

## Final Regulation Order

### AREA DESIGNATION CRITERIA FOR STATE AMBIENT AIR QUALITY STANDARDS

**CALIFORNIA CODE OF REGULATIONS, TITLE 17, DIVISION 3  
CHAPTER 1. AIR RESOURCES BOARD  
SUBCHAPTER 1.5. AIR BASINS AND AIR QUALITY STANDARDS  
ARTICLE 3. CRITERIA FOR DETERMINING AREA DESIGNATIONS  
SECTIONS 70300 THROUGH 70306, AND APPENDICES 1 THROUGH 4, THEREOF**

[Note: Proposed deletions are shown in ~~strikeout~~ and proposed additions as underline.  
The symbol "\*" \* \* \* \*" means that intervening text not being amended is not shown.]

#### **§ 70300. General Statement of Purpose.**

The objective of these criteria is to guide the ~~state board~~Executive Officer or his or her delegate in making designations of areas as attainment, nonattainment, nonattainment-transitional, or unclassified for each of the pollutants for which state ambient air quality standards have been established in Section 70200.

NOTE: Authority cited: Sections 39600, 39601, 39607, 39608, and 40925.5, Health and Safety Code.  
Reference: Sections 39607, 39608, and 40925.5, Health and Safety Code.

#### **§ 70301. Air Quality Data Used for Designations.**

(a) Except as otherwise provided in this article, designations shall be based on "data for record."

(1) Data for record are those data collected by or under the auspices of the state board or the districts for the purpose of measuring ambient air quality, and which the ~~executive officer~~Executive Officer or his or her delegate has determined comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations, ~~as they existed on July 1, 1987,~~ or other equivalent procedures.

(2) Any other data which are provided by a district or by any other person will be data for record if the ~~executive officer~~Executive Officer or his or her delegate determines within 90 days of submittal of complete supporting documentation that the data comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations, ~~as they existed on July 1, 1987,~~ or other equivalent procedures. If the ~~executive officer~~Executive Officer or his or her delegate finds there is good cause that 90 days is insufficient time to make a determination, ~~he/she~~he or she may after notification of the

person requesting the data review extend the deadline for completion ~~for~~of the data review.

(b) Except as otherwise provided in this article, designations and reviews of designations will be based on data for record for the three calendar years prior to the year in which the designation is made or the annual review of the designation is conducted.

(c) Data as described in section 70301(a)(1) and (2) become data for record upon completion of the ~~executive officer's~~Executive Officer's or his or her delegate's review.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

### **§ 70302. Geographic Extent of Designations.**

(a) An air basin will be the area designated for ozone, nitrogen dioxide, suspended particulate matter (PM10), fine suspended particulate matter (PM2.5), sulfates, and visibility reducing particles. Provided, however, if the ~~state board~~Executive Officer or his or her delegate finds (based on air quality data, meteorology, topography, or the distribution of population and emissions) that there are areas within an air basin with distinctly different air quality deriving from sources and conditions not affecting the entire air basin, the ~~state board~~Executive Officer or his or her delegate may designate an area smaller than an air basin using political boundary lines to the extent practicable. In designating an area smaller than an air basin as nonattainment, the ~~state board~~Executive Officer or his or her delegate will include within the area those sources whose emissions contribute to a violation of a state standard for that pollutant. Contiguous areas which would have the same designation within an air basin will be one designated area.

(b) A county or the portion of a county which is located within an air basin will be the area designated for carbon monoxide, sulfur dioxide, lead (particulate), and hydrogen sulfide. Provided, however, if the ~~state board~~Executive Officer or his or her delegate finds (based on air quality data, meteorology, topography, or the distribution of population and emissions) that there are areas within the county with distinctly different air quality, it may designate a smaller area. In designating an area smaller than a county as nonattainment, the ~~state board~~Executive Officer or his or her delegate will include within the area those sources whose emissions contribute to a violation of a state standard for that pollutant.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 38608, Health and Safety Code.

