



**Proposed 2017  
Amendments to  
Area Designations  
for State Ambient  
Air Quality  
Standards**

*December 2017*



**CALIFORNIA**  
AIR RESOURCES BOARD



*State of California*  
*AIR RESOURCES BOARD*

***PUBLIC HEARING TO CONSIDER THE PROPOSED  
2017 AMENDMENTS TO AREA DESIGNATIONS FOR STATE  
AMBIENT AIR QUALITY STANDARDS***

***STAFF REPORT: Initial Statement of Reasons for Rulemaking***

***DATE OF RELEASE: December 19, 2017***  
***SCHEDULED FOR CONSIDERATION: February 8, 2018***

***Location:***

***California Environmental Protection Agency  
Air Resources Board  
Byron Sher Auditorium  
1001 I Street  
Sacramento, California 95814***

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## EXECUTIVE SUMMARY

The California Air Resources Board (CARB) has established State ambient air quality standards (State standards or standards) to protect public health and welfare. State law requires CARB to annually assess the air quality in each area of California and determine whether it meets State standards. These area designations are based on established criteria, ensuring they are made in a consistent manner. CARB reviews area designations for all State standards using the most currently available air quality data. Each area of the State is designated as one of four categories:

***Attainment*** – pollutant concentrations do not violate the State standard

***Nonattainment*** – pollutant concentrations violate the State standard

***Nonattainment-Transitional*** – pollutant concentrations violate the State standard, but air quality is nearing attainment

***Unclassified*** – insufficient data

### **Proposed Changes**

This review of the area designations is based on 2014 through 2016 air quality data. Based on these data, CARB staff is proposing amendments to current area designation regulations for ozone, suspended particulate matter (PM<sub>10</sub>), and fine particulate matter (PM<sub>2.5</sub>). While designation changes from nonattainment to nonattainment-transitional occur by operation of law, these amendments to the designations require formal CARB action. All of the proposed designation amendments are summarized in Table ES-1.

### **Additional Information**

State law also requires CARB to annually review and publish maps and tables identifying the attainment status of each area of the State with respect to both the State and national ambient air quality standards (national standards). Updated maps and tables are provided in Appendix C to this report. They reflect the proposed amendments to area designations for State standards that are summarized in this staff report, those changes that occurred by operation of law, and the current area designations for the national standards.

**TABLE ES-1**  
**PROPOSED AREA DESIGNATIONS FOR STATE STANDARDS**  
*(Based on 2014-2016 data)*

<b>Pollutant</b>	<b>Designation Area</b>	<b>Current Designation</b>	<b>Proposed Designation</b>
<b>Ozone</b>	<b>Lake Tahoe Air Basin</b>	NA-T	A
	<b>North Central Coast Air Basin</b>	NA-T	N
	<b>Sacramento Valley Air Basin</b>		
	Sutter/Yuba Counties	NA-T	N
<b>PM<sub>2.5</sub></b>	<b>Mojave Desert Air Basin</b>		
	County Portion of federal Southeast desert modified AQMA for ozone within San Bernardino County	N	A
<b>PM<sub>10</sub></b>	<b>Northeast Plateau Air Basin</b>		
	Lassen County	N	U
	Modoc County	N	U
	<b>Sacramento Valley Air Basin</b>		
	Shasta County	N	A

*Designation Categories:*

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

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# **CHAPTER I**

## **BACKGROUND**

### **A. INTRODUCTION**

This chapter provides background information on the differences between the State and national ambient air quality standards, the legal requirements for the State designation criteria and area designation regulations, the purpose and benefits of the regulations, the implications of the various designation categories, and the public process used in developing the proposed area designation amendments that are described in Chapter III.

### **B. STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS**

California law requires CARB to establish State ambient air quality standards (State standards or standards) in consideration of public health, safety, and welfare. These standards define the maximum amount of a pollutant that can be present in the ambient air. Currently, there are State standards for ten pollutants: ozone, suspended particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>), carbon monoxide, nitrogen dioxide, sulfur dioxide, sulfates, lead, hydrogen sulfide, and visibility reducing particles. In addition to the State standards, the federal Clean Air Act requires the United States Environmental Protection Agency (U.S. EPA) to establish national ambient air quality standards (national standards). In some cases, California's State standards are more health-protective than the corresponding national standards. Additionally, CARB has established State standards for pollutants not covered by national standards (sulfates, hydrogen sulfide, and visibility reducing particles).

Both State and national standards are generally specified as a concentration averaged over a specific time period, such as 1-hour, 8-hours, 24-hours, 30-days, or 1 year. The different averaging times and concentrations are meant to protect against different exposure impacts. Some standards are expressed as a concentration that is not to be exceeded, while others are expressed as a concentration that is not to be equaled or exceeded. The national standards are further categorized as primary standards (established to protect public health) and secondary standards (established to protect public welfare). Appendix C contains a table listing the State and national standard levels, averaging times, and analytical measurement methods.

## C. LEGAL REQUIREMENTS

Health and Safety Code (H&SC) section 39607(e) requires CARB to establish and periodically review criteria for designating areas as attainment or nonattainment for the State standards. The criteria (summarized in Chapter II) describe the procedures that CARB must use in determining area designations for State standards. CARB originally adopted the required designation criteria in June 1989 and has updated them several times since, most recently in March 2010.

H&SC section 39608 requires CARB to use the designation criteria to designate areas of California as attainment, nonattainment, or unclassified for the State standards. In addition, HS&C section 40925.5 provides for the redesignation of a nonattainment district as nonattainment-transitional for ozone by operation of law. Finally, H&SC section 39608 requires CARB to conduct an annual review of the area designations and update them, as warranted. The area designations are made for each of the ten pollutants previously listed.

