations are proposed under the authority granted in sections 39600, 39601, and 39608 of the HSC. The amendments to the regulations are proposed to implement, interpret, and make specific sections 39608 and 40925.5 of the HSC.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 of the Government Code.

Following the public hearing, the Board may adopt the proposed amendments to the regulations as originally proposed, or with nonsubstantial or grammatical modifications. The Board also may adopt the proposed amendments to the regulations with other modifications if the amendments as modified are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulations as modified could result from the proposed regulatory action; in such event, the full text of the regulations with the modifications clearly indicated will be made available to the public, for written comment, at least 15 days before they are adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 "L" Street, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD



James D. Boyd
Executive Officer

Date: September 13, 1994