**§ 70303. Criteria for Designating an Area as Nonattainment.**

(a) The ~~state board~~Executive Officer or his or her delegate will designate an area as nonattainment for a pollutant if:

(1) Data for record show at least one violation of a state standard for that pollutant in the area, and the measurement of the violation meets the representativeness criteria set forth in "Criteria for Determining Data Representativeness" contained in Appendix 1 to this article; or

(2) Limited or no air quality data were collected in the area, but the ~~state board~~Executive Officer or his or her delegate finds, based on meteorology, topography, and air quality data for an adjacent nonattainment area, that there has been at least one violation of a state standard for that pollutant in the area being designated.

(b) An area will not be designated as nonattainment if the only recorded exceedance(s) of that state standard were based solely on data for record determined to be affected by a highly irregular or infrequent event. Data affected by a highly irregular or infrequent event will be identified as such by the ~~executive officer~~Executive Officer or his or her delegate in accordance with the "Air Resources Board Procedure for Reviewing Air Quality Data Possibly Affected by a Highly Irregular or Infrequent Event," set forth in Appendix 2 to this article.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607, and 39608, Health and Safety Code.

**§ 70303.1. Criteria for Designating an Area as Nonattainment-Transitional for Pollutants Other than Ozone.**

(a) Nonattainment-transitional is a subcategory of the nonattainment designation. The ~~state board~~Executive Officer or his or her delegate will, ~~if requested by a district no later than May 1 of each year pursuant to section 70306,~~ identify that portion of a designated area within the district as nonattainment-transitional for a pollutant other than ozone with a state standard averaging time less than or equal to 24 hours and for which samples are routinely collected every day if it finds that:

(1) Data for record for the previous calendar year are consistent with the criteria established in section 70304(a)(2) and show two or fewer days at each site in the area with violations of a state standard for that pollutant (not including exceedances found to be affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2 to this article);

(2) Evaluation of multi-year air quality, meteorological and emission data indicates that ambient air quality either has stabilized or is improving and that

every site in the area is expected to reach attainment within three years; and

(3) The geographic extent of the area is consistent with the criteria established in section 70302.

(b) An area designated as nonattainment-transitional for a pollutant is close to attaining the state standard(s) for that pollutant. The nonattainment-transitional designation provides an opportunity for a district to review and potentially to modify its attainment plan. Any modification to an attainment plan must be consistent with state and federal regulations and statutes.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

### **§ 70303.5. Requirements for Ozone Nonattainment-Transitional.**

(a) If an area within an air basin is designated as nonattainment for ozone, that area is designated as nonattainment-transitional for ozone if the following conditions are met:

(1) The area is an entire district within an air basin, or the area is the entire portion of a district within an air basin consistent with the criteria established in section 70302(a);

(2) Data for record consistent with the criteria established in section 70304(a)(2) are used to determine the number of exceedances for the previous calendar year at each monitoring location in the area;

(3) All data collected during the previous calendar year are considered in the evaluation, including data possibly affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2 to this article;

(4) Each day with concentration(s) that exceed the state ozone standard is counted as one exceedance day; and

(5) No monitoring location in the area has more than three exceedance days during the previous calendar year.

(b) If an area qualifies for designation as nonattainment-transitional for ozone for the previous calendar year under section 70303.5(a), and the ~~executive officer~~Executive Officer or his or her delegate has determined that data for the current calendar year indicate more than three exceedance days at any one monitoring location, that area is designated as nonattainment.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 40925.5, Health and Safety Code. Reference: Sections 39607 and 40925.5, Health and Safety Code.

**§ 70304. Criteria for Designating an Area as Attainment.**

(a) The ~~state board~~Executive Officer or his or her delegate will designate an area as attainment for a pollutant if:

(1) Data for record show that no state standard for that pollutant was violated at any site in the area; and

(2) Data for record meet representativeness and completeness criteria for a location at which the pollutant concentrations are expected to be high based on the spatial distribution of emission sources in the area and the relationship of emissions to air quality. Data representativeness criteria are set forth in "Criteria for Determining Data Representativeness" contained in Appendix 1 to this article. Data completeness criteria are set forth in "Criteria for Determining Data Completeness" contained in Appendix 3 to this article.