In addition to the designation criteria and area designation requirements, H&SC section 40718 requires CARB to publish maps showing the areas with one or more violations of any State or national standard. The maps and summary tables provided in Appendix C to this report fulfill this requirement by indicating the attainment status of each area of the State. The maps and tables for the State standards reflect the proposed area designation amendments described in Chapter III of this report, as well as those changes that occurred by operation of law. The maps and tables for the national standards reflect the current national area designations, as promulgated by U.S. EPA.

## D. PROBLEM

Each year, CARB monitors air pollutants in California in cooperation with local air pollution control and air quality management districts (districts) and with other agencies. Based on these monitoring data, and in consultation with the districts, CARB is required to annually identify and designate each area which is in attainment and each area which is in nonattainment for each State ambient air quality standard. CARB must make this identification and designation on a pollutant-by-pollutant basis. Where CARB finds that data are not sufficient to determine the attainment or nonattainment status for an area, CARB will identify the area as unclassified.

Based upon the most recent, complete, and quality-assured monitoring results, using the best available technological capabilities and the best scientific judgment, CARB must annually publish maps identifying those areas which violate any State or national ambient air quality standard.

CARB has completed its annual review of the latest complete monitoring data (2014 to 2016). These data indicate that the previous designations for certain pollutants in certain air basins are no longer applicable. Therefore, the healthfulness of the air

quality in these affected air basins is not accurately portrayed to the public and the districts. CARB proposes to update the designations to be consistent with the monitoring data.

## E. PURPOSE, BENEFITS, AND GOALS OF THE REGULATIONS

H&SC section 39608 requires CARB to monitor air quality and to annually designate each air basin as attainment, nonattainment, or unclassified for the State standards based on these data. Likewise, H&SC section 40718 requires CARB to publish maps identifying those cities, counties, or portions thereof which violate any State or national standard. Collectively, the purposes, benefits, and goals of these two statutes, which are identified as references to this rulemaking, are:

- To protect the health, safety, and welfare of the public, including those at risk of adverse effects with exposure to air pollution, such as children, the elderly, and people who are active outdoors;
- To safeguard the quality of the physical environment in which Californians live by an intensive, coordinated State, regional, and local effort to protect and enhance the ambient air quality of the State;
- To encourage a regional approach to meeting State ambient air quality standards throughout the State, whenever possible; and
- To be consistent with the State goal of providing a decent home and suitable living environment for every Californian.

## F. PURPOSE AND BENEFITS OF THE AMENDMENTS

The purpose of the proposed amendments is to update the area designations using the most recent, complete air quality data for each pollutant. Currently, designations are made for ten pollutants: ozone, suspended particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>), carbon monoxide, nitrogen dioxide, sulfur dioxide, sulfates, lead, hydrogen sulfide, and visibility reducing particles. The proposed amendments will change the designation of the specified air basin, or portion thereof, as attainment, nonattainment, or unclassified for the State standards based on these data.

The proposed amendments to the area designations will not result in any direct impact on public health or the environment because the regulations do not contain any requirements for action; they are labels identifying the air quality in each area. For a more detailed discussion of the impacts and benefits of the proposed amendments, see Chapter V.

## G. RATIONALE

The proposed amendments satisfy the statutory requirement to annually review and update the area designations based on the most recent, complete, and quality-assured air quality monitoring results, i.e., from 2014 through 2016. As the area designations are simply labels that describe the healthfulness of the air quality in each area, the proposed amendments do not contain any requirements for action.

## H. PUBLIC PROCESS

In order to facilitate public comment during the designation review process, CARB staff requested public input in a number of ways. After CARB staff's initial review of the 2014 through 2016 air quality data, staff noted potential changes to the existing area designations for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. Staff contacted the affected districts to discuss the results of the review and provide an opportunity for district input. Staff also maintained a web-based subscriber notification process or listserv. For those who subscribe, the listserv provides electronic updates related to area designation issues.

Consistent with Government Code sections 11346, subdivision (b), and 11346.45, subdivision (a), and with the Board's long-standing practice, CARB staff held public workshops and had other meetings with interested persons during the development of the proposed regulation. These informal pre-rulemaking discussions provided staff with useful information that was considered during development of the regulation that is now being proposed for formal public comment.

On October 16, 2017, staff announced a public workshop scheduled for November 1, 2017. This workshop was held in the form of a webinar. Staff posted the workshop notice on the CARB website and notified the affected districts, as well as subscribers to the designation listserv. The workshop announcement included a discussion of the staff's proposed amendments to the area designations based on the 2014 through 2016 air quality data. Approximately 15 stakeholders participated in the workshop. One comment was received at that time. This comment required clarification on the designation status of the Antelope Valley area of the Mojave Desert Air Basin; staff responded directly to commenter after the conclusion of the workshop and, in addition, posted a response on the 2017 State Area Designations webpage.

## CHAPTER II

### AREA DESIGNATION CRITERIA

#### A. INTRODUCTION

The following sections describe the general provisions of the existing designation criteria, the area designation categories, the data requirements, the size of the designated area, and the requirements for identifying highly irregular or infrequent events. Appendix A contains the full text of the designation criteria.

#### B. GENERAL PROVISIONS OF THE DESIGNATION CRITERIA

The designation criteria describe the procedures CARB must use in determining an area's designation status with respect to the State standards. In summary, the designation criteria specify:

- The requirements for each designation category;
- The data to use in making area designation determinations;
- The procedure for excluding qualifying high concentrations;
- The size of the designated area; and
- The requirement for an annual review of the area designations.

