

State of California
AIR RESOURCES BOARD

Resolution 90-38

June 15, 1990

Agenda Item No.: 90-7-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") 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 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, the Act directs the Board in section 39607(e) of the Health and Safety Code to establish criteria for designating an air basin as attainment or nonattainment for any state ambient air quality standard set forth in section 70200 of Title 17 of the California Code of Regulations (ozone, carbon monoxide, sulfur dioxide, sulfates, nitrogen dioxide, PM-10, lead, hydrogen sulfide, and visibility reducing particles);

WHEREAS, on June 8, 1989, the Board adopted sections 70300 to 70306, Title 17, California Code of Regulations, establishing designation criteria (the "adopted criteria") consistent with the requirements of the Act;

WHEREAS, on June 8, 1989, the Board also directed the Executive Officer to form a work group comprising representatives of the Board staff, districts, industry, and other interested persons to examine possible alternatives to the definitions and standards in the adopted criteria, including the use of one violation in three years to determine nonattainment, the designation of areas where there are no or limited air quality data, and the appropriate use of transport related data;

WHEREAS, the Board requested the Executive Officer to report back within one year with any recommendations for modifications to the adopted criteria that may result from the efforts of the work group;

WHEREAS, the Board staff formed a work group and met with that group from August 1989 through January 1990 to discuss issues related to the adopted criteria and develop alternative approaches;

WHEREAS, as a result of the efforts of the work group, the Board staff proposes amending section 70303 of the adopted criteria to provide for a transitional category of nonattainment to apply in areas that are close to attaining a state ambient air quality standard;

WHEREAS, the Board staff also proposes amending section 70304 of the adopted criteria to provide a mechanism for redesignating a nonattainment area as attainment when monitoring at a high concentration site is discontinued;

WHEREAS, the Board staff also proposes amending Appendix 2 of the adopted criteria to provide for identifying exceptional events and extreme concentration events as highly irregular or infrequent violations that should not be considered in the designations;

WHEREAS, the Board staff has provided opportunities for public comment and considered such comments before proposing to the Board amendments to the adopted criteria;

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 staff;

WHEREAS, the Board finds that:

The proposed amendments to the adopted criteria, i.e., new subsection (c) of section 70303, new subsection (d) of section 70304, and amended Appendix 2 to sections 70300-70306 of Title 17 of the California Code of Regulations, are consistent with the existing provisions of the adopted criteria;

The proposed amendments are necessary for the designation of areas as nonattainment or attainment for the state ambient air quality standards and comply with the specifications described in section 39607(e) of the Health and Safety Code;

The proposed amendments assure that area designations will continue to be based on appropriate and reliable air quality information;

This regulatory action will not have a significant economic impact on any public agency, small business, or private persons or businesses other than small businesses; and

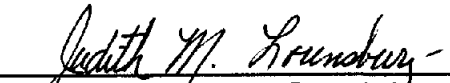
This regulatory action will not have a significant adverse impact on the environment. In fact, it should ultimately result in environmental benefits because it is part of a multi-step program designed to achieve and maintain the state ambient air quality standards.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves subsection (c) of section 70303, subsection (d) of section 70304, and amended Appendix 2 to sections 70300-70306 of Title 17 of the California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt subsection (c) of section 70303, subsection (d) of section 70304, and amended Appendix 2 to sections 70300-70306 of Title 17 of the California Code of Regulations, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to coordinate, with districts in areas designated as nonattainment based on Section 70303(a)(2), the collection of data necessary to document ambient air quality levels in the nonattainment area; the collection of ambient air quality data shall be consistent with existing Board air monitoring criteria and the availability of air monitoring resources.

I hereby certify that the above is a true and correct copy of Resolution 90-38, as adopted by the Air Resources Board.



Judith M. Lounsbury, Board Secretary

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Notice of Public Hearing to Consider the Adoption of Amendments to Criteria For Designating Areas of California as Nonattainment, Attainment, or Unclassified for State Ambient Air Quality Standards

Agenda Item No.: 90-7-2

Public Hearing Date: June 15, 1990

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: *Pax Hutchins for*
Judith M. Lounsbury
Board Secretary

Date: 11/26/90

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