

State of California
AIR RESOURCES BOARD

Resolution 92-79

December 10, 1992

Agenda Item No.: 92-19-2

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, in order to attain these standards, the Act mandates a comprehensive program of emission reduction measures and planning requirements for the state and the local air pollution control districts ("districts") in areas where the standards are not attained;

WHEREAS, the Act directs the Board in section 39608(a) of the Health and Safety Code, in consultation with the districts, to identify and classify, on or before September 30, 1989, each air basin as attainment, nonattainment, or unclassified on a pollutant-by-pollutant basis pursuant to criteria established by the Board under section 39607(e) of the Health and Safety Code;

WHEREAS, the Act in section 39608(c) of the Health and Safety Code also requires the Board to review the designations annually and update them as new information becomes available;

WHEREAS, pursuant to section 39607(e) the Board adopted sections 70300-70306, Title 17, California Code of Regulations, establishing criteria for the designations, and subsequently approved amendments to those criteria;

WHEREAS, Health and Safety Code section 40925.5, which becomes operative January 1, 1993, provides that any district which is nonattainment for ozone shall 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 air basin;

WHEREAS, on June 9, 1989, the Board approved the initial area designations which are contained in sections 60200-60209, Title 17, California Code of Regulations and has updated the designations each year since 1989;

WHEREAS, in consultation with the districts and in consideration of comments received from public agencies, industry representatives, and interested

persons, the staff has prepared proposed revisions to the area designations for a number of specific areas of the state for ozone, carbon monoxide, nitrogen dioxide, and suspended particulate matter;

WHEREAS, the proposed revisions of the area designations are based on the amended criteria contained in sections 70300-70306, Title 17, California Code of Regulations which were approved by the Board in May, 1992, and will be submitted to the Office of Administrative Law prior to the submission of the proposed revisions 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;

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; and

WHEREAS, the Board finds that:

The proposed revision to section 70303(c) and the addition of section 70303.5 of Title 17 of the California Code of Regulations are consistent with the requirements of section 40925.5 of the Health and Safety Code;

The proposed revisions to the area designations comply with requirements of section 39608 of the Health and Safety Code;

The proposed revisions to the area designations listed in sections 60200-60209 of Title 17 of the California Code of Regulations are consistent with the amended designation criteria, as approved in May 1998 by the Board in sections 70300-70306 of Title 17 of the California Code of Regulations;

Although this regulatory action may have a significant economic impact on a public agency, small business, or private persons or business other than small business, no other alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed nor would be as effective or less burdensome to affected private persons than the proposed action; 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 adopts amendments to sections 60200-60204, 60206-60209 and 70300-70306, Title 17, California Code of Regulations, as set forth in Attachment A hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendment to section 60205, Title 17, California Code of Regulations, as set forth in Attachment B hereto; however, the Executive Officer is directed to review the data for record to determine whether the PM10 designations should reflect a nonattainment status for Loyalton and an attainment status for the remainder of Sierra County.

BE IT FURTHER RESOLVED that, in the event the Executive Officer makes the determination described in the previous paragraph, the Board directs the Executive Officer to modify and adopt Section 60205, Title 17, California Code of Regulations, after making it 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 regulation to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that, in the event the Executive Officer determines that the data for record for Loyalton and Sierra County do not warrant any further modification to section 60205 as proposed and approved by the Board, the Executive Officer shall then adopt section 60205, Title 17, California Code of Regulations as set forth in Attachment B.

I hereby certify that the above is a true and correct copy of Resolution 92-79, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-875

WHEREAS, on December 10, 1992, the Air Resources Board (the "Board") conducted a public hearing to consider the amendment of sections 60200, 60201, 60202, 60203, 60205, 70301, 70303, Appendices 2 and 3, and the adoption of section 70303.5, Title 17, California Code of Regulations;

WHEREAS, following the public hearing, the Board approved Resolution 92-79, in which the Board adopted amendments to sections 60200, 60201, 60202, 60203, 70301, 70303, Appendices 2 and 3, and adoption of 70303.5, Title 17, California Code of Regulations;

WHEREAS, the Board directed the Executive Officer to review the data for record to determine whether the PM10 designations should reflect a nonattainment status for Loyalton and an attainment status for the remainder of Sierra County;

WHEREAS, if such determination were made, the Board directed the Executive Officer to modify and adopt amendments to section 60205, Title 17, 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 regarding the changes in the regulations as originally proposed as may be submitted during this period, shall make such 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; and

WHEREAS, the Executive Officer has determined that the data for record for Loyalton and Sierra County does not warrant any further modification nor reconsideration by the Board of section 60205.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 92-79 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 92-79, that section 60205, Title 17, California Code of Regulations is amended as set forth in Attachment 1 hereto.

IT IS FURTHER ORDERED that the regulations be submitted to the Office of Administrative Law for approval, the procedures set forth in Government Code sections 11346.4 through 11346.8 having been complied with.

Executed this 21st day of October, 1993, at Sacramento, California.


James D. Boyd
Executive Officer

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