#### C. DESIGNATION CATEGORIES

The designation criteria specify four designation categories: nonattainment, nonattainment-transitional, attainment, and unclassified. Determining which category is appropriate for an area is generally based on the number of violations in the area. Therefore, it is essential to understand the difference between an exceedance and a violation. An exceedance is any concentration that is higher than the level of the State standard. In contrast, violations are a subset of exceedances. A violation is an exceedance that is not affected by a highly irregular or infrequent event and therefore, cannot be excluded from the area designation process (refer to Section F, below).

*Nonattainment.* CARB designates an area as nonattainment for a pollutant if air quality data show a State standard for that pollutant was violated one or more times during the previous three calendar years.

*Nonattainment-Transitional.* The nonattainment-transitional category is a subcategory of nonattainment, with different requirements for ozone than for the other pollutants. For non-ozone pollutants, CARB designates an area as nonattainment-transitional if air quality data show a State standard for that pollutant was violated two or fewer times at each site in the area during the most recent calendar year. In contrast, the

nonattainment-transitional requirements for ozone are specified in State law rather than in the designation criteria. Specifically, H&SC section 40925.5 specifies that a nonattainment district is designated as nonattainment-transitional for ozone if air quality data show three or fewer exceedances of the State standard at each site in the area during the most recent calendar year.

There are four key differences in the ozone nonattainment-transitional requirements, compared with those for the other pollutants. First, the designated area is always a district (or portion of a district within an air basin), rather than an air basin, county, or other geographic area. Second, the designation is based on exceedances, which means all air quality measurements are considered -- none are excluded. Third, only nonattainment districts may be designated as nonattainment-transitional for ozone. Finally, the ozone nonattainment-transitional designation occurs by operation of law and is non-discretionary. CARB updates the area designation regulations to reflect the change.

*Attainment.* In contrast to nonattainment and nonattainment-transitional, CARB designates an area as attainment for a pollutant if data show the State standard was not violated during the previous three calendar years. Data used for an attainment designation must be representative of the averaging time of the standard and complete for the time period evaluated.

*Unclassified.* Finally, CARB designates an area as unclassified for a pollutant if the available data are insufficient to support any other designation category.

## D. DATA REQUIREMENTS

To the extent possible, the area designations are based on the most recent air quality data. These must be data for record, which means they satisfy specific siting and quality assurance procedures established by the U.S. EPA and CARB. Generally, data for record are those data collected by or under the direction of CARB or the local districts. Air quality data from other sources may also qualify as data for record, as long as the same requirements are met. For area designation purposes, air quality measurements and statistics are rounded to the precision of the State standard before being compared with the standard. The rounding convention is summarized in Appendix D.

When adequate and recent air quality data are not available, CARB may use other types of information to determine an appropriate area designation. These other types of information may include historical air quality data, emissions data, meteorological data, topographical data, and data relating to the characteristics of population or emissions.

## E. SIZE OF DESIGNATED AREA

The size of the area designated for a pollutant varies, depending on the nature of the pollutant, the location of contributing emissions sources, meteorology, and topographic features. An air basin is the area generally designated for pollutants with a regional impact: ozone, nitrogen dioxide, sulfates, and visibility reducing particles. A county (or portion of a county located within an air basin) is generally the area designated for pollutants with a more localized impact: carbon monoxide, sulfur dioxide, lead, and hydrogen sulfide. Depending on the area and the characteristics of the emissions sources, PM<sub>10</sub> and PM<sub>2.5</sub> may be considered to have either regional or localized impacts. In some cases, CARB may designate a smaller area if it finds that the smaller area has distinctly different air quality.

## F. HIGHLY IRREGULAR OR INFREQUENT EVENTS

The designation criteria provide for excluding certain high air quality measurements from the area designation process. More specifically, the criteria provide for excluding exceedances affected by highly irregular or infrequent events, because it is not reasonable to mitigate these exceedances through the regulatory process. Appendix 2 to the designation criteria (found in Appendix A) defines three types of highly irregular or infrequent events:

- Extreme concentration events;
- Exceptional events; and
- Unusual concentration events.

*Extreme Concentration Event.* An extreme concentration is identified using a statistical procedure. This procedure calculates a concentration that is not expected to be exceeded more than once per year, on average. The calculated value is commonly called the Expected Peak Day Concentration or EPDC. In practice, a pollutant-specific EPDC is calculated for each monitoring site, using air quality data measured at the site during the most recent three calendar years. The EPDC value is rounded to the precision of the State standard and then compared with air quality measurements for the same site, which are also rounded to the precision of the State standard. Measurements that exceed the State standard and are higher than the rounded EPDC are excluded from the area designation process; these exceedances are not considered violations of the standard. In contrast, measurements that exceed the State standard but are equal to or lower than the rounded EPDC are not excluded from the designation process; these values are considered violations of the State standard.

In cases where data are not complete for the three-year period being evaluated, the EPDC may not be valid for area designation purposes. If the EPDC is not valid, no measurements are excluded as extreme concentration events. Finally, an EPDC is calculated only for standards with an averaging time equal to or less than 24-hours.

*Exceptional Event.* In contrast to an extreme concentration event, an exceptional event is an exceedance of a State standard that is caused by a specific, identifiable event and is beyond reasonable regulatory control. An exceptional event may be caused by an act of nature (for example, a wildfire or severe windstorm) or it may be of human origin (for example, a chemical spill or industrial accident). Air quality measurements identified as exceptional events are not considered violations and are excluded from the designation process.

