

State of California
AIR RESOURCES BOARD

Resolution 05-1

January 20, 2005

Agenda Item No.: 05-1-5

WHEREAS, Health and Safety Code (H&SC) 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 (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, 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 H&SC 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 (CCR), 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 and on June 15, 1990, May 15, 1992, December 10, 1992, November 18, 1993, November 16, 1995, September 24, 1998, and January 20, 2004, the Board amended title 17, CCR, sections 70300 through 70306, and Appendices 1 through 4, thereof, establishing designation criteria consistent with the requirements of the Act;

WHEREAS, the Act in H&SC 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 H&SC section 39607(e);

WHEREAS, the Act in H&SC 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, currently contained in title 17, CCR, sections 60200 through 60210, and has updated them annually based on a review of recent air quality data;

WHEREAS, H&SC section 40925.5(a), as amended by AB 3048, Stats. 1996, ch. 777, mandates districts with a nonattainment designation for the State ozone standard to be 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, title 17, CCR, section 70303.5(b) states that areas that qualified as nonattainment-transitional for ozone based on data from the previous calendar year under H&SC section 40925.5(a), but data for the current year have more than three exceedance days at any one monitoring location, are to be designated as nonattainment;

WHEREAS, based on a review of 2001 through 2003 air quality data, the portion of Los Angeles County that is in the South Coast Air Basin area has demonstrated attainment of the State carbon monoxide standard;

WHEREAS, based on a review of 2001 through 2003 air quality data, the Siskiyou County portion of the Northeast Plateau Air Basin area has demonstrated attainment of the State PM10 standard;

WHEREAS, based on a review of 2001 through 2003 air quality data, the Lake Tahoe Air Basin and North Central Coast Air Basin areas have demonstrated attainment of the State PM2.5 standard;

WHEREAS, based on a review of 2001 through 2003 air quality data, the area of North Central Coast Air Basin qualifies as nonattainment-transitional for the State ozone standard;

WHEREAS, based on a review of 2001 through 2003 air quality data and in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, the ARB staff proposed amendments to the Table of Area Designations for Ozone in title 17, CCR, section 60201, for the North Central Coast Air Basin, to the Table of Area Designations for Carbon Monoxide in title 17, CCR, section 60202, for the portion of Los Angeles County that is in the South Coast Air Basin, to the Table of Area Designations for Suspended Particulate Matter (PM10) in title 17, CCR, section 60205, for the Siskiyou County portion of the Northeast Plateau Air Basin, and to the Table of Area Designations for Fine Particulate Matter (PM2.5) in title 17, CCR, section 60210 for the Lake Tahoe Air Basin and the North Central Coast Air Basin, as set forth in Attachment A;

WHEREAS, the proposed amendments to the area designations are consistent with the requirements of the Act as specified in H&SC section 39608;

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; 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 tables of area designations comply with the requirements of Health and Safety Code section 39608;
2. The proposed amendments to the area designations set forth in title 17, CCR, sections 60201, 60202, 60205, and 60210, are consistent with the designation criteria contained in title 17, CCR, sections 70300 through 70306, and Appendices 1 through 4, thereof;
3. This regulatory action will not have a significant adverse impact 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 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
4. 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.

BE IT FURTHER RESOLVED that the Board hereby adopts the amendments to title 17, CCR, sections 60201, 60202, 60205, and 60210, as set forth in Attachment A.

I hereby certify that the above is a true and correct copy of Resolution 05-1, as adopted by the Air Resources Board.

Lori Andreoni, Clerk of the Board

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Identification of Attachments to the Resolution

Attachment A: Text of the Proposed Amendments to the Area Designations, California Code of Regulations, title 17, sections 60201, 60202, 60205, and 60210, as included in the Initial Statement of Reasons released December 3, 2004.