

**AIR RESOURCES BOARD**2020 L STREET  
P.O. BOX 2815  
SACRAMENTO, CA 95812State of California  
AIR RESOURCES BOARD**Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF AMENDMENTS TO THE CRITERIA FOR DESIGNATING AREAS OF CALIFORNIA AS NONATTAINMENT, ATTAINMENT, OR UNCLASSIFIED FOR STATE AMBIENT AIR QUALITY STANDARDS

Agenda Item No.: 92-7-1

Public Hearing Date: May 15, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified:

Pat Hutchens  
Pat Hutchens  
Board Secretary

Date:

3/3/93

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MAR 26 1993

RESOURCES AGENCY OF CALIFORNIA

State of California  
AIR RESOURCES BOARD

Resolution 92-43

May 15, 1992

Agenda Item No.: 92-7-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the 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 the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, the Act directs the Board in section 39607(e) of the Health and Safety Code to establish criteria for designating an air basin as attainment or nonattainment for any state ambient air quality standard set forth in section 70200 of Title 17 of the California Code of Regulations (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, PM10, sulfates, lead, hydrogen sulfide, and visibility reducing particles);

WHEREAS, on June 8, 1989, the Board adopted and on June 15, 1990, the Board amended sections 70300 to 70306 of Title 17 of the California Code of Regulations, and Appendices 1 through 4, thereof, establishing designation criteria (the adopted criteria) consistent with the requirements of the Act;

WHEREAS, on June 15, 1990, the Board also directed the Executive Officer to continue working with the interested parties in an effort to resolve the continued concerns about the adopted criteria;

WHEREAS, as a result of this continued dialogue with the interested parties, the Board staff proposes amending Appendix 2 of the adopted criteria to separate and more specifically define the steps for identifying an exceptional event or an extreme concentration event; and to change the recurrence rate for extreme concentration events, thereby allowing the exclusion of exceedances expected to recur less frequently than 1-in-1 year;

WHEREAS, the Board staff also proposes amending section 70304 of the adopted criteria to provide a general definition of the nonattainment-transitional designation and the planning implications of that designation, change the allowed violations to two or fewer violation days at each site in an area, simplify the required evaluation of related data, limit the designation to areas expected to reach attainment within three years, and require continuous, complete, and representative air quality data;

WHEREAS, the Board staff also proposes amending Appendix 3 of the adopted criteria to provide for changing the required sampling hours for visibility

reducing particles to be consistent with the state standard and to clarify the applicability of Appendix 3 to the nonattainment-transitional designation;

WHEREAS, the Board staff also proposes amending Appendix 4 of the adopted criteria to reduce the emission screening value for lead to 0.5 tons per year;

WHEREAS, the Board staff also proposes amending section 70304 of the adopted criteria to provide for reviewing all available air quality data when an attainment designation is based on historical air quality data;

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

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 staff;

WHEREAS, the Board finds that:

- 1 The exponential tail method used to compute recurrence rate values for determining attainment was improved by the staff as discussed in the Supplement To The Technical Support Document For Proposed Amendments To The Criteria For Designating Areas Of California As Nonattainment, Attainment, Or Unclassified for State Ambient Air Quality Standards (May 1992) by allowing pollutant-specific calibration of the general method and by incorporating such a calibration for ozone.
- 2 The proposed amendments are necessary for the designation of areas as nonattainment, attainment, or unclassified for the state standards and comply with the specifications described in section 39607(e) of the Health and Safety Code.
- 3 The proposed amendments assure that the area designations will continue to be based on the most appropriate and reliable air quality information.
- 4 This regulatory action will not have a significant economic impact on any public agency, small business, or private persons or businesses other than small businesses.
- 5 This regulatory action is not expected to result in a significant adverse impact on the environment; however, it is possible that the recurrence rate modification may result in some adverse environmental impacts in areas designated as attainment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approved the staff's modifications to the exponential tail method as discussed in the May 1992 supplement to the March 1992 Technical Support Document For Proposed Amendments To The Criteria For Designating Areas Of California As Nonattainment, Attainment, Or Unclassified For State Ambient Air Quality Standards.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board hereby approves subsection (d) and other amended portions of section 70303, subsection (b)(3) of section 70304, and amended Appendices 2, 3, and 4 to sections 70300-70306 of Title 17 of the California Code of Regulations, as set forth in Attachment A, hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt subsection (d) and other amended portions of section 70303, subsection (b)(3) of section 70304, and amended Appendix 2, Appendix 3, and Appendix 4 to sections 70300-70306 of Title 17 of the California Code of Regulations, after making them 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 modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to develop planning guidance for the nonattainment-transitional designation consistent with the requirements of the Act to assist the districts in their efforts to attain the state standards in areas so designated.

