State of California
AIR RESOURCES BOARD

Resolution 10-17

March 25, 2010

Agenda Item No.: 10-3-2

WHEREAS, Health and Safety Code sections 39600 and 39601 authorize Air Resources Board (ARB or Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the Act; Stats. 1988, ch. 1568) declaring that it is necessary that the State ambient air quality standards (State standards) be attained by the earliest practicable date to protect public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain the State standards, the Act mandates a comprehensive program of emission reduction measures and planning requirements for the State and the local air pollution control and air quality management districts (districts) in areas where the State standards are not attained;

WHEREAS, Health and Safety Code section 39607(e) requires the Board to establish and periodically review criteria for designating an air basin as nonattainment or attainment for any State standard set forth in title 17, California Code of Regulations, section 70200 (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter or PM10, fine particulate matter or PM2.5, sulfates, lead, hydrogen sulfide, and visibility reducing particles);

WHEREAS, on June 8, 1989, the Board adopted title 17, California Code of Regulations, sections 70300 through 70306, and Appendices 1 through 4 thereof, establishing designation criteria consistent with the requirements of the Act; these regulations were amended on June 15, 1990, May 15, 1992, December 10, 1992, November 18, 1993, November 16, 1995, September 24, 1998, and January 20, 2004;

WHEREAS, Health and Safety Code section 39608(a) requires the Board, in consultation with the districts, to identify and classify each air basin in California as nonattainment, attainment, or unclassified on a pollutant-by-pollutant basis pursuant to the designation criteria established by the Board under Health and Safety Code section 39607(e);

WHEREAS, Health and Safety Code section 39608(c) also requires the Board to review the area designations annually and update them as new information becomes available;

WHEREAS, in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, ARB staff is proposing amendments to the designation criteria set forth in title 17, California Code of Regulations, sections 70300 through 70306, and Appendices 1 through 4 thereof;

WHEREAS, the proposed amendments to the designation criteria would clarify existing provisions of the designation criteria and provide for consistency among the various provisions of the designation criteria, as set forth in Attachment A hereto;

WHEREAS, ARB staff is proposing that the Board delegate to the Executive Officer the responsibility of annually reviewing the area designations and updating them as new information becomes available, thereby streamlining the area designation process;

WHEREAS, title 17, California Code of Regulations, section 70304(c) states that areas with limited or no air quality data for nitrogen dioxide, sulfur dioxide, sulfates, and lead, shall remain in attainment based on the "Screening Procedure for Determining Attainment Designations for Areas with Incomplete Air Quality Data" set forth in Appendix 4 to title 17, California Code of Regulations, sections 70300 through 70306;

WHERAS, the current screening criteria as set forth in section 70304(c) and Appendix 4 to title 17, California Code of Regulations, sections 70300 through 70306, are based on area population estimates and emission threshold criteria, and are outmoded and inefficient;

WHEREAS, ARB staff is proposing amendments to section 70304(c) regarding screening procedures for nitrogen dioxide, sulfur dioxide, sulfates, and lead, allowing areas to remain in attainment with limited or no air quality data as long as emissions have not substantially increased;

WHEREAS, the proposed amendments to section 70304(c) would eliminate the need for Appendix 4 to title 17, California Code of Regulations, sections 70300 through 70306;

WHEREAS, references are made in the designation criteria to specific, dated federal regulations and guidelines that do not accurately reflect the most up-to-date federal requirements;

WHEREAS, ARB staff is proposing amendments to the designation criteria to update these federal references;

WHEREAS, on June 9, 1989, the Board approved the initial area designations currently contained in title 17, California Code of Regulations, sections 60200 through 60210, and has reviewed them annually and updated them as warranted based on a review of new air quality data;

WHEREAS, Health and Safety Code section 40925.5(a), specifies that districts with a nonattainment designation for the State ozone standard are designated as "nonattainment-transitional" by operation of law if, during a single calendar year, the State standard is not exceeded more than three times at any monitoring location within the district;

WHEREAS, based on a review of 2006 through 2008 calendar year air quality data:

