

State of California
AIR RESOURCES BOARD

Resolution 96-55

November 21, 1996

Agenda Item No.: 96-9-2

WHEREAS, Health and Safety Code sections 39600 and 39601 authorize the Air Resources Board (Board or ARB) 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 (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 the 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, the Act in 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 the California Code of Regulations, Title 17, section 70200 (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter or PM10, sulfates, lead, hydrogen sulfide, and visibility reducing particles);

WHEREAS, on June 8, 1989, the Board adopted and on June 15, 1990, May 15, 1992, December 10, 1992, November 18, 1993, and November 16, 1995, the Board amended the California Code of Regulations, Title 17, sections 70300 through 70306, and Appendices 1 through 4, thereof, establishing designation criteria (adopted criteria) consistent with the requirements of the Act;

WHEREAS, the Act in 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 non-attainment, 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, the Act in 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, on June 9, 1989, the Board approved the initial area designations which are contained in the California Code of Regulations, Title 17, sections 60200 through 60209, and has updated the area designations during each subsequent year;

WHEREAS, in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, the ARB staff has proposed amendments to the area designations for a number of specific areas of the State for ozone, carbon monoxide, PM10, and sulfates;

WHEREAS, these proposed amendments to the area designations are based on the designation criteria contained in the California Code of Regulations, Title 17, sections 70300 through 70306, and Appendices 1 through 4, thereof;

WHEREAS, the Board on May 30, 1996, adopted sections 60114 and 80311 and amendments to sections 60104, 60109, and 80280 of Title 17, California Code of Regulations, which redefined the South Coast Air Basin boundaries and established the new Mojave Desert Air Basin and Salton Sea Air Basin boundaries in place of the former Southeast Desert Air Basin boundaries;

WHEREAS, the ARB staff has proposed amendments to the area designations for the new Mojave Desert Air Basin and Salton Sea Air Basin for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, PM10, sulfates, lead (particulate), hydrogen sulfide, and visibility reducing particles to make them consistent with the new air basins;

WHEREAS, these proposed amendments to the area designations for the new Mojave Desert Air Basin and Salton Sea Air Basin are based on the designation criteria contained in the

California Code of Regulations, Title 17, sections 70300 through 70306, and Appendices 1 through 4, thereof;

WHEREAS, the ARB staff has provided opportunities for public comment and considered such comments before proposing to the Board amendments to the area designations;

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;

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; and

WHEREAS, the Board finds that:

1. The proposed amendments to the area designations comply with the requirements of Health and Safety Code section 39608;
2. The proposed amendments to the area designations set forth in the California Code of Regulations, Title 17, sections 60200 through 60209 are consistent with the designation criteria contained in the California Code of Regulations, Title 17, sections 70300 through 70306 and Appendices 1 through 4, thereof;
3. The areas not recommended for redesignation due to unusual concentration events or to extreme concentration events are consistent with Appendix 2 of the designation criteria set forth in the California Code of Regulations, Title 17, sections 70300 through 70306.
4. This regulatory action will not have a significant adverse impact on the environment. In fact, it should ultimately result in environmental benefits because it is part of a multiple step program designed to achieve and maintain the State standards;

5. This regulatory action may have an indirect economic impact on public agencies, small businesses, or private persons or businesses other than small businesses through future regulatory actions mandated by an area's designation status. However, any potential adverse economic impact will be considered at the time such regulatory actions are proposed; and
6. There is no alternative considered by the Board which would be more effective in carrying out the purpose of the proposed action or would be as effective and less burdensome to public agencies, small businesses, or private persons or businesses other than small businesses than the proposed action.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendments to the California Code of Regulations, Title 17, sections 60201 through 60209, as set forth in Attachment A, hereto.

I hereby certify that the above is a true and correct copy of Resolution 96-55, as adopted by the Air Resources Board.

Pat Hutchens, Clerk of the Board

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Identification of Attachments to the Resolution

Attachment A: Proposed Amendments to Title 17, California Code of Regulations, sections 60201 through 60209.

Resolution 96-55

ATTACHMENT A

1. Adopt sections 60201 through 60209, Title 17, California Code of Regulations, to read as follows (additions are shown as underlined and *italicized*, and deletions as ~~strikeout~~):