*Unusual Concentration Event.* An unusual concentration is an unexpected or atypical exceedance of a State standard that cannot be identified as an extreme concentration or an exceptional event. Unusual concentrations are identified only for areas already designated as attainment or unclassified. Generally, unusual concentrations are identified for sites with limited air quality data, and therefore, uncertainty as to the expected concentration levels. In identifying such events, the Executive Officer must make specific findings based on relevant information. An area may retain its attainment or unclassified designation based on the exclusion of unusual concentrations for up to three consecutive years. If an exceedance occurs during the fourth year, the area is redesignated as nonattainment, unless the exceedance can be excluded as an extreme concentration or an exceptional event.



## CHAPTER III

### PROPOSED AMENDMENTS TO THE AREA DESIGNATIONS

#### A. INTRODUCTION

As required by H&SC section 39608, the area designations are reviewed and updated each year, based on air quality data from the most recent three calendar years. This year's review considered air quality data collected during 2014 through 2016. Based on these data, staff proposes amendments to the area designations for ozone, suspended particulate matter (PM<sub>10</sub>), and fine particulate matter (PM<sub>2.5</sub>). These changes, listed below, amend the existing California Code of Regulations (CCR), title 17, sections 60201, 60207, and 60210. The proposed amendments, once adopted by CARB, must be approved by the Office of Administrative Law before they become effective.

- *Proposed Changes to Ozone Area Designations (section 60201):*
  - *Redesignate the Lake Tahoe Air Basin as Attainment.*
  - *Redesignate the North Central Coast Air Basin as Nonattainment.*
  - *Redesignate Sutter/Yuba Counties in the Sacramento Valley Air Basin as Nonattainment.*
- *Proposed Changes to Suspended Particulate Matter (PM<sub>10</sub>) Area Designations (section 60207):*
  - *Redesignate Shasta County in the Sacramento Valley Air Basin as Attainment.*
  - *Redesignate Lassen and Modoc Counties in the Northeast Plateau Air Basin as Unclassified.*
- *Proposed Changes to Fine Particulate Matter (PM<sub>2.5</sub>) Area Designations (section 60210):*
  - *Redesignate the County Portion of federal Southeast Desert Modified AQMA for ozone in San Bernardino County, in the Mojave Desert Air Basin, as Attainment.*

All references used in the development of this regulatory proposal are found in Appendix E.

#### B. DESIGNATION PROCESS

The area designations are based on air quality data for record as defined in section 70301 of the designation criteria (refer to Chapter II, section D). The process used to designate an area is generally the same for each pollutant:

- Gather data for the three-year period for each site in the area;
- Evaluate data representativeness and data completeness for each site;

- Identify and exclude exceedances affected by highly irregular or infrequent events;
- Tabulate the number of exceedances and violations by site;
- Determine the designation value for each site;
- Determine the designation value for the area; and
- Determine the appropriate designation category.

Determining the designation value is the most critical part of the designation process because the designation value determines the designation category. More detail about the designation value and how it is determined is found in the following section.

### C. DESIGNATION VALUE

The designation value is the measured concentration that is used to determine the designation status of a given area. In practice, the designation value is the highest measured concentration in the three-year period that remains, after excluding concentrations affected by highly irregular or infrequent events.

A designation value is determined for each pollutant, for each monitoring site in an area. The highest designation value for any site in the area becomes the designation value for the area. When there is more than one standard for a single pollutant, a designation value is determined for each standard averaging time. For example, there is both a 1-hour and an 8-hour State standard for ozone. As a result, there is a 1-hour designation value, as well as an 8-hour designation value. The final area designation reflects the more stringent designation category for either of the two averaging periods. Using ozone as an example, consider an area with a 1-hour ozone designation value that is lower than the State standard, indicating attainment and an 8-hour designation value that is higher than the State standard, indicating nonattainment. In this case, the area would be designated as nonattainment for ozone, because that is the more stringent designation category.

### D. OZONE

The State ozone standards are a 1-hour Standard of 0.09 parts per million (ppm) and an 8-hour standard of 0.070 ppm, neither to be exceeded. To be attainment, the designation values for sites in the area by air basin or county, must be at or below both standards. An area is designated as nonattainment if either (or both) of the designation values exceed the level of the standard and the area does not qualify for nonattainment-transitional.

H&SC section 40925.5 specifies that a nonattainment district is designated as nonattainment-transitional for ozone if air quality data show three or fewer exceedances of the State standard at each site in the area during the most recent calendar year. This designation occurs by operation of law, is non-discretionary and includes all data

collected during the previous calendar year including data possibly affected by exceptional events.

Based on ozone air quality collected during 2014 to 2016, staff recommends designation changes for three areas. The specific air quality data used for redesignating each area are described in the following subsections.

### *1. Lake Tahoe Air Basin*

The staff recommends designating Lake Tahoe Air Basin as attainment for ozone.

The Lake Tahoe Air Basin is comprised of the eastern portions of El Dorado and Placer counties. On November 1, 2009, the South Lake Tahoe-Airport site closed and ozone monitoring stopped; and on November 1, 2013, a new monitoring site started to operate at 221 Fairway Drive in the Tahoe City.

During 2014 through 2016, data for the Tahoe City-221 Fairway Drive (Tahoe City) site are both representative and complete, and measured concentrations do not exceed the State 1-hour and 8-hour ozone standards. The 8-hour and 1-hour designation values are 0.069 ppm and 0.07 ppm, respectively. There were no exceedance days during this 3-year period.

### *2. North Central Coast Air Basin*

The staff recommends designating North Central Coast Air Basin as nonattainment for ozone.