- Those portions of Sutter and Yuba counties in the Sacramento Valley Air Basin qualify as nonattainment-transitional of the State ozone standards by operation of law;
- The Sonoma County portion of the North Coast Air Basin has demonstrated attainment of the State ozone standards;
- The Lake Tahoe Air Basin qualifies as nonattainment of the State ozone standards;
- The South Coast Air Basin qualifies as nonattainment of the State nitrogen dioxide standards;
- The Los Angeles County portion of the South Coast Air Basin area qualifies as nonattainment of the State lead standards; and
- The Great Basin Valleys Air Basin, and those portions of Colusa, Placer, Shasta, Sutter, and Yuba counties in the Sacramento Valley Air Basin have demonstrated attainment of the State PM2.5 standard;

WHEREAS, ARB staff has provided opportunities for public comment, including a public workshop held on December 17, 2009, has consulted with districts, and has considered all comments before proposing amendments to the area designations and the process for updating the designations;

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Ozone in title 17, California Code of Regulations, section 60201, for the Lake Tahoe Air Basin, the Sonoma County portion of the North Coast Air Basin, and those portions of Sutter and Yuba counties in the Sacramento Valley Air Basin, as set forth in Attachment B hereto;

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Nitrogen Dioxide in title 17, California Code of Regulations, section 60203, for the South Coast Air Basin, as set forth in Attachment B;

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Lead (particulate) in title 17, California Code of Regulations, section 60207, for the Los Angeles County portion of the South Coast Air Basin, as set forth in Attachment B;

WHEREAS, ARB staff is proposing amendments to the Table of Area Designations for Fine Particulate Matter (PM2.5) in title 17, California Code of Regulations, section 60210, for the Great Basin Valleys Air Basin, and those portions of Colusa, Placer, Shasta, Sutter, and Yuba counties in the Sacramento Valley Air Basin, as set forth in Attachment B;

WHEREAS, the proposed amendments to the area designations are consistent with the requirements of Health and Safety Code section 39608;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts; and

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code, and the Board has considered the testimony presented by interested persons and the Board staff.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that:

1. The proposed amendments to the designation criteria comply with the requirements of Health and Safety Code section 39607(e) and will increase efficiency in the designation process;

2. The proposed amendments to the tables of area designations comply with the requirements of Health and Safety Code section 39608;

3. The proposed amendments to the area designations set forth in title 17, California Code of Regulations, sections 60201, 60203, 60207, and 60210, are consistent with the designation criteria contained in title 17, California Code of Regulations, sections 70300 through 70306, and Appendices 1 through 4, thereof;

4. This regulatory action will not have any significant adverse environmental impacts on the environment because it does not direct or require any specific activity or response that could result in an environmental impact but serves only to identify as attainment those areas that meet State standards, and as nonattainment those areas with air quality that does not meet State standards. Such identification involves the nonattainment areas in the planning process whereby rules and regulations may be implemented, after appropriate environmental review, to reduce emissions and improve air quality, ultimately resulting in environmental benefits because they are aimed at attaining and maintaining the State standards, as well as protecting public health; and

5. No reasonable alternative considered or that has otherwise been identified and brought to the attention of ARB would be more effective in carrying out the purpose of the proposed action or would be as effective as and less burdensome to affected private persons and businesses than the proposed action.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to determine if additional conforming modifications to the regulation are appropriate. If no additional modifications are appropriate, the Executive Officer shall take final action to adopt the regulation, as set forth in Attachments A and B hereto. If the Executive Officer determines that additional conforming modifications are appropriate, the Executive Officer shall adopt the modified regulation after making the modified regulatory language and any additional supporting documents and information available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such further modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 10-17, as adopted by the Air Resources Board.

Sandra Bannerman, Clerk of the Board

Resolution 10-17

March 25, 2010

Identification of Attachments to the Resolution

Attachment A: Text of the Proposed Amendments to the Area Designation Criteria, title 17, California Code of Regulations, sections 70300 through 70306, and Appendices 1 through 4 thereof, as set forth in the Initial Statement of Reasons, released February 4, 2010.

Attachment B: Text of the Proposed Amendments to the Area Designations, title 17, California Code of Regulations, sections 60200 through 60210, as included in the Initial Statement of Reasons, released February 4, 2010.