I hereby certify that the above is a true and correct copy of Resolution 92-43, as adopted by the Air Resources Board.

  
Pat Hutchens, Board Secretary

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RESOURCES AGENCY OF CALIFORNIA

ATTACHMENT A

Amend sections 70303, 70304, Appendix 2, Appendix 3, and Appendix 4 of Subchapter 1.5. Air Basins and Air Quality Standards, Article 3. Criteria for Determining Area Designations, Title 17, California Code of Regulations, as follows:

**70303. Criteria for Designating an Area as Nonattainment**

(a) The state board shall designate an area as nonattainment for a pollutant if:

(1) Data for record meet the representativeness criteria set forth in "Criteria for Determining Data Representativeness" contained in Appendix 1 to this article and show at least one violation of a state standard for that pollutant in the area; or

(2) Limited or no air quality data were collected in the area, but the state board finds, based on meteorology, topography, and air quality data for an adjacent nonattainment area, that there has been at least one violation of a state standard for that pollutant in the area being designated.

(b) An area shall not be designated as nonattainment if the only recorded violation(s) of that standard were based solely on data for record determined to be affected by a highly irregular or infrequent event. Data affected by a highly irregular or infrequent event will be identified as such by the executive officer in accordance with the "Air Resources Board Procedure for Reviewing Air Quality Data Possibly Affected by a Highly Irregular or Infrequent Event," set forth in Appendix 2 to this article.

(c) The state board shall, if requested by the district no later than July 15, 1990 or no later than May 1 of each year thereafter pursuant to section 70306, identify that portion of a designated area within the district as nonattainment-transitional for a pollutant with a standard averaging time less than or equal to 24 hours and continuous sampling (continuous sampling means that samples are routinely collected every day) if it finds that:

(1) Data for record for the previous calendar year are consistent with the criteria established in section 70304(a)(2) and show ~~three~~ two or fewer days at any site in the area with violations of a state standard for that pollutant (not including violations found to be affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2);

~~{2} Meteorological conditions for the previous calendar year were representative for the area}~~

(2) Evaluation of multi-year air quality, meteorological, and emission data indicates that ambient air quality either has stabilized or is improving and the area is expected to reach attainment within three years; and

(3) The geographic extent of the area is consistent with the criteria established in section 70302.

(d) An area designated as nonattainment-transitional for a pollutant is close to attaining the standard(s) for that pollutant. The nonattainment-transitional designation provides an opportunity for a district to review and potentially to modify its attainment plan. Any modification to an attainment plan must be consistent with state and federal regulations and statutes.

NOTE: Authority Cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

**70304. Criteria for Designating an Area as Attainment**

(a) The state board shall designate an area as attainment for a pollutant if:

(1) Data for record show that no state standard for that pollutant was violated at any site in the area; and

(2) Data for record meet representativeness and completeness criteria for a location at which the pollutant concentrations are expected to be high based on the spatial distribution of emission sources in the area and the relationship of emissions to air quality. Data representativeness criteria are set forth in "Criteria for Determining Data Representativeness" contained in Appendix 1 to this article. Data completeness criteria are set forth in "Criteria for Determining Data Completeness" contained in Appendix 3 to this article.

(b) Where there are limited or no air quality data for an area, the state board shall designate the area as attainment for a pollutant if it finds that no state standard for that pollutant has been violated in that area based on:

(1) Air quality data collected in the area during the most recent period since 1980 which meet the conditions in (a) above; and

(2) Emissions of that pollutant or its precursors in the area have not increased since that period to a level at which the standard might be exceeded; and

(3) Air quality data collected in the area since the time period in (1) above do not show a violation of the state standard.

(c) Where an area has limited or no air quality data for nitrogen dioxide, sulfur dioxide, sulfates, and lead (particulate), the state board shall designate that area attainment for a pollutant if it finds that no state standard for that pollutant has been violated in that area based on the state board's "Screening Procedure for Determining Attainment Designations for Areas With Incomplete Air Quality Data" set forth in Appendix 4 to this article.

(d) A nonattainment area shall not be redesignated as attainment for a pollutant if:

(1) Data for record for the monitoring site showing the greatest violation of a state standard for that pollutant no longer are available; and

(2) No other site has been identified as equivalent by the executive officer.

NOTE: Authority Cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

## APPENDIX 2

### AIR RESOURCES BOARD PROCEDURE FOR REVIEWING AIR QUALITY DATA POSSIBLY AFFECTED BY A HIGHLY IRREGULAR OR INFREQUENT EVENT

This Appendix describes the procedures that the Air Resources Board (state board) will use for reviewing air quality data possibly affected by a highly irregular or infrequent event with regard to the state ambient air quality standards. All decisions regarding the identification of data as being affected by a highly irregular or infrequent event will be made by the executive officer.

The state board will review air quality data for possible identification as affected by a highly irregular or infrequent event if the data are the only violations of an air quality standard in the area or if such identification would otherwise affect the designation of the area.

Two types of highly irregular or infrequent events may be identified:

1. Exceptional Event.
2. Extreme Concentration Event.

An exceptional event is an event beyond reasonable regulatory control which causes an exceedance of a state standard. An exceptional event must be linked to a specific cause such as an act of nature or unusual human activity. As guidance to the states for determining exceptional events, the federal Environmental Protection Agency (EPA) has published Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events, (EPA-450/4-86-007), July 1986 (the EPA Guideline). The EPA Guideline provides an overall criterion for determining whether an event is exceptional with regard to the national standards. The state board will use the EPA Guideline on a general basis for reviewing ambient data, but will not be bound by the specific definitions in the EPA Guideline for the various types of exceptional events because those definitions are made on a national basis. In addition, since what may be exceptional in one part of the state may be common in another, each possible event will be evaluated on a case-by-case basis.

An extreme concentration event is an event beyond reasonable regulatory control which causes an exceedance of a state standard but which does not qualify as an exceptional event. The causes of an extreme concentration event include but are not limited to unusual meteorology.

The steps for identifying a highly irregular or infrequent exceptional event are:

1. A district (or the state board) identifies questionable data.
2. If a known exceptional event has occurred, the district gathers relevant data to document the occurrence.

3. If an exceptional event is only suspected, the district investigates available data for the possible event.
4. The district submits to the executive officer a request for identifying the data as affected by a highly irregular infrequent an exceptional event and also provides supporting documentation.
5. If the executive officer concurs with the district, he/she will identify the data as affected by a highly irregular infrequent an exceptional event.
6. If the district's request for identifying data as affected by an exceptional event cannot be supported, the district will be notified of the reasons. The executive officer will consider any additional data to support the request, but in the absence of any new evidence, will disapprove the request.

The steps for identifying an extreme concentration event are:

1. A district (or the state board) identifies questionable data.
2. If the event is not an exceptional event, with an identifiable cause, the state board will evaluate the data as affected by an extreme concentration event.
3. In evaluating a possible extreme concentration event, the state board shall use the data for the site at which the event is suspected to estimate determine a limit for a concentrations that is expected to recur no more frequently than once in seven one years. The limit shall be determined using the "exponential tail method" which is incorporated by reference herein and described in Part I Section B.1. of the "Supplement to the Technical Support Document for Proposed Amendments to the Criteria for Designating Areas of California as Nonattainment, Attainment, or Unclassified for State Ambient Air Quality Standards" (March May 1992). Using estimation technique will use conventional rounding procedures, the limit shall be rounded to be consistent with the level of precision in which the standard is expressed. If the possible extreme concentration exceeds the estimated concentration, the executive officer will consult with the district in identifying the data will be identified as affected by an extreme concentration event.
4. When an extreme concentration event is identified, the state board shall review other information, including but not limited to meteorological data, to determine whether air quality data for other sites in the area were affected by the extreme concentration event.
5. If the district's request cannot be supported, it will be notified of the reasons. The executive officer will consider any additional data to support the request, but in the absence of any new evidence, will disapprove the request.

After data are identified by the executive officer as affected by a highly irregular infrequent event for state standards, the use or nonuse of the data for regulatory purposes will be determined through the public review process.



## APPENDIX 3

### CRITERIA FOR DETERMINING DATA COMPLETENESS

This Appendix describes the criteria to be used in determining data completeness for the purpose of designating areas as attainment or nonattainment-transitional as described in Article 3, Subchapter 1.5, Chapter 1, Part III, Title 17 (commencing with Section 70300), California Code of Regulations. A designation of attainment or nonattainment-transitional requires a demonstration that there was no violation of any applicable state ambient air quality standard. The purpose of these data completeness criteria is to specify the minimum data deemed necessary to assure that sampling occurred at times when a violation is most likely to occur.

#### Complete Data

Data for a site will be deemed complete if there are representative data (as determined in accordance with the Representativeness Criteria in Appendix 1) during the required hours (see below) of the day during the required months (see below) for the required years (see below).

#### Required Hours

The hours of potentially high concentration must be included. Unless a detailed evaluation determines different hours to be appropriate for a specific site, these hours are:

<u>Pollutant</u>	<u>Hours (PST)</u>
Ozone	9 am - 5 pm
Carbon Monoxide	3 pm - 9 am (next day)
Nitrogen Dioxide	8 am - 8 pm
Visibility Reducing Particles	9 10 am - 5 6 pm
Other Pollutants	Throughout day

#### Required Months

The months of potentially high concentrations must be included. Unless a detailed evaluation determines different months to be appropriate for a specific site, these months are:

<u>Pollutant</u>	<u>Months</u>
Ozone	July - September
Carbon Monoxide	January, November - December
Nitrogen Dioxide	October - December
Sulfur Dioxide	September - December
Sulfates	January, June - December
Lead (Particulate)	January, November - December
Other Pollutants	January - December

#### Required Years

The number of years to be included is:

- Three; or
- Two, if during these years the maximum pollutant concentration is less than three-fourths the applicable state ambient air quality standard; or
- One, if during this year the maximum pollutant concentration is less than one-half the applicable state ambient air quality standard.

## APPENDIX 4

### SCREENING PROCEDURE FOR DETERMINING ATTAINMENT DESIGNATIONS FOR AREAS WITH INCOMPLETE AIR QUALITY DATA

This Appendix describes the screening procedure that will serve as the basis for making a pollutant-specific finding under Section 70304(c) that the state ambient air quality standard is being attained for areas with no or an incomplete air quality data record. The procedure is applicable only for nitrogen dioxide, sulfur dioxide, sulfates, and lead (particulate). For those areas with some air quality data for the prior three years, the screening procedure will be applied for a pollutant only if the maximum concentrations of that pollutant in the area did not exceed 75 percent of the state standard(s).

<u>Pollutant</u>	<u>Screening Parameters</u>	<u>Screening Values</u>
Nitrogen Dioxide	a) Basin Population	1,000,000 people
	b) Total Annual NO <sub>x</sub> Emissions in Air Basin	25,000 tons/yr
	c) Total Annual Point Source NO <sub>x</sub> Emissions in County	2,100 tons/yr
Sulfur Dioxide	a) Total Annual Point Source SO <sub>x</sub> Emissions in County	1,700 tons/yr
	b) Maximum Annual SO <sub>x</sub> Emissions from Single Facility in County	900 tons/yr
Sulfates	a) Total Annual SO <sub>x</sub> Emissions in Air Basin	19,000 tons/yr
	b) Total Annual Point Source SO <sub>x</sub> Emissions in County	1,700 tons/yr
	c) Maximum Annual SO <sub>x</sub> Emissions from Single Facility in County	900 tons/yr
Lead	a) County Population	600,000 people
	b) Maximum Annual Lead Emissions from Single Facility in County	0.5 tons/yr

For an area to which these values are applied, the local values of the applicable screening parameters will be compared to the respective screening values. The area will be presumed to be attainment if none of the applicable screening parameters for a pollutant exceed the associated screening values.