(b) Where there are limited or no air quality data for an area, the ~~state board~~Executive Officer or his or her delegate will designate the area as attainment for a pollutant if it finds that no state standard for that pollutant has been violated in that area based on:

(1) Air quality data collected in the area during the most recent period since 1980 which meet the conditions in (a) above;

(2) Emissions of that pollutant or its precursors in the area have not increased since that period to a level at which the state standard might be exceeded; and

(3) Air quality data collected in the area since the time period in (1) above do not show a violation of the state standard.

(c) ~~If an area is designated as attainment and now~~Where an area has limited or no air quality data for record for carbon monoxide, nitrogen dioxide, sulfur dioxide, sulfates, and/or lead (particulate), the state boardExecutive Officer or his or her delegate shall continue to designate that area attainment for the respective pollutant if:~~a pollutant if it finds that no state standard for that pollutant has been violated in that area based on the "Screening Procedure for Determining Attainment Designations for Areas with Incomplete Air Quality Data" set forth in Appendix 4 to this article.~~

(1) Emissions of that pollutant or its precursors in the area have not increased since the area was most recently designated as attainment to a level at which the state standard might be exceeded.

(d) A nonattainment area will not be redesignated as attainment for a pollutant if:

(1) Data for record for the monitoring site showing the greatest violation of a state standard for that pollutant no longer are available; and

(2) No other site has been identified as equivalent by the ~~executive officer~~Executive Officer or his or her delegate.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

### **§ 70305. Criteria for Designating an Area as Unclassified.**

The ~~state board~~Executive Officer or his or her delegate will designate an area as unclassified for a pollutant if it finds that, except as otherwise provided in this article, the data do not support a designation of attainment or nonattainment.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

### **§ 70306. Annual Review of Designations.**

(a) The ~~e~~Executive o~~fficer or his or her delegate~~ will conduct annual reviews of all designations and will ~~propose revisions to the designations as necessary to the state board~~hold a public hearing if requested pursuant to Government Code section 11346.8(a). ~~The executive officer will complete the annual reviews by November 15.~~

(b) Any request for a change in a designation and any submittal of information for purposes of the ~~executive officer's~~Executive Officer's or his or her delegate's consideration in the annual review of a designation shall be provided in writing to the ~~executive officer~~Executive Officer no later than May 1 of each year.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

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## Appendix 2

### **Air Resources Board Procedure for Reviewing Air Quality Data Possibly Affected by a Highly Irregular or Infrequent Event**

This Appendix describes the procedures that the Air Resources Board will use for reviewing air quality data possibly affected by a highly irregular or infrequent event with regard to the state ambient air quality standards. All decisions regarding the identification of data as being affected by a highly irregular or infrequent event will be made by the ~~executive officer~~ Executive Officer or his or her delegate.

The ~~executive officer~~ Executive Officer or his or her delegate will review air quality data for possible identification as affected by a highly irregular or infrequent event if the data are the only exceedances of a state ambient air quality standard in the area or if such identification would otherwise affect the designation of the area.

Three types of highly irregular or infrequent events may be identified:

1. Extreme Concentration Event.
2. Exceptional Event.
3. Unusual Concentration Event.

#### **Extreme Concentration Events**

An extreme concentration event is an event beyond reasonable regulatory control which causes an exceedance of a state standard. An extreme concentration event is based on a statistical procedure and may not always be linked to a specific identifiable cause. The causes of an extreme concentration event include but are not limited to unusual meteorology.

The steps for identifying an extreme concentration event are:

1. A district (or the ~~executive officer~~ Executive Officer or his or her delegate) identifies questionable data.
2. In evaluating a possible extreme concentration event, the ~~executive officer~~ Executive Officer or his or her delegate will use the data for the site at which the event is suspected to determine a limit for concentrations expected to recur no more frequently than once in one year. The limit will be determined using the "exponential tail method" described in Procedure for Computing the Values Used in Identifying Extreme Concentration Events (August 1998), which is incorporated by reference herein.