The North Central Coast Air Basin (NCCAB) is comprised of Monterey, San Benito, and Santa Cruz Counties. This three-county area comprises the Monterey Bay Air Resources Control District and is currently designated as nonattainment-transitional. In 2016, the Pinnacles National Monument site had five 8-hour ozone exceedance days. As a result, NCCAB's designation no longer meets nonattainment-transitional conditions for the 2017 designation. The 8-hour ozone designation value is 0.076 ppm. Ozone data for each site are representative and complete.

### *3. Sacramento Valley Air Basin*

#### *a. Sutter/Yuba Counties*

The staff recommends designating Sutter/Yuba Counties to nonattainment for ozone.

Sutter and Yuba counties comprise the Feather River Air Quality Management District and are currently designated as nonattainment-transitional for ozone. This redesignation was based on data for the Yuba City and Sutter Buttes monitoring sites, which are located in Sutter County. There is no ozone monitoring site located in Yuba

County. The two most populated areas in these two counties, Yuba City in Sutter County and Marysville in Yuba County, form a contiguous urbanized area, separated only by the Feather River. Therefore, the Yuba City monitoring site can be used to represent air quality in both counties.

The State 8-hour designation value at Yuba City site is 0.074 ppm, which is above the level of the State 8-hour ozone standard; therefore, it doesn't meet the requirement for attainment. In addition, the District does not meet the requirement for nonattainment-transitional. For a nonattainment-transitional designation, State law specifically states that all the monitoring sites in the district must meet the requirement (i.e., three or fewer exceedances of the State standard at each site in the area during the most recent calendar year). The Sutter Buttes monitoring site shows 33 exceedances of the 8-hour standard in 2016.

For the purpose of attainment designation in the future, CARB staff would consider the Sutter Buttes monitor separately from the Yuba City monitor. The Sutter Buttes are a small, isolated area of steep-ridged mountains located in the center of the southern Sacramento Valley. Elevations of the Sutter Buttes extend up to about 2,120 feet above sea level and are completely surrounded by flat terrain at only 60-70 feet above sea level. The Sutter Buttes are roughly circular and only 11 miles across, making the topography of the area extremely unique. The Sutter Buttes are also unpopulated, have no emission sources, and do not have any significant roads crossing over them. This is consistent with how U.S. EPA conducts federal ozone designations.

At this time, however, Sutter and Yuba counties do not qualify for nonattainment-transitional or attainment.

## E. SUSPENDED PARTICULATE MATTER (PM<sub>10</sub>)

The State PM<sub>10</sub> standards are a 24-hour standard of 50 µg/m<sup>3</sup> and an annual standard of 20 µg/m<sup>3</sup>, neither to be exceeded. To be designated attainment, the designation values for all sites in the area must be at or below both standards. Based on data collected from 2014 through 2016, the staff recommends a change in designation for three areas.

### 1. *Sacramento Valley Air Basin*

#### a. *Shasta County*

The staff recommends designating Shasta County as attainment for PM<sub>10</sub>.

Shasta County is located in the far north of the Sacramento Valley Air Basin (SVAB) and comprises the entirety of the Shasta County Air Quality Management District. It is bordered on the west by the North Coast Air Basin, to the north and east by the Northeast Plateau Air Basin, and to the south by Tehama County, also in the SVAB.

In designating an area smaller than an air basin as attainment for PM<sub>10</sub>, CARB must find that air quality in the smaller area is distinctly different from the rest of the air basin. Shasta County is surrounded by mountains to the west, east, and north with these mountainous areas extending deep into the county. Predominant windflow for all seasons tends to be from the north, differing from the variable patterns seen in the rest of the SVAB, including Tehama County directly to the south. PM<sub>10</sub> emissions in Shasta County are due primarily to local influences, specifically those that resuspend dust such as from paved and unpaved roads and construction. In addition, the prevailing wind patterns indicate that PM<sub>10</sub> emissions in the central and southern areas of the SVAB would have little effect on PM<sub>10</sub> concentrations in Shasta County. Areas to the north and west of the county are currently designated as attainment for the State PM<sub>10</sub> standards. Lassen County, to the east, is currently designated as nonattainment, but is being proposed for redesignation to unclassified due to both decreased emissions and population, as well as a lack of reliable air quality data. Due to prevailing wind patterns and topography, Lassen County is not considered a significant source of PM<sub>10</sub> for Shasta County. These factors indicate that the PM<sub>10</sub> air quality in Shasta County is distinctly different from that in the rest of the SVAB.

Data completeness criteria, set forth in “Criteria for Determining Data Completeness”, contained in Appendix 3 to CCR, title 17, sections 70300 to 70306, allows for the use of one year of complete data, if the maximum pollutant concentration is less than half the applicable State standard, or the use of two years of complete data, if the maximum concentration is less than three-quarters of the standard.

During 2014 through 2016, monitoring data are available for three sites in Shasta County. The Anderson site has three years of complete data with an annual PM<sub>10</sub> designation value of 19 µg/m<sup>3</sup> and a 24-hour PM<sub>10</sub> designation value of 39 µg/m<sup>3</sup>. The Redding site has two years of complete data toward the annual PM<sub>10</sub> standard with a concentration of 13 µg/m<sup>3</sup>, and the 24-hour PM<sub>10</sub> standard with a maximum concentration of 28 µg/m<sup>3</sup>, both less than three-quarters of the applicable standard. The Shasta Lake site has two years of complete data toward the annual PM<sub>10</sub> standard with a maximum concentration of 14 µg/m<sup>3</sup>, and the 24-hour PM<sub>10</sub> standard with a maximum concentration of 32 µg/m<sup>3</sup>, both less than three-quarters of the applicable standard. Based on these data, Shasta County qualifies as attainment for PM<sub>10</sub> and CARB staff recommends that it be designated separately from the rest of the SVAB.

