

State of California
AIR RESOURCES BOARD

**Final Statement of Reasons for Rulemaking,
Including Summary of Comments and Agency Responses**

**2012 AMENDMENTS TO THE AREA DESIGNATIONS
FOR STATE AMBIENT AIR QUALITY STANDARDS**

I. GENERAL

On July 20, 2012, the Air Resources Board (ARB or Board) released a notice of public comment period to consider proposed amendments to the area designations for State ambient air quality standards (State standards), sections 60201 and 60210, title 17, California Code of Regulations (CCR). The notice explained no public hearing was scheduled, but instructions to request a hearing were provided and if requested by August 20, 2012, the Executive Officer would conduct a public hearing in September 2012. The Staff Report: Initial Statement of Reasons for Rulemaking, entitled *Proposed 2012 Amendments to Area Designations for State Ambient Air Quality Standards* (staff report or ISOR), was also made available to the public on July 20, 2012. The ISOR, which is incorporated by reference herein, contained a description of the rationale for the proposed amendments. The Final Statement of Reasons for Rulemaking, updates the ISOR by summarizing written and oral comments received during the 45-day public comment period.

Following the end of the public comment period, and in the absence of any request to hold a public hearing, the Executive Officer, acting on behalf of the Board, adopted amendments to the area designation regulations by Executive Order R-12-013. These regulations set forth designations of attainment, nonattainment, nonattainment-transitional, and unclassified for each area of the State with respect to the State standards. Health and Safety Code (H&SC) section 39608(c) requires the Board to conduct an annual review of the area designations and update them as warranted. Title 17, CCR, sections 70300 through 70306, gives the Executive Officer, or his or her delegate, the authority to conduct the annual review, designate areas for the State standards, and hold a public hearing, if requested.

Based on data collected during 2008 through 2010, the Executive Officer re-designated three areas for fine particulate matter (PM_{2.5}); the North Coast Air Basin, the Northeast Plateau Air Basin, and Ventura County in the South Central Coast Air Basin to attainment. The Executive Officer also amended the area designation regulations to reflect the change in designation for ozone from nonattainment to nonattainment-transitional for Glenn County, Yolo County, and the Sacramento Valley Air Basin portion of Solano County. The ozone changes took effect by operation of law under the provisions of H&SC section 40925.5. The designations the Executive Officer adopted are summarized in Table 1.

Update of Information Contained in the Initial Statement of Reasons (ISOR)

The ISOR was made available to the public on July 20, 2012. No changes were made after its release.

Fiscal Impacts

The Executive Officer has determined that this regulatory action will not result in a mandate to any local agency or school district, the costs of which are reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, title 2 of the Government Code.

The Executive Officer has determined that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that this regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

In addition, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.53(e), on private persons or businesses directly affected resulting from this regulatory action.

Finally, the Executive Officer has determined, pursuant to title 1, CCR, section 4, that this regulatory action will not affect small businesses because the proposed regulatory action does not contain any requirements for action.

Consideration of Alternatives

H&SC section 39608 requires an annual review of the area designations for State standards. The proposed area designations reflect the most current and complete ambient air quality data, collected during 2008 through 2010. The Executive Officer considered the potential alternatives to the proposed amendments, namely the no action alternative. However, based on the available data, the Executive Officer found that the proposed amendments are more appropriate than the no action alternative, which would not be consistent with State law. Furthermore, the no action alternative would not serve to inform the public about the healthfulness of air quality.

In summary, the Executive Officer determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed, would be as effective and less burdensome to affected private persons than the action taken by the Executive Officer, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

In rejecting the no action alternative, the Executive Officer determined the proposed amendments give the public, businesses, and government an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. In addition, businesses and government are given the opportunity to make informed decisions regarding worker health and safety.

Benefits:

Environmental Justice. Some communities experience higher exposures to air pollutants and it is a priority of ARB to ensure that full protection is afforded to all Californians. Although they do not contain any requirements for action, the proposed amendments to the area designations classify the air quality in communities as to whether it meets the State's health-based standards.

Safeguarding the quality of the physical environment. An area's designation status provides a classification that assists local districts to more accurately assess local air quality. Although changes to areas' designations require no direct action, indirect benefits to the quality of the physical environment may result.

Encouraging a regional approach to the State ambient air quality, whenever possible. The proposed designations by discrete areas allow each local district to assess the air quality of individual areas and address their unique situations and needs. This approach allows each local district to identify the most cost-effective, efficient, and acceptable approach to achieve the ambient air quality standards.

Consistency with the State goal of providing a decent home and suitable living environment. The annual review and update of the area designations gives local districts an indication of whether the health-based standards are being met. This information allows local districts to make informed decisions regarding appropriate actions to meet the air quality standards.

Modifications to the Original Proposal

There were no modifications to the original proposal. The amended regulations the Executive Officer adopted are identical to those initially proposed by the staff and made available in the staff report released on July 20, 2012.

II. SUMMARY OF COMMENTS AND AGENCY RESPONSES

One comment was received during the 45-day comment period, which began on July 20, 2012 and ended on September 4, 2012. This comment was not responsive to the amendments in this rulemaking and therefore no response is needed.

In addition, there were no requests for a public hearing as outlined in the notice for public comment released on July 20, 2012.

TABLE 1

PROPOSED AMENDMENTS TO AREA DESIGNATIONS FOR STATE STANDARDS

(Based on 2008-2010 data)

Pollutant	Designation Area	Current Designation	Proposed Designation
PM_{2.5}	North Coast Air Basin		
	Entire Air Basin	U	A
	Northeast Plateau Air Basin		
	Entire Air Basin	U	A
	South Central Coast Air Basin		
Ozone	Ventura County	N	A
	Glenn County	N	NA-T*
	Yolo-Solano Air Quality Management District		
	Yolo County	N	NA-T*
	Solano County (partial)	N	NA-T*

Designation Categories:

A = Attainment; N = Nonattainment; NA-T = Nonattainment-Transitional; U = Unclassified.

* Changes in ozone designation from nonattainment to nonattainment-transitional occurred by operation of law under Health and Safety Code section 40925.5.