

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE AREA DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the regulations designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified for pollutants with State ambient air quality standards set forth in section 70200 of title 17, California Code of Regulations.

DATE: January 20, 2005

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
1001 I Street
Byron Sher Auditorium, Second Floor
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., January 20, 2005, and may continue at 8:30 a.m., January 21, 2005. This item may not be considered until January 21, 2005. Please consult the agenda for the meeting, which will be available at least 10 days before January 20, 2005, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to title 17, California Code of Regulations (CCR), sections 60201, 60202, 60205, and 60210.

Background: Pursuant to section 39606 of the Health and Safety Code (H&SC), the Board is charged with the responsibility of adopting standards of ambient air quality for each air basin in consideration of the public health, safety, and welfare. The Board has adopted State ambient air quality standards (State Standards) for ten pollutants, set forth in CCR, title 17, section 70200. The California Clean Air Act in H&SC section 39607(e)

requires the Board to establish designation criteria which provide the basis for designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified with respect to the State standards. The Board originally adopted designation criteria in 1989 and has modified them several times since then, the last time in January 2004. The designation criteria are set forth in CCR, title 17, sections 70300 through 70306, and appendices 1 through 4, thereof. Based on these designation criteria, the California Clean Air Act in H&SC section 39608 further requires the ARB to establish and annually review area designations for State standards. During the annual review, ARB determines whether changes to the existing area designations are warranted, based on an evaluation of recent air quality data.

The ARB makes area designations for ten pollutants: ozone, suspended particulate matter (PM10), fine suspended particulate matter (PM2.5), carbon monoxide, nitrogen dioxide, sulfur dioxide, sulfates, lead, hydrogen sulfide, and visibility reducing particles. The area designations comprise CCR, title 17, sections 60200 through 60210. This year's review of the area designations is based on air quality data from 2001 through 2003. The proposed amendments include changes to several of the existing area designations for carbon monoxide, PM10, and PM2.5. These changes are summarized below:

Carbon Monoxide:

- ◆ Designate the Los Angeles County portion of the South Coast Air Basin as attainment. This area is currently designated as nonattainment-transitional. With this change, the entire South Coast Air Basin area will be attainment for the State carbon monoxide standards.

PM10:

- ◆ Designate Siskiyou County in the Northeast Plateau Air Basin as attainment. This area is currently designated as nonattainment.

PM2.5:

- ◆ Designate the Lake Tahoe Air Basin as attainment. This area is currently designated as unclassified.
- ◆ Designate the North Central Coast Air Basin as attainment. This area is currently designated as unclassified.

In addition to these changes, there is one change for ozone (summarized below) that occurs by operation of law under H&SC section 40925.5. Because this change occurs by operation of law, it does not require formal action by the Board. However, staff is proposing a change to the area designation regulations to reflect the automatic redesignation to nonattainment-transitional.

Ozone:

- ◆ Change the North Central Coast Air Basin designation for ozone specified in CCR, title 17, section 60201 from nonattainment to nonattainment-transitional. This redesignation occurred automatically by operation of law, and the staff proposes amending the area designation regulations to reflect this change.

COMPARABLE FEDERAL REGULATIONS

The proposed changes are amendments to existing State regulations. There are no comparable federal or local regulations.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The Staff Report is entitled: "Initial Statement of Reasons for Proposed Rulemaking: 2004 Area Designations and Maps."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing, January 20, 2005.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquires concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Marcella Nystrom, Staff Air Pollution Specialist, Air Quality Analysis Section, Planning and Technical Support Division, at (916) 323-8543 or via email at mnystrom@arb.ca.gov, or Gayle Sweigert, Manager, Air Quality Analysis Section, Planning and Technical Support Division, (916) 322-6923 or via email at gsweiger@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/area05/area05.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

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

The proposed amendments to the area designation regulations do not contain any requirements for action. Subsequent requirements for action may result after additional steps, such as plan preparation and approval, are taken. The area designations are simply labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves contain no requirements for action, they have no direct economic impact, and the following general determinations are appropriate.

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 pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with 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. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, 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, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board 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.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received no later than 12:00 noon, January 19, 2005, and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to area05@listserv.arb.ca.gov and received at the ARB no later than 12:00 noon, January 19, 2005.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than 12:00 noon, January 19, 2005.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code (H&SC), sections 39600, 39601, 39608, and 40925.5. This action is proposed to implement, interpret, and make specific sections 39608, and 40925.5 of the H&SC.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also

adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

/s/

Catherine Witherspoon
Executive