## 2. *Northeast Plateau Air Basin*

### a. *Lassen County*

The staff recommends designating Lassen County in the Northeast Plateau Air Basin (NEPAB) as unclassified for PM<sub>10</sub>.

Lassen County is located in the northeast corner of California and comprises the Lassen County Air Pollution Control District. It is bordered on the west by Shasta County in the SVAB, by Modoc County, also in the NEPAB, to the north, and Plumas County, part of the Mountain Counties Air Basin (MCAB), to the south. Lassen County also shares a border to the east with the State of Nevada. Lassen County is separated from both the SVAB and the MCAB by the Cascade Range of the Sierra Nevada Mountains.

As set forth in “Criteria for Designating an Area as Unclassified”, contained in CCR, title 17, section 70305, allows for the redesignation of an area to unclassified if the data do not support a designation of attainment or nonattainment.

There is no active PM<sub>10</sub> monitor in Lassen County; the monitoring site at Susanville closed in 2001 and the closest PM<sub>10</sub> monitors for State area designation purposes are located to the west in the eastern portion of Shasta County, being proposed to be redesignated to attainment for PM<sub>10</sub>. With no monitors in the area and the closest monitors in attainment areas, CARB staff cannot confirm the attainment or nonattainment status of Lassen County. The population of Lassen County has decreased by almost 12 percent since 2010 and almost 9 percent since 2000. PM<sub>10</sub> emissions from local facilities have decreased by over 20 percent in the last five years. Based on this information, and the lack of air quality monitoring data for Lassen County, the staff recommends Lassen County be designated as unclassified for the State PM<sub>10</sub> standards.

### b. *Modoc County*

The staff recommends designating Modoc County in the Northeast Plateau Air Basin (NEPAB) as unclassified for PM<sub>10</sub>.

Modoc County is located in the far northeast corner of California and comprises the Modoc County Air Pollution Control District. It is bordered on the west by Siskiyou County and to the south by Lassen County, both part of the NEPAB. Modoc County also shares a border to the north with the State of Oregon and to the east with the State of Nevada. Lassen County is separated from both the SVAB and the eastern portion of the NEPAB by the Cascade Range of the Sierra Nevada Mountains.

As set forth in “Criteria for Designating an Area as Unclassified”, contained in CCR, title 17, section 70305, allows for the redesignation of an area to unclassified if the data do not support a designation of attainment or nonattainment.

There is no active PM<sub>10</sub> monitor in Modoc County; the monitoring site at Alturas closed in 2003. The closest PM<sub>10</sub> monitor for State area designation purposes was located to the west at Yreka in Siskiyou County, which was designated as attainment for the PM<sub>10</sub> standard in 2004 before being closed at the end of 2015. With no monitors in the area and the closest monitors in attainment areas, CARB staff cannot confirm the attainment or nonattainment status of Modoc County. The population of Modoc County has decreased by almost 10 percent since 2010 and almost 7 percent since 2000. There are no large PM<sub>10</sub> facility emissions in the area. Based on this information, and the lack of air quality monitoring data for Modoc County, the staff recommends Modoc County be designated as unclassified for the State PM<sub>10</sub> standards.

## F. FINE PARTICULATE MATTER (PM<sub>2.5</sub>)

The State PM<sub>2.5</sub> standard is an annual standard of 12 µg/m<sup>3</sup>, not to be exceeded. Based on data collected from 2014 through 2016, the staff recommends a change in designation for one area.

### 1. *Mojave Desert Air Basin*

#### a. *County Portion of federal Southeast Desert Modified AQMA for Ozone within San Bernardino County, in the Mojave Desert Air Basin*

The staff recommends designating the county portion of federal southeast desert modified AQMA within San Bernardino County, in the Mojave Desert Air Basin, as attainment for PM<sub>2.5</sub>.

This area, which is part of the Mojave Desert Air Quality Management District, is currently designated as nonattainment; the remainder of San Bernardino County in the Mojave Desert Air Basin is currently designated as unclassified.

Data completeness criteria, set forth in “Criteria for Determining Data Completeness”, contained in Appendix 3 to CCR, title 17, sections 70300 to 70306, allows for the use of one year of complete data, if the maximum pollutant concentration is less than half the applicable State standard, or the use of two years of complete data, if the maximum concentration is less than three-quarters of the standard.

During 2014 through 2016, monitoring data are available at the only active PM<sub>2.5</sub> monitor, located at Victorville in San Bernardino County. This site has two years of complete data with a maximum concentration of 8 µg/m<sup>3</sup>, less than three-quarters of the applicable standard. Based on these data, the county portion of federal southeast desert modified AQMA within San Bernardino County, in the Mojave Desert Air Basin qualifies as attainment for PM<sub>2.5</sub>.

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## **CHAPTER IV**

### **ALTERNATIVES TO THE PROPOSED AMENDMENTS**

State law (H&SC section 39607(e)) requires CARB to establish criteria for designating areas as attainment or nonattainment for the State standards. State law (H&SC section 39608(c)) further requires CARB to use the designation criteria in an annual review of the area designations.

CARB staff's proposed amendments to the area designations are described in Chapter III. The proposed amendments reflect the application of the designation criteria set forth in CCR, title 17, sections 70300 through 70306 and Appendices 1 through 3, thereof. Each proposed amendment is accompanied by a discussion of its basis and justification.

Government Code section 11346.2, subdivision (b)(4) requires CARB to consider and evaluate reasonable alternatives to the proposed regulatory action and provide reasons for rejecting those alternatives. This section discusses alternatives evaluated and provides reasons why these alternatives were not included in the proposal. As explained below, no alternative proposed was found to be less burdensome and equally effective in achieving the purposes of the regulation in a manner than ensures full compliance with the authorizing law. The Board has not identified any reasonable alternatives that would lessen any adverse impact on small business.

#### **A. REASONABLE ALTERNATIVES TO THE AMENDMENTS**

CARB staff considered potential alternatives to the proposed amendments (namely, the no action alternative). CARB staff find the proposed amendments are more appropriate than the no action alternative, which would be inconsistent with State law, and would retain designations based on older, outdated data. In addition, the no action alternative would not inform the public or districts about the healthfulness of air quality, based on the most recent data.

#### **B. REASONABLE ALTERNATIVES THAT WOULD LESSEN THE IMPACT ON SMALL BUSINESS**

CARB staff have also considered the potential alternatives to the proposed amendments that would lessen any adverse impact on small business (namely, the no action alternative). However, as discussed above, the proposed amendments are more appropriate than the no action alternative, which would retain nonattainment designations for the county portion of federal southeast desert modified AQMA for ozone within San Bernardino County in the Mojave Desert Air Basin for PM<sub>2.5</sub>, as well as the nonattainment designations for Lassen and Modoc Counties in the Northeast

Plateau Air Basin and Shasta County in the Sacramento Valley Air Basin for PM<sub>10</sub>. In addition, the no action alternative would retain the nonattainment-transitional designations for the Lake Tahoe Air Basin, the North Central Coast Air Basin, and Sutter/Yuba Counties in the Sacramento Valley Air Basin for ozone. The no action alternative would not lessen nor increase any impact on small businesses. The Board has not identified any reasonable alternatives that would lessen any adverse impact on small business.

## CHAPTER V

### IMPACTS AND BENEFITS OF THE PROPOSED AMENDMENTS, INCLUDING ECONOMIC IMPACT ANALYSIS PREPARED PURSUANT TO GOVERNMENT CODE SECTION 11346.3

#### A. INTRODUCTION

The intent of the proposed regulatory action is to update the air quality designations for each air basin, or portion thereof, to be consistent with the most recent complete monitoring data. Adopting the proposed amendments to the area designations will not result in any direct impact on public health or the environment because the regulations do not contain any requirements for action.

#### B. ECONOMIC IMPACTS

CARB staff do not expect the proposed amendments to have any adverse impacts on California employment, business status, or competitiveness.

##### *1. Legal Requirement*

The Government Code requires State agencies proposing to adopt or amend any administrative regulation to assess the potential for adverse economic impact on California business enterprises and individuals. The assessment shall include consideration of the impact of the proposed regulatory amendments on California jobs, business expansion, elimination, or creation, and the ability of California businesses to compete in other States.

State agencies are also required to estimate the cost or savings to any State or local agency and school district in accordance with instructions adopted by the Department of Finance. This estimate is to include non-discretionary costs or savings to local agencies and the costs or savings in federal funding to the State.

##### *2. Potential Impact on Businesses, Business Competitiveness, Employment, and Business Creation, Elimination, or Expansion*

The determinations of CARB's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed amendments are presented below.

The proposed amendments to the area designation regulations do not contain any requirements for action. The area designations are simply labels that describe the

healthfulness of the air quality in each area. Because the area designation regulations contain no requirements for action, they have no direct economic impact, and the following general determinations are appropriate.

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB is not aware of any cost impacts that a representative private person or business would incur due to the proposed action.

The Executive Officer also has made an initial determination that the proposed 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 the proposed 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.

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

Before taking final action on the proposed regulatory action, CARB must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

### *3. Potential Cost to Local and State Agencies*

As stated above, the proposed amendments to the area designations do not contain any requirements for action, and these regulations have no direct economic impact. Therefore, pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State under Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to State or local agencies.

Before taking final action on the proposed amendments to the regulations, CARB must determine that no alternative considered by CARB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## C. AIR QUALITY AND ENVIRONMENTAL BENEFITS

The proposed amendments to the area designations do not contain any requirements for action, and therefore, they will not result in any direct air quality or environmental benefits. However, the area designations do label areas with respect to the healthfulness of their air quality.

## D. ENVIRONMENTAL JUSTICE BENEFITS

State law defines environmental justice as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. Government Code, section 65040.12, subdivision (c). CARB is committed to making environmental justice an integral part of its activities. The Board approved its Environmental Justice Policies and Actions (Policies) on December 13, 2001, to establish a framework for incorporating environmental justice into ARB's programs consistent with the directives of State law (ARB 2001). These policies apply to all communities in California, but recognize that environmental justice issues have been raised more in the context of low-income and minority communities.

CARB is committed to evaluating community impacts of proposed regulations, including environmental justice concerns. Because some communities experience higher exposures to air pollutants, it is a priority of CARB to ensure that full protection is afforded to all Californians. The proposed amendments to the area designations do not contain any requirements for action. However, the area designations are designed to identify areas with unhealthy air quality, based on the most recently available complete data.

## E. IMPACTS FOR LOCAL DISTRICTS

State law requires districts and CARB to make a coordinated effort to protect and enhance the ambient air quality (H&SC sections 39001 through 39003). As part of this effort, the districts must adopt rules and regulations sufficiently effective to achieve and maintain the State standards (H&SC sections 40001 and 41500). These requirements, if determined necessary, will result in improved air quality in communities throughout the State, resulting in lower potential health risks.

## F. PURPOSE, BENEFITS, AND GOALS

*Protecting the health, safety, and welfare of the public.* The designations provide labels indicating the healthfulness of the current air quality throughout the State. These labels allow the public to make better informed decisions regarding their personal health, safety, and welfare.

*Safeguarding the quality of the physical environment.* This goal is to be accomplished by an intensive, coordinated State, regional, and local effort to protect and enhance the ambient air quality of the State. CARB and the districts have coordinated their efforts in obtaining and reviewing air quality monitoring data, identifying highly irregular or infrequent events, and evaluating meteorological, topographical, and other data relating to the characteristics of population or emissions. This coordinated effort has resulted in the proposed amendments to the area designations. As the area designations are simply labels that describe the healthfulness of the air quality in each area, the proposed amendments do not contain any requirements for action.

*Encouraging a regional approach to meeting the State ambient air quality standards whenever possible.* The proposed amendments designate areas as attainment, nonattainment, nonattainment-transitional, or unclassified by pollutant. Where appropriate, these designations are made for each air basin, district, or sub-region based on meteorological, topographical, and other data relating to the characteristics of population or emissions. This allows each district to identify the most cost-effective, efficient, and acceptable approach to achieve the State ambient air quality standards.

*Consistency with the State goal of providing a decent home and suitable living environment.* As the area designations are simply labels that describe the healthfulness of the air quality in each area, the proposed amendments do not contain any requirements for action. The annual review and update of the area designations provides the public with an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal residency.

## G. OTHER IMPACTS AND BENEFITS

The annual review and update of the area designations gives 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. This information also allows businesses and government the opportunity to make better informed decisions regarding worker health and safety.

## CHAPTER VI

# AN EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING FEDERAL AND STATE REGULATIONS PREPARED PURSUANT TO GOVERNMENT CODE SECTION 11346.5

### A. INTRODUCTION

The proposed amendments to the area designations were evaluated for consistency and compatibility with existing federal and State regulations.

### B. FEDERAL REGULATIONS

There are no comparable federal regulations that address area designations for the State standards.

### C. STATE REGULATIONS

The proposed changes, as well as the process for effecting those changes, to the area designations are consistent and compatible with existing State regulations.

In designating the Lake Tahoe Air Basin as attainment for ozone; Shasta County in the Sacramento Valley Air Basin as attainment for PM<sub>10</sub> (suspended particulate matter); and the county portion of federal southeast desert modified AQMA for ozone within San Bernardino County in the Mojave Desert Air Basin as attainment for PM<sub>2.5</sub> (fine particulate matter), CARB has considered the data for record (defined in California Code of Regulations, title 17, section 70301(a)),<sup>1</sup> which meet the representativeness and completeness criteria and which demonstrate that the respective State standards were not violated in these areas. The representativeness criteria are set forth in Appendix A to this Notice (see Appendix 1) and in California Code of Regulations, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 1. The completeness criteria are set forth in Appendix A to this Notice (see Appendix 3) and in California

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<sup>1</sup> California Code of Regulations, title 17, section 70301(a) provides, "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 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 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 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 or other equivalent procedures..."

Code of Regulations, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 3. Therefore, consistent with State regulations, CARB is proposing to designate the areas noted above as attainment.

In addition, CARB has considered the data for record (defined in California Code of Regulations, title 17, section 70301(a)), which meet the representativeness and completeness criteria and which demonstrate that the State standards for ozone were violated in the North Central Coast Air Basin and in Sutter and Yuba Counties in the Sacramento Valley Air Basin (SVAB). Therefore, CARB is proposing to designate these areas as nonattainment for ozone.

Finally, CARB has considered the requirements as set forth in the California Code of Regulations, title 17, sections 70303, 70304, and 70305, and has determined that the attainment or nonattainment status of Lassen and Modoc Counties in the Northeast Plateau Air Basin cannot be confirmed. Therefore, CARB is proposing to designate these areas as unclassified for PM<sub>10</sub>.



## **CHAPTER VII**

### **ENVIRONMENTAL IMPACTS ANALYSIS**

#### **A. INTRODUCTION**

This chapter provides the basis for CARB's determination that the proposed regulation is exempt from the requirements of the California Environmental Quality Act (CEQA). A brief explanation of this determination is provided in section B below. CARB's regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the State's ambient air quality, has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 of CEQA (14 CCR 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including but not limited to, preparing environmental impact reports, negative declarations, and initial studies. CARB, as a lead agency, prepares a substitute environmental document (referred to as an "Environmental Analysis" or "EA") as part of the Staff Report prepared for a proposed action to comply with CEQA (17 CCR 60000-60008). If the regulation is finalized, a Notice of Exemption will be filed with the Office of the Secretary for the Natural Resources Agency and the State Clearinghouse for public inspection.

#### **B. ANALYSIS**

CARB has determined that the proposed regulation is exempt from CEQA under the "general rule" or "common sense" exemption (14 CCR 15061(b)(3)). The common sense exemption states a project is exempt from CEQA if "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The proposed regulation includes the following changes: Proposed Changes to Ozone Area Designations (section 60201); Proposed Changes to Suspended Particulate Matter (PM<sub>10</sub>) Area Designations (section 60207); Proposed Changes to Fine Particulate Matter (PM<sub>2.5</sub>) Area Designations (section 60210); Redesignate the county portion of federal southeast desert modified AQMA for ozone within San Bernardino County, in the Mojave Desert Air Basin, as Attainment. This will result in changes to the labels that indicate the healthfulness of the current air quality throughout the State. The proposed changes do not contain any requirements for action, and therefore, they will not result in any direct air quality or environmental impacts.

Based on CARB's review it can be seen with certainty that there is no possibility that the proposed regulation may result in a significant adverse impact on the environment; therefore, this activity is exempt from CEQA.