

State of California
AIR RESOURCES BOARD

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

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

Public Hearing Date: January 22, 2004
Agenda Item No.: 04-1-5

I. GENERAL

On January 22, 2004, the Air Resources Board (ARB or Board) conducted a public hearing to consider amendments to two regulations: the area designation criteria (contained in title 17, California Code of Regulations (CCR), sections 70300 through 70306 and appendices 1 through 3, thereof) and the area designations for State ambient air quality standards (contained in title 17, CCR, sections 60200 through 60209). The Staff Report: Initial Statement of Reasons for Rulemaking, entitled "Proposed Amendments to the Area Designation Criteria and Area Designations for State Ambient Air Quality Standards and Maps of Area Designations for State and National Ambient Air Quality Standards" (staff report or ISOR), was made available to the public beginning December 5, 2003. 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, or FSOR, updates the ISOR by summarizing written and oral comments received during the 45-day public comment period.

Following the public hearing on January 22, 2004, the Board, by Resolution 04-6, adopted amendments to the area designation criteria regulations, which set forth the requirements for making area designations for State ambient air quality standards (State standards). The amendments to the designation criteria regulations affect title 17, CCR, sections 70302, 70303, 70303.1, 70303.5, and 70304, and appendices 1, 2, and 3 to sections 70300 through 70306. The adopted amendments add fine particulate matter (PM_{2.5}) to the list of regional pollutants that use an air basin as the starting point for determining the size of the designated area. Other changes to the regulations clarify and provide for consistency among various existing portions of the designation criteria. None of the adopted amendments change the Board's approach to or way of making the area designations for State standards.

As part of the same January 22, 2004, action, the Board also adopted amendments and added a new section to the area designation regulations. 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. The amendments to the area designation regulations affect title 17, CCR, sections 60200, 60201, 60202, 60206, and new section 60210. Based on data collected during 2000 through 2002, the Board redesignated two areas for ozone, one area for carbon monoxide, and one area for sulfates. The Board also adopted first-time area designations for the new State PM2.5 standard, which became effective July 3, 2003. The designations the Board adopted are summarized in Table 1. In conjunction with the PM2.5 designations, the Board adopted descriptions of the three unique nonattainment areas (City of Calexico, Central San Bernardino County, and Portola Valley) and amended title 17, CCR, section 60200 of the area designation regulations to include these descriptions.

Fiscal Impacts

The Board 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 Board 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 Board 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 Board 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 Board 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 39607(e) requires the Board to establish and periodically review criteria for designating areas as attainment, nonattainment, or unclassified for the State standards. In developing and revising the designation criteria, section 39607(e) also requires the Board to consider instances where there are poor or limited ambient air quality data and to consider the occurrence of highly irregular or infrequent violations. The proposed amendments to the designation criteria are consistent with the legal requirements. The Board considered alternatives to the proposed amendments, namely

the no action alternative, and found none more suitable than those proposed. Furthermore, the proposed amendments are necessary to ensure the continued relevance of the designation criteria and its applicability to current State standards.

The requirement for making and annually reviewing the area designations is also specified in State law (H&SC section 39608). The proposed area designations reflect the application of the designation criteria, as they are proposed to be amended. In addition, the proposed area designations reflect the most current and complete ambient air quality data, those data collected during 2000 through 2002. The Board considered the potential alternatives to the proposed amendments, namely the no action alternative. However, based on the available data, the Board 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 inform the public about the healthfulness of air quality.

In summary, the Board determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed or would be as effective and less burdensome to affected private persons than the action taken by the Board.

Modifications to the Original Proposal

There were no modifications to the original proposal. The amended regulations the Board adopted are identical to those initially proposed by the staff and made available in the staff report released on December 5, 2003.

II. SUMMARY OF COMMENTS AND AGENCY RESPONSES

No comments were received during the 45-day comment period, which began on December 5, 2003. Two people, Larry Allen, Air Pollution Control Officer (APCO) for the San Luis Obispo County Air Pollution Control District and Barbara Lee, APCO for the Northern Sonoma County Air Pollution Control District, testified at the public hearing on January 22, 2004. Both made comments in support of the Board's adoption of the proposed amendments to the area designation regulations.

Mr. Allen's Comment: Mr. Allen commented that he was proud and pleased to accept the ozone attainment designation for San Luis Obispo County Air Pollution Control District (District). The progress made in reducing ambient concentrations showed the positive impact of cooperation among industry, the community, and the District. It also highlighted the effectiveness of the requirements contained in the California Clean Air Act. Mr. Allen acknowledged the effectiveness of the Board's mobile source control efforts and urged the Board to continue their

support of emission reduction programs at the State and local levels.

Agency Response: ARB agrees that the progress in San Luis Obispo County is the result of continued implementation of effective emission control programs at the State and local levels. Furthermore, ARB will continue to support programs at both the State and local levels, in order to help maintain the gains in air quality.

Ms. Lee's Comment: Ms. Lee commented that the Northern Sonoma County Air Pollution Control District was happy to be designated as attainment for ozone. She also acknowledged that air quality problems in her area are caused by transport rather than locally generated emissions. Therefore, northern Sonoma County is dependent on the implementation of emission controls in the upwind areas. She encouraged the Board to continue statewide control measures in order to ensure continued attainment in northern Sonoma County.

Agency Response: ARB agrees that the ozone problem in northern Sonoma County is caused by transport from upwind areas, in particular, the San Francisco Bay Area. ARB also agrees that continuing emission control programs in the upwind areas will help ensure continued improvements in northern Sonoma County.