State of California
AIR RESOURCES BOARD

Resolution 00-10

March 23, 2000

Agenda Item No.: 00-3-3

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, section 109(b)(1) of the Clean Air Act requires the U.S. Environmental Protection Agency (U.S. EPA) to set a primary air quality standard at a level that protects public health with an adequate margin of safety;

WHEREAS, section 109(b)(2) of the Clean Air Act requires U.S. EPA to set a secondary air quality standard at a level requisite to protect public welfare;

WHEREAS, on July 18, 1997, the U.S. EPA promulgated a new eight-hour ozone primary standard and an identical eight-hour ozone secondary standard at a level of 0.08 parts per million, based on the need to protect against daylong exposures to lower levels of ozone;

WHEREAS, on May 14, 1999, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit stated that the factors U.S. EPA used in determining the degree of public health concern associated with different levels of ozone were appropriate, but found U.S. EPA did not clearly articulate the rationale for selecting a level for the new ozone standard;

WHEREAS, the Court did not strike down the eight-hour ozone standard, but remanded the case to U.S. EPA to develop further clarification on how it selected the level of the new ozone standard;

WHEREAS, the Court noted that U.S. EPA is still authorized to designate areas under a revised ozone standard, and U.S. EPA has indicated that it intends to proceed with designations this year;

WHEREAS, section 107(d)(1) of the Clean Air Act requires states to submit to U.S. EPA a list designating areas as nonattainment, attainment, or unclassifiable for a new or revised national ambient air quality standard no later than one year after the promulgation of the standard and requires U.S. EPA to finalize the designations within two years of the promulgation of the new standard;

WHEREAS, section 6103 of the Transportation Equity Act for the 21st Century modified the timeline in section 107(d)(1) of the Clean Air Act to require states to submit area designation recommendations for the July 1997 ozone standards by July 1999 and U.S. EPA to promulgate final designations by July 2000;

WHEREAS, on June 25, 1999, U.S. EPA issued guidance asking states to submit only ozone monitoring data by July 1999, with recommended designations to follow;

WHEREAS, on August 12, 1999, ARB transmitted to U.S. EPA a list of California air quality monitors that violate the eight-hour ozone standard;

WHEREAS, section 107(d)(1)(A) of the Clean Air Act provides that any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national ambient air quality standard for a pollutant shall be designated nonattainment;

WHEREAS, section 107(d)(1)(A) of the Clean Air Act also provides that any area (other than an area identified as nonattainment) that meets the national ambient air quality standard for the pollutant shall be designated attainment;

WHEREAS, section 107(d)(1)(A) of the Clean Air Act also provides that any area that cannot be classified on the basis of available information as meeting or not meeting the national ambient air quality standard for the pollutant shall be designated unclassifiable;

WHEREAS, it is appropriate to consider factors such as population density, traffic congestion, commercial development, industrial development, meteorological conditions, and pollution transport in determining nonattainment boundaries;

WHEREAS, ARB has developed recommendations for area designations and boundaries in consultation with local air districts and transportation agencies, U.S. EPA, and the public;

WHEREAS, a notice of public meeting to consider the recommendations for area designations and nonattainment area boundaries for the federal eight-hour ozone standard was published on February 22, 2000;

WHEREAS, a Staff Report which lists recommendations for area designations and nonattainment area boundaries for the federal eight-hour ozone standard was made available for public comment on February 29, 2000;

WHEREAS, staff has made recommendations based on the most recent available air quality data from 1997 to 1999, which will be updated to reflect the complete, quality assured data set for the 1999 ozone season; and

WHEREAS, the National Park Service has requested that Joshua Tree National Park be included in a nonattainment area for the eight-hour standard and ARB staff has determined that available monitoring data in the Park are inadequate to support this action.

NOW, THEREFORE, BE IT RESOLVED that the Board approves staff's recommended area designations and nonattainment boundaries for the federal eight-hour ozone standards with the amendments presented by staff at this Board meeting.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the recommendations to U.S. EPA, and to work with U.S. EPA to resolve any issues that may arise regarding the approval of the recommendations.

BE IT FURTHER RESOLVED that, to the extent possible, ARB, local air districts, and transportation agencies should evaluate and consider the impact of future rules, plans, and projects on attaining and maintaining the eight-hour ozone standard.

BE IT FURTHER RESOLVED that ARB staff and the districts should continue to pursue technical work to develop State Implementation Plans for the eight-hour ozone standard, including air quality monitoring, improving emission inventories, conducting the Central California Ozone Study, and incorporating the results into expanded air quality models.

BE IT FURTHER RESOLVED that the Board directs staff to work with the Mojave Desert and the South Coast Air Quality Management Districts and the National Park Service to initiate special purpose monitoring for ozone in the eastern portions of Riverside and San Bernadino Counties (including Joshua Tree National Park) to assess the extent of ozone pollution in these areas.

I hereby certify that the above is a true and correct copy of Resolution 00-10, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Clerk of the Board