

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 13, 1997

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 13, 1997, and may continue at 8:30 a.m., November 14, 1997. This item may not be considered until November 14, 1997. Please consult the agenda for this meeting, which will be available at least ten days before November 13, 1997, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Proposed amendments to sections 60201 and 60205, 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 for which designations are made 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 corroborates the changes of the ozone redesignations that occurred by "operation of law". These changes are for Butte County-Sacramento Valley Air Basin (nonattainment to nonattainment-transitional), and Glenn County-Sacramento Valley Air Basin (nonattainment to nonattainment-transitional).

The staff proposes that the Board find the following areas to be affected by highly irregular and infrequent events for the following pollutants and reasons: Inyo County-Great Basin Valleys Air Basin (unclassified for ozone, 3 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, 2 exceedances excluded as affected by an 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, 2 exceedances excluded as affected by exceptional events, 1 exceedance 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, 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.

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 and less burdensome to affected private persons than the proposed action (Government Code section 11346.5(a)(12)). Since this action is based on data for record and has no direct effect on private persons, the staff will recommend that the Board make this determination.

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 12, 1997, 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.

Michael P. Kenny,
Executive Officer

Date: