

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED AMENDMENTS TO THE AREA DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS

The Executive Officer of the Air Resources Board (ARB) is proposing amendments to the regulations designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified for pollutants with State ambient air quality standards set forth in section 70200 of title 17, California Code of Regulations.

Written comments on the proposed regulatory amendments must be received by September 4, 2012 in order to be considered by the Executive Officer. No oral public hearing is currently scheduled, but you may, by August 20, 2012, request the Executive Officer to conduct a public hearing. Your request must be in writing and must comply with the requirements of Government Code section 11346.8(a). If an oral public hearing is requested by that date, it will be conducted by the Executive Officer or his or her delegate pursuant to the authority set forth in Health and Safety Code (H&SC) sections 39515 and 39516 and California Code of Regulations, title 17, section 70306. Notice of the time, date, and place of any hearing, if requested, will be provided by separate notice.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to California Code of Regulations (CCR), title 17, sections 60201 and 60210.

Background: ARB is charged with the responsibility of adopting ambient air quality standards in consideration of the public health, safety, and welfare (H&SC section 39606). To date, ARB has adopted State ambient air quality standards (State Standards) for ten pollutants, set forth in CCR, title 17, section 70200. In addition, H&SC section 39607(e) requires ARB to establish designation criteria which provide the basis for designating areas of California as attainment or nonattainment with respect to the State Standards. The designation criteria are set forth in CCR, title 17, sections 70300 through 70306, and appendices 1 through 3 thereof. Based on these designation criteria, H&SC section 39608 further requires ARB to establish and annually review area designations for State Standards.

Objectives and Benefits of the Proposed Amendments: During the annual review, ARB determines whether changes to the existing area designations are warranted based on an evaluation of recent air quality data. The annual review and update of the area designations gives the public, businesses, and 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. In addition, businesses and government are given the opportunity to make informed decisions regarding worker health and safety.

Objectives:

This year's review of the area designations is based on air quality data from 2008 through 2010. The proposed amendments provide for three changes for fine particulate matter (PM_{2.5}) areas, as summarized below:

- Designate the North Coast Air Basin as attainment. The Air Basin comprises four counties and one partial county; Del Norte, Humboldt, Trinity, Mendocino, and the northern portion of Sonoma. This area coincides in area with the North Coast Unified Air Quality Management District, the Mendocino County Air Quality Management District, and the Northern Sonoma County Air Pollution Control District. The North Coast Air Basin is currently designated as unclassified.
- Designate the Northeast Plateau Air Basin as attainment. The Air Basin comprises three counties; Lassen, Modoc, and Siskiyou. This area coincides in area with the Lassen County Air Pollution Control District, the Modoc County Air Pollution Control District, and the Siskiyou County Air Pollution Control District, respectively. The Northeast Plateau Air Basin is currently designated as unclassified.
- Designate Ventura County in the South Central Coast Air Basin as attainment. This area coincides in area with the Ventura County Air Pollution Control District and is currently designated as nonattainment.

In addition, changes to the ozone designations have already occurred by operation of law pursuant to HSC 40925.5. These non-discretionary changes are re-designating Glenn County, Yolo County, and the Sacramento Valley Air Basin (SVAB) portion of Solano County from nonattainment to nonattainment-transitional.

Benefits:

Environmental Justice. Some communities experience higher exposures to air pollutants and it is a priority of ARB to ensure that full protection is afforded to all Californians. Although they do not contain any requirements for action, the proposed amendments to the area designations classify the air quality in communities as to whether it meets the State's health-based standards.

Safeguarding the quality of the physical environment. An area's designation status provides a classification that assists local districts to more accurately assess local air quality. Although changes to areas' designations require no direct action, indirect benefits to the quality of the physical environment may result.

Encouraging a regional approach to the State ambient air quality, whenever possible. The proposed designations by discrete areas allow each local district to assess the air quality of individual areas and address their unique situations and needs. This approach allows each local district to identify the most cost-effective, efficient, and acceptable approach to achieve the ambient air quality standards.

Consistency with the State goal of providing a decent home and suitable living environment. The annual review and update of the area designations gives local districts an indication of whether the health-based standards are being met. This information allows local districts to make informed decisions regarding appropriate actions to meet the air quality standards.

CONSISTENCY WITH EXISTING STATE REGULATIONS

The proposed changes, as well as the process for effecting those changes, to the area designations are consistent with existing State regulations. Pursuant to CCR, title 17, section 70306 and Government Code section 11346.8(a), a public hearing will be held if, no later than 15 days prior to the close of the written comment period, an interested person or his or her duly authorized representative submits in writing to ARB, a request to hold a public hearing. In proposing to designate the North Coast Air Basin, Northeast Plateau Air Basin, and Ventura County in the South Central Coast Air Basin as attainment, ARB has considered the data for record, which meet the representativeness and completeness criteria. These data demonstrate that the PM_{2.5} standard was not violated in these areas. Therefore, consistent with State regulations, ARB is proposing to designate these areas as attainment for PM_{2.5}. In addition, the redesignation of Glenn County, Yolo County, and the Sacramento Valley Air Basin (SVAB) portion of Solano County to nonattainment-transitional for ozone is a non-discretionary change that occurred by operation of law pursuant to H&SC section 40925.5.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal or local regulations that address area designations for the State (California) ambient air quality standards.

AVAILABILITY OF DOCUMENTS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Initial Statement of Reasons for Rulemaking: Proposed 2012 Amendments to Area Designations for State Ambient Air Quality Standards."

Copies of the ISOR and the full text of the proposed regulatory language, in underline (to indicate additions) and ~~strike-out~~ (to indicate deletions) format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board,

1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322-2990, on July 20, 2012.

Final Statement Of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website, listed below.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Ms. Sylvia Zulawnick, Manager, Particulate Matter Analysis Section, at (916) 324-7163 or Ms. Theresa Najita, Air Pollution Specialist, Particulate Matter Analysis Section, at (916) 322-7297.

Further, the agency representative and designated back-up contact persons, to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322-4011, or Ms. Amy Whiting, Regulations Coordinator, (916) 322-6533. ARB staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access: This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB website for this rulemaking at <http://www.arb.ca.gov/regact/2012/area12/area12.htm>.

DISCLOSURES REGARDING THE PROPOSED ACTION / FISCAL IMPACT

The determinations of ARB's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings 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 Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary savings to State or local agencies.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. ARB is not aware of any cost

impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

In accordance with Government Code section 11346.3, the Executive Officer has determined the proposed regulatory action would not affect 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. An assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The proposed amendments to the area designation regulations do not contain any requirements for action. The area designations are simply labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves contain no requirements for action, they have no direct economic impact. However, this regional approach to categorizing air quality allows each district to identify the most cost-effective and efficient approach to achieve the ambient air quality standards. In addition, the annual review and update of the area designations gives the public an indication of whether the health-based standards are being met, thereby allowing the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. These personal health and residency decisions may translate into cost savings from reduced medical expenses, hospitalizations, and time off from work, as well as improved psychological benefits. It also allows businesses and government the opportunity to make informed decisions about worker health and safety. These business and government decisions may also translate into cost savings from reduced workers' expenses such as medical expenses, hospitalizations, time off from work, and worker's compensation, as well as improved worker morale.

EFFECT ON SMALL BUSINESS

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because the proposed regulatory action does not contain any requirements for action.

ALTERNATIVES

Before taking final action on the proposed regulatory action, the Executive Officer must determine that no reasonable alternative considered by ARB, or that has otherwise been identified and brought to the attention of ARB (which includes during preliminary workshop activities), 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

ENVIRONMENTAL ANALYSIS

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in the ISOR.

SUBMITTAL OF COMMENTS AND WRITTEN COMMENT PERIOD

This regulatory proceeding will be conducted through the submittal of written documents. No oral public hearing is currently scheduled.

Written comments on this regulatory proposal must be received no later than 5:00 p.m., September 4, 2012, and addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

As stated above, no oral public hearing is scheduled at this time. However, an oral public hearing will be scheduled if any interested person or his or her duly authorized representative requests such a hearing by August 20, 2012, no later than 15 days prior to the close of the written comment period. The request for a hearing may be submitted in the same manner as written comments, but must comply with the requirements of Government Code section 11346.8(a).

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, and 39608. This action is proposed to implement, interpret, and make specific Health and Safety Code, sections 39608, 40718, and 40925.5.

REGULATORY AMENDMENT PROCEDURES

This regulatory proceeding will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the close of the comment period, the Executive Officer may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Executive Officer may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text, if applicable, from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than ten (10) business days from the release date of this notice. TTY/TDD/Speech-to-Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma, pro favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de diez (10) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

CALIFORNIA AIR RESOURCES BOARD

/s/

James N. Goldstene
Executive Officer

Date: July 10, 2012