Using conventional rounding procedures, the limit will be consistent with the level

of precision in which the state standard is expressed. If the possible extreme concentration exceeds the concentration expected to recur no more frequently than once in one year, the ~~executive officer~~Executive Officer or his or her delegate will consult with the district in identifying the data as affected by an extreme concentration event.

3. When an extreme concentration event is identified, the ~~executive officer~~Executive Officer or his or her delegate will review other information, including but not limited to meteorological data, to determine whether air quality data for other sites in the area were affected by the extreme concentration event.

## **Exceptional Events**

An exceptional event is an event beyond reasonable regulatory control which causes an exceedance of a state standard. An exceptional event must be linked to a specific cause such as an act of nature or unusual human activity. ~~The federal Environmental Protection Agency (EPA) has published guidelines and rules to assist the states for in determining exceptional and natural events, the federal Environmental Protection Agency (EPA) has published Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events, (EPA-450/4-86-007), July 1986 (the EPA Guideline).~~ These EPA guidelines and rules provides overall criteria for determining whether an event is exceptional with regard to the national standards. The ~~executive officer~~Executive Officer or his or her delegate will use the EPA guidelines and rules as a general basis for reviewing ambient data, but will not be bound by the specific definitions in the EPA guidelines and rules for the various types of exceptional events because those definitions are made on a national basis. In addition, since what may be exceptional in one part of the state may be common in another, each possible event will be evaluated on a case-by-case basis.

The steps for identifying an exceptional event are:

1. A district (or the ~~executive officer~~Executive Officer or his or her delegate) identifies questionable data.
2. If a known exceptional event has occurred, the district gathers relevant data to document the occurrence.
3. If an exceptional event is only suspected, the district investigates available data for the possible event.
4. The district submits to the ~~executive officer~~Executive Officer or his or her delegate a request for identifying the data as affected by an exceptional event and also provides supporting documentation.
5. If the ~~executive officer~~Executive Officer or his or her delegate concurs with the



district, he or she will identify the data as affected by an exceptional event.

6. If the district's request for identifying data as affected by an exceptional event cannot be supported, the district will be notified of the reasons. The ~~executive officer~~Executive Officer or his or her delegate will consider any additional data to support the request, but in the absence of any new evidence, will disapprove the request.

## **Unusual Concentration Events**

An unusual concentration event is an event which causes an anomalous exceedance of a state standard and which does not qualify as an extreme concentration event or an exceptional event. An exceedance affected by an unusual concentration event may be identified only for an area designated as attainment or unclassified at the time of the exceedance.

The steps for identifying an unusual concentration event are:

1. A district (or the ~~executive officer~~Executive Officer or his or her delegate) identifies a questionable exceedance(s).
2. If the exceedance(s) has not been identified as having been affected by an extreme concentration event or an exceptional event, and if the area was designated as attainment or unclassified at the time of the exceedance(s), the ~~executive officer~~Executive Officer or his or her delegate will review the exceedance(s) to determine whether it was affected by an unusual concentration event.
3. In evaluating a possible unusual concentration event, the ~~executive officer~~Executive Officer or his or her delegate will consider all relevant information, including but not limited to the amount and characteristics of air quality data, emission data, meteorological data, potential public health and welfare impacts, and any applicable state, district, and federal rules and regulations. To identify the exceedance(s) as affected by an unusual concentration event, the ~~executive officer~~Executive Officer or his or her delegate must find, based on the relevant information, that the impact of the exceedance(s) is limited to the local area, the exceedance(s) is not expected to recur, and that the data do not support a nonattainment designation.
4. If the exceedance(s) qualifies as possibly affected by an unusual concentration event, the ~~executive officer~~Executive Officer or his or her delegate will consult with the district in identifying the exceedance(s) as affected by an unusual concentration event.
5. An area may retain its attainment or unclassified designation based on the

identification and exclusion of an exceedance(s) affected by an unusual concentration event for no more than three consecutive years. If the ~~executive officer~~Executive Officer or his or her delegate identifies an exceedance(s) affected by an unusual concentration event in the area in the fourth consecutive year, the area will be redesignated as nonattainment.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

## Appendix 3

### Criteria for Determining Data Completeness

This Appendix describes the criteria to be used in determining data completeness for the purpose of designating areas as described in this article. These Criteria for Determining Data Completeness (Completeness Criteria) apply only to air quality data used in designating an area as attainment or nonattainment-transitional. Air quality data used in designating an area as nonattainment do not need to be complete. The purpose of these Completeness Criteria is to specify the minimum amount of data deemed necessary to ensure that sampling occurred at times when a violation is most likely to occur.

After a set or group of air quality measurements or statistics are deemed representative under the Criteria for Determining Data Representativeness set forth in Appendix 1 to this article, they are then evaluated under these Completeness Criteria to ensure that the group of representative measurements or statistics reflect the time of day and the season of the year during which high concentrations are likely to occur.

#### ***Complete Data***

Data for a site will be complete if there are representative data (as determined in accordance with the Representativeness Criteria in Appendix 1 to this article) during the required hours (see below) of the day during the required months (see below) for the required years (see below).

#### ***Required Hours***

The hours of potentially high concentration must be included. Unless a detailed evaluation determines different hours to be appropriate for a specific site, these hours are:

<i>Pollutant</i>	<i>Hours (PST)</i>
Ozone	9 am - 5 pm
Carbon Monoxide	3 pm - 9 am (next day)
Nitrogen Dioxide	8 am - 8 pm
Visibility Reducing Particles	10 am - 6 pm
Other Pollutants	Throughout day

### ***Required Months***

The months of potentially high concentrations must be included. Unless a detailed evaluation determines different months to be appropriate for a specific site, these months are:

<i>Pollutant</i>	<i>Months</i>
Ozone	July - September
Carbon Monoxide	January, November - December
<del>Nitrogen Dioxide</del>	<del>October - December</del>
Sulfur Dioxide	September - December
Sulfates	January, June - December
Lead (Particulate)	January, November - December
Other Pollutants	January – December

### ***Required Years for an Attainment Designation***

The number of years to be included for an attainment designation is:

- a) Three; or
- b) Two, if during these years the maximum pollutant concentration (not including data found to be affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2 to this article) is less than three-fourths the applicable state ambient air quality standard; or
- c) One, if during this year the maximum pollutant concentration (not including data found to be affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2 to this article) is less than one-half the applicable state ambient air quality standard.

NOTE: Authority cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

## Appendix 4

### **Screening Procedure for Determining Attainment Designations for Areas with Incomplete Air Quality Data**

This Appendix describes the screening procedure that will serve as the basis for making a pollutant-specific finding under section 70304(c) that the state ambient air quality standard is being attained for areas with no or an incomplete air quality data record. The procedure is applicable only for nitrogen dioxide, sulfur dioxide, sulfates, and lead (particulate). For those areas with some air quality data for the prior three years, the screening procedure will be applied for a pollutant only if the maximum concentrations of that pollutant in the area did not exceed 75 percent of the state standard(s).

<i>Pollutant</i>	<i>Screening Parameters</i>	<i>Screening Values</i>
Nitrogen Dioxide	a) Basin Population	1,000,000 people
	b) Total Annual NO <sub>x</sub> Emissions in Air Basin	40,000 tons/yr
	c) Total Annual Point Source NO <sub>x</sub> Emissions in County	2,100 tons/yr
Sulfur Dioxide	a) Total Annual Point Source SO <sub>x</sub> emissions in County	1,700 tons/yr
	b) Maximum Annual SO <sub>x</sub> Emissions from Single Facility in County	900 tons/yr
Sulfates	a) Total Annual SO <sub>x</sub> Emissions in Air Basin	19,000 tons/yr
	b) Total Annual Point Source SO <sub>x</sub> Emissions in County	1,700 tons/yr
	c) Maximum Annual SO <sub>x</sub> Emissions from Single Facility in County	900 tons/yr
Lead	a) County Population	600,000 people
	b) Maximum Annual Lead Emissions from Single Facility in County	0.5 tons/yr

For an area to which these values are applied, the local values of the applicable screening parameters will be compared to the respective screening values. The area will be presumed to be attainment if none of the applicable screening parameters for a pollutant exceed the associated screening values.