

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE AREA DESIGNATIONS FOR THE STATE AMBIENT AIR QUALITY STANDARDS

The Air Resources Board (the Board) will conduct a public hearing at the time and place noted below to consider the adoption of amendments to the regulations designating areas of California as nonattainment, attainment, or unclassified for all pollutants for which there are State ambient air quality standards.

DATE: November 21, 1996

TIME: 9:30 a.m.

PLACE: Air Resources Board
Board Hearing Room, Lower Level
2020 "L" Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., November 21, 1996, and may continue at 8:30 a.m., November 22, 1996. This item may not be considered until November 22, 1996. Please consult the agenda for this meeting, which will be available at least ten days before November 21, 1996, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Proposed amendments to sections 60201 through 60209, Title 17, California Code of Regulations (CCR), pursuant to section 39608 of the Health and Safety Code.

Background: The California Clean Air Act of 1988 (the Act; Stats. 1988, ch. 1568) significantly revised Division 26 of the Health and Safety Code (H&SC). The Act added to the H&SC several requirements concerning district plans and control measures to attain and maintain the State ambient air quality standards (State standards). Section 39607(e) of the H&SC requires the Board to establish and periodically review designation criteria. These criteria provide the basis for designating areas for the State standards cited in CCR, Title 17, section 70200. The nine pollutants with State standards are: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM10), sulfates, lead, hydrogen sulfide, and visibility reducing particles. Pursuant to H&SC section 39607(e), the Board first established designation criteria at a public hearing in June 1989 (CCR, Title 17, sections 70300 through 70306). The Board subsequently amended these criteria in June 1990, May 1992, December 1992, November 1993, and November 1995. The criteria specify the data to use, the size of the designated area, and the conditions for determining the appropriate designation category.

Based on the designation criteria, H&SC section 39608 requires the Board to designate areas as attainment, nonattainment, or unclassified for each of the nine pollutants with State standards set forth in CCR, Title 17, section 70200. The Board approved the original area designations in June 1989. The H&SC further requires the Board to review the area designations annually and update them as new information becomes available. The area designations comprise CCR, Title 17, sections 60200 through 60209.

Staff Proposal: Based on this year's annual review, the Board staff proposes to change the ozone designation for Mono County-Great Basin Valleys Air Basin (nonattainment to nonattainment-transitional); the carbon monoxide designations for El Dorado County-Lake Tahoe Air Basin (nonattainment to nonattainment-transitional), Placer County-Lake Tahoe Air Basin (unclassified to attainment), Tuolumne County-Mountain Counties Air Basin (unclassified to attainment), Butte County-Sacramento Valley Air Basin (nonattainment and unclassified to attainment), Placer County-Sacramento Valley Air Basin (unclassified to attainment), and the Sacramento County Portion of the Census Bureau Urbanized Area-Sacramento Valley Air Basin (nonattainment-transitional to attainment); the PM10 designation for Calaveras County-Mountain Counties Air Basin (unclassified to nonattainment), and the sulfates designation for the San Joaquin Valley Air Basin (unclassified to attainment).

In addition to these proposed redesignations, the Board staff proposes to amend the area designation regulations (CCR, Title 17, sections 60201 through 60209) to reflect two new air basins. At a public hearing on May 30, 1996, the Board adopted regulations dividing the former Southeast Desert Air Basin into two new air basins: The Mojave Desert Air Basin and the Salton Sea Air Basin. These regulations have not yet been approved by the Office of Administrative Law. To make the area designations consistent with the current air basins, the staff proposes deleting all references to the Southeast Desert Air Basin and adding the appropriate area designations for the Mojave Desert and Salton Sea Air Basins. For the most part these proposed amendments do not affect the existing area designations. Because these designations needed to be confirmed within the new air basins, the staff relied on current and historical air quality data, and emission inventory data. All but one area maintained their prior designations. The portion of Riverside County within the Mojave Desert Air Basin was designated attainment for the State carbon monoxide standard, and it will become unclassified due to lack of current and or historical data in that portion of the county.

The staff proposes not to amend the designations of the following areas for the following pollutants and reasons: Inyo County-Great Basin Valleys Air Basin (unclassified for ozone, 2 exceedances excluded as affected by unusual concentration events); Plumas County-Mountain Counties Air Basin (unclassified for ozone, exceedance excluded as affected by an unusual concentration event); Sonoma County-North Coast Air Basin (attainment for ozone, exceedance excluded as affected by an extreme concentration event); Los Angeles County-South Coast Air Basin (attainment for nitrogen dioxide, exceedance excluded as affected by an extreme concentration event); San Luis Obispo County-South Central Coast Air Basin (attainment for sulfur dioxide, 1- hour exceedance and 24-hour exceedance excluded as affected by extreme

concentration events); Los Angeles County-South Coast Air Basin (attainment for sulfates, 3 exceedances at 3 different monitoring sites excluded as affected by extreme concentration events); Riverside County-South Coast Air Basin (attainment for sulfates, 1 exceedance excluded as affected by an extreme concentration event); Los-Angeles County-South Coast Air Basin (attainment for lead, 3 exceedances excluded as affected by exceptional events, 1 exceedances excluded as affected by an extreme concentration event); Lake County-Lake County air Basin (attainment for hydrogen sulfide, 2 exceedances at 2 different monitoring sites excluded as affected by extreme concentration events); Santa Barbara County-South Central Coast Air Basin (attainment for hydrogen sulfide, 3 exceedances at 2 different monitoring sites excluded as affected by extreme concentration events); San Luis Obispo County-South Central Coast Air Basin (attainment for hydrogen sulfide, 2 exceedances excluded as affected by extreme concentration events).

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the potential environmental and economic impacts of the proposal, if any. The Staff Report is titled "Proposed Amendments to the Area Designations for State Ambient Air Quality Standards, Including Proposed Amendments due to Changes in Air Basin Boundaries, and Proposed Maps of Area Designations for the State and National Ambient Air Quality Standards." Copies of the Staff Report and the full text of the proposed regulatory language in underline and strike-out format, may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990. The Board staff has compiled a record which includes all the information upon which the proposal is based. Copies of the documents may be obtained from, or inspected at, the Public Information Office, 2020 L Street, Sacramento, CA 95814.

Further inquiries regarding this matter should be directed to Rich Bradley, Chief of Air Quality Data Branch, Technical Support Division, P.O. Box 2815, Sacramento, CA 95812, (916) 322-6076.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed amendments are presented below.

Overall Impacts of the Proposed Amendments

The proposed amendments to the area designations by themselves do not contain requirements for action. The area designations are simply labels that describe the healthfulness of the air quality in each area. Because the regulations by themselves contain no requirements for action, they have no direct economic impact, and the following general determinations are appropriate: The Executive Officer has determined that adoption of the proposed amendments will not create costs or savings, as defined in Government Code section 11346.5(a)(6), 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 Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies, except as discussed, below.

The Executive Officer also has determined, in accordance with Government Code section 11346.5(a)(8), that adoption of the proposed amendments will not have a significant adverse economic impact on businesses, small or otherwise, including the ability of California businesses to compete with businesses in other States. Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9), on private persons or businesses directly affected as a result of adopting the proposed amendments.

In accordance with Government Code section 11346.3, the Executive Officer has assessed the potential for adverse economic impacts on California business enterprises and individuals and has determined that adoption of the proposed amendments will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within California, or the expansion of businesses currently doing business within California.

Finally, the Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the proposed regulatory action will not affect small business, because by themselves, the amendments contain no requirements for action and, therefore, have no direct economic impact.

Before taking final action on the proposed amendments to the regulations, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons than the proposed action (Government Code section 11346.14(b)). Since this action is based on scientific data and has no direct effect on private persons, the staff will recommend that the Board make this determination.

Although the proposed amendments to the area designations will not have any direct economic impacts, the Executive Officer has determined that the proposed amendments to redesignate Calaveras County in the Mountain Counties Air Basin as nonattainment for the State PM10 standards may indirectly result in some adverse economic impacts. These indirect adverse economic impacts would result from potential planning activities to attain the State PM10 standards in this area and are described, below.

Under State law, there are no specific planning requirements for PM10. However, under HS&C section 40926, districts are not prohibited from developing and implementing a control strategy to attain the PM10 standards. The development and implementation of a control strategy might require additional district staff to evaluate the problem, develop an acceptable control strategy, and enforce emission control measures. The costs incurred by the districts in connection

with these activities are not reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code because the statute does not mandate a new program or higher level of service of an existing program within the meaning of section 6 of Article XIII B of the California Constitution. In addition, districts have the authority to levy fees sufficient to cover their costs for planning, enforcement, and other district programs (see H&SC sections 40510, 40522, 41522.5, 42311, and 44223).

In addition to the potential indirect economic impacts on the district, the Executive Officer has determined that adopting the proposed nonattainment designation for Calaveras County might result in some indirect adverse economic impacts on local businesses. Businesses would be affected differently, depending on the control measures identified by the district. Because all emission control measures are not "equal," the costs to businesses for implementing the control measures undoubtedly will vary. This cost differential would be considered during the planning process. Generally, in developing a control strategy, the districts complete cost-effectiveness analyses to determine which emission control measures will be the most effective. Those measures that are most cost-effective generally are implemented first, lessening the overall economic impact on local businesses. However, in contrast, businesses with sources that are the most cost-effective to control usually will be the first to incur costs.

Impacts of the proposed amendments due to changes in the air basin boundaries

The adoption of the proposed amendments to the area designations due to changes in air basin boundaries would have no effect on the area designations except for a portion of Riverside County. The proposed amendments describe the designated areas in a manner that is consistent with the new air basins. In other words, areas designated as nonattainment, attainment, or unclassified in the Southeast Desert Air Basin will retain the same designation in the Mojave Desert or Salton Sea Air Basin, except for the Mojave Desert Air Basin portion of Riverside County. It is proposed that this area be designated as unclassified for carbon monoxide because there are insufficient data with which to designate the area as attainment. This area was designated as attainment as part of the Southeast Desert Air Basin. Therefore, this change to unclassified is not expected to result in any adverse impacts on public health, public welfare, and the environment or have any adverse economic impacts, because there are no sources with emissions that would be expected to result in a nonattainment designation. Therefore, the proposed amendments are not expected to result in any adverse impacts on public health, public welfare, and environment or have any adverse economic impacts because, except for the Mojave Desert Air Basin portion of Riverside County as described above, the proposed designations do not change the areas' previous designations.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, November 20, 1996, or received by the Clerk of the Board at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in sections 39600, 39601, and 39608 of the H&SC. The amendments to the regulations are proposed to implement, interpret, and make specific sections 39608 and 40925.5 of the H&SC.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board 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 from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Michael P. Kenny,
Executive Officer

Date: