

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

**Final Statement of Reasons for Rulemaking,
Including Summary of Comments and Agency Response**

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

Public Hearing Date: 11/21/96
Agenda Item No.: 96-9-2

I. GENERAL

The Staff Report: Initial Statement of Reasons for Rulemaking (staff report) entitled, "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," (November 1996) is incorporated by reference, herein.

Following a public hearing on November 21, 1996, the Air Resources Board (Board), by Resolution 96-55, approved amendments to the area designations for State standards. The *area designation regulations* comprise labels that describe the healthfulness of the air quality in each area. The amended regulations are contained in the California Code of Regulations (CCR), Title 17, sections 60201 through 60209. The amendments adopted by the Board are identical to those initially proposed by the staff and made available in the Staff Report released on October 4, 1996.

The Board has determined that the affected regulations do not contain any requirements for action and, as a result, they have no direct economic impact. Therefore, the Board made the following general findings:

The Board determined that the amendments to the regulations 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.

The Board also determined, in accordance with Government Code section 11346.5(a)(8), that the amendments to the regulations will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other States. In addition, the Board 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 amending the regulations.

In accordance with Government Code section 11346.3, the Board determined that amending the regulations 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 Board determined that there is no alternative considered which would be more effective in carrying out the purpose for which the action is proposed nor 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 (Government Code section 11346.9(a)(4)).

The staff would like to clarify several statements in the Staff Report as follows: on page 4, Attachment C indicates Designation Criteria; on page 5, the standards referred to appear in Attachment B; and on pages 37 and 39, the pollutant involved in the unusual concentration events in Inyo and Plumas Counties is ozone.

Amendments to the Area Designations

The amendments to the area designations will not have any direct, adverse, economic impacts because they do not, by themselves, require any regulatory action. The area designations are labels that describe the healthfulness of the air quality in each area. Although these regulations by themselves contain no requirements for action, the Board determined that the amendments redesignating Calaveras County as nonattainment for the State PM₁₀ standards may indirectly result in some adverse economic impacts. These indirect adverse economic impacts would result from costs that might result if the Board or districts adopted regulations to control this pollutant. Although there are no specific planning requirements for PM₁₀, State law does not restrict the authority of the Board or a district to adopt regulations to control PM₁₀ (Health and Safety Code (H&SC) section 40926).

In addition, the amendments to the area designations, due to changes in air basin boundaries, do not reflect any changes in air quality. For the most part, the areas affected by the air basin boundary changes retain their area designation under a new air basin. The only exception is a portion of Riverside County in the Mojave Desert Air Basin. This portion of Riverside County was previously designated as attainment for the State carbon monoxide standard; because current and historical air quality data are lacking, this area will revert to an unclassified designation. This change in designation could benefit public health, public welfare, and the environment since this redesignation could result in verification of attainment status at a later date. Nevertheless, this change, in itself, will not cause any economic impact. Therefore, amendments to area designations resulting from changes in air basin boundaries are not expected to result in any adverse impacts on public health, public welfare, and environment or have any adverse economic impacts.

II. MODIFICATIONS TO THE REGULATIONS

At a public hearing on November 21, 1996, the Board adopted Resolution 96-55, amendments to the area designation regulations. Specifically, the Board adopted the staff's proposed amendments to CCR, Title 17, section 60201 through 60209.

III. SUMMARY OF COMMENTS AND AGENCY RESPONSES

After the release of the staff report, but before the public hearing, the Board received written comments from Mr. Tim Battin, Tulare County Planning and Development Department; Mr. Jim Reed a private citizen from Calaveras County; Mr. Noel Bonderson, Air Pollution Control Officer of the Amador County Air Pollution Control District (Amador County APCD); and Mr. Jearl D. Howard, Air Pollution Control Officer of the Calaveras County Air Pollution Control District (Calaveras County APCD). Mr. Lakhmir Grewal, Deputy Air Pollution Control Officer of the Calaveras County APCD testified at the Board Hearing. The substance of each of the comments and the agency's responses are summarized, below.

Comments Related to the Area Designations Amendments

1. Comment: Tulare County appreciates the opportunity to comment on the proposal and has no specific comments regarding the proposed amendments. (Tulare County)

Agency Response: The Board appreciates Tulare County's interest and participation in the rulemaking process.

2. Comment: The Jackson monitor should be considered an appropriate site for carbon monoxide (CO) monitoring. "At the very least, a demonstration (CO Saturation study) should be conducted within the city of Jackson to demonstrate that the current CO monitoring site is indeed representative of 'worst case CO Levels' and that Amador County should be classified as "attainment" for CO as was originally proposed." (Amador County APCD)

Agency Response: At the Board's August 1, 1996 workshop, the staff proposed to designate Amador County attainment for the CO standard. After the workshop and upon further investigation, the staff found that the monitor in Amador County was not situated in the area of expected high CO concentration and therefore Amador County could not be designated attainment. Given the District's request, the Monitoring and Laboratory Division staff is currently working with the district to find an appropriate site where the expected high CO concentration will be measured.

3. Comment: "The only pollution generated in our vicinity is that of campfires, woodstoves, and occasionally forest fires." (Mr. Jim Reed)

Agency Response: The PM₁₀ inventory of emission sources in Calaveras County indicates that sources in Calaveras County are very similar to those of other counties in the Mountain Counties Air Basin which are designated as nonattainment. The 1994 emission inventory shows

that Calaveras County has a total of 25 tons per day (tpd) of PM₁₀ emissions compared to El Dorado County with 29 tpd, Mariposa County with 14 tpd, Nevada County with 29 tpd, and Placer County with 24 tpd. The two major sources of PM₁₀ in Calaveras County and the other counties are fugitive dust from paved and unpaved roads, and residential combustion. Therefore, data indicate sources of PM₁₀ in Calaveras County could contribute to PM₁₀ standard violations.

4. Comment: The Board's findings will affect not only growth of our community, but will influence future studies made in our region. (Mr. Jim Reed)

Agency Response: The staff does not believe a designation to nonattainment will impact growth in Calaveras County. Although the California Clean Air Act requires districts to adopt rules and regulations to achieve and maintain the State and federal ambient air quality standards (Health and Safety Code section 40001), a designation of nonattainment for PM₁₀ does not result in specific statutory planning requirements.

5. Comment: The ARB should go after the heavily industrialized areas of San Joaquin and Sacramento Counties and not the downwind regions. Farmers and rural residents should not be blamed for these problems. (Mr. Jim Reed)

Agency Response: Designation decisions do not consider the causes of pollution, but rather they reflect the healthfulness of the air as measured by monitors. A nonattainment designation identifies an area as having measurements exceeding State ambient air quality standards on some days. Designations are made regardless of whether transport may be a factor in measured ambient air concentrations. However, transport is taken into consideration when planning requirements are necessary.

6. Comment: Commenter disagrees with the nonattainment designation of PM₁₀ and suggests the two exceedances on October 10, 1995, (date was amended to October 6, 1995, in a letter submitted at the November 21, 1996, Board hearing by Mr. Grewal), and November 11, 1995, were due to equipment malfunctions or erroneous results and therefore should not be considered violations of the PM₁₀ standard. (Howard, Calaveras County APCD)

Agency Response: The staff reweighed the filter from October 6 and found that although it weighed slightly less (due to evaporative loss) it still was above the standard. Furthermore, the staff from the Monitoring and Laboratory Division reviewed the information on the status of the monitoring equipment and confirmed that the instruments were functioning and calibrated during the dates in question. The staff is confident that these two exceedances were clear, legitimate exceedances and not due to instrumental malfunction.

7. Comment: The District was informed that the second violation (on November 11, 1995) could be thrown out if the District could document that an unusual event caused the exceedance. (Howard, Calaveras County APCD)

Agency Response: The staff explained to the District if an exceedance is determined to be

affected by an unusual event, it is excluded from the designation process and it is not considered a violation of the State PM₁₀ standard. In order for the staff to determine that an exceedance is affected by an unusual event, the District must provide supporting documentation that pertain to the day of the exceedance. The staff reiterated this to the District in a letter addressed to Mr. Grewal dated November 19, 1996. However, the District did not provide evidence indicating that the concentration of 118 ug/m³ was affected by an unusual event.

8. Comment: The monitoring station is located near a school and adjacent to a baseball field, but no unusual activity took place within a two mile radius of the station on the day the PM₁₀ sample was collected -- October 10 (see comment 5 for correct date). (Howard, Calaveras County APCD)

Agency Response: The information provided by the District on the monitor's location and the lack of activity around the monitor would indicate that the exceedance was not affected by an unusual event. This information helps substantiate that the exceedance of 57 ug/m³ is a violation of the State PM₁₀ standard.

9. Comment: The October 10, 1995 (see comment 5 for correct date), reading is the highest of all observations documented so far and is statistically defiant of any mean, median, and modal analysis of the available data. The mean value for the month of October drops to 35 ug/m³ as compared to 40 ug/m³ when the highest reading is excluded; the second highest reading of 38 ug/m³ seems to reflect the range which accurately supports the statistical analysis results. Note: the District provided graphs with this information at the November 21, 1996 Board hearing. (Howard, Calaveras County APCD)

Agency Response: The designation process does not look at mean, median, and modal analysis of the data for record. The California Code of Regulations (CCR), Title 17, section 70303 specifies that an area is designated nonattainment if data for record show at least one violation of the State standard for that pollutant in the area, and the measurement of the violation meets the representativeness criteria contained in Appendix 1 following section 70306 of CCR, Title 17. The criteria specifies, further, that an area shall not be designated as nonattainment if the only recorded exceedance(s) is determined to be affected by a highly irregular or infrequent event; this exceedance was not excluded as a highly irregular or infrequent event, therefore it is a violation of the State standard and, as such, this concentration is appropriately used to designate this area as nonattainment for PM₁₀.

10. Comment: The two readings that are either exceedances or violations are October 6 and November 11, 1995. These two readings are neither representative of the general air quality in that region or are possibly caused from transport by approximately 10 fires in the Bay Area. (Howard and Grewal, Calaveras County APCD)

Agency Response: The staff found these two concentrations to be violations of the PM₁₀ standard and, thus, indicators of the air quality of the region. Further analysis led the staff to find that on October 6, 1995, there was an extensive wild fire in the Bay Area. The analysis of the meteorological condition during that day indicated that transport of particulate matter from this

wild fire to Calaveras County was not a factor in the ambient concentration exceeding the State PM_{10} standard since there was a strong northerly wind blowing the pollutant plume south. The staff is not aware of any other significant wild fires on October 6 or November 11, 1995. However, the staff has information showing that during both days there was some prescribed burning in the surrounding counties. Nevertheless, prescribed burning is not a cause for exempting a measured concentration as an exceptional event. In addition, the designation process does not consider transport because designation is an indicator of the healthfulness of the air quality in an area. However, transport does play a major role when considering the strategies toward achieving attainment in the planning process.

11. Comment: One filter from those days definitely smells like fire. (Grewal, Calaveras County APCD)

Agency Response: The filter that smells like fire may be the result of residential combustion, which is one of the major sources of PM_{10} in Calaveras County.

12. Comment: These two readings are extreme concentrations. If we exclude these readings, the resulting concentrations are below 50 ug/m³. (Grewal, Calaveras County APCD)

Agency Response: The California Code of Regulations (CCR), Title 17, section 70303), specifies that an area is designated nonattainment if data for record show at least one violation of the State standard for that pollutant in the area and the measurement of the violation meets the representativeness criteria contained in Appendix 1 following section 70306 of CCR, Title 17. The criteria specifies further, that an area shall not be designated as nonattainment if the only recorded exceedance(s) is determined to be affected by a highly irregular or infrequent event. These two exceedances were not excluded as highly irregular or infrequent events, therefore they are violations of the State standard and, as such, are appropriately used to designate this area as nonattainment for PM_{10} .

13. Comment: These readings should be thrown out as exceptional events because of the forest fires. This year's data are way below 50 ug/m³ for the entire year. (Grewal, Calaveras County APCD)

Agency Response: The staff found that on October 6, 1995, there was an extensive wild fire in the Bay Area. The analysis of the meteorological condition during that day indicated that transport of particulate matter from this wild fire to Calaveras County was not a factor in the ambient concentration exceeding the State PM_{10} standard since there was a strong northerly wind blowing the pollutant plume south. The staff is not aware of any other significant wild fires on October 6 or November 11, 1995. However, the staff does have information showing that during both days there was some prescribed burning in the surrounding counties. Nevertheless, prescribed burning is not a cause for exempting a measured concentration as an exceptional event; therefore, these exceedances cannot be thrown out as exceptional events. The data from 1996 are not considered in this year's designations. However, one year without violations is not sufficient evidence that an area is attainment. To designate an area attainment, the criteria require three years of data because of possible meteorological variations.

14. Comment: On October 6, 1995, when 57 ug/m³ was measured, the surrounding areas and specifically Sacramento County, had concentrations below those of Calaveras County. Note: the District provided tables and graphs at the November 21, 1996 Board hearing. (Grewal, Calaveras County APCD)

Agency Response: The concentrations of particulate matter in the ambient air of Sacramento and neighboring counties for October 6, 1995 show that not only did neighboring counties have higher concentrations, but four monitoring sites in Sacramento County had concentrations higher than Calaveras County. The Sacramento County concentrations were 80 ug/m³, 71 ug/m³, 68 ug/m³, and 66 ug/m³.

15. Comment: It is unreasonable to designate Calaveras County nonattainment for PM₁₀ because of one exceedance and thereby subject this small county to the hurdles of the “10 steps, which will be proposed.” (Grewal, Calaveras County APCD)

Agency Response: The Board cannot take into consideration size and resources when designating an area attainment or nonattainment. In accordance with Health and Safety Code section 39608 and regulations at Title 17, CCR, sections 70300-70306, the Board may look only at the concentrations monitored and whether these are above the standard and, therefore, whether the levels of air pollutant are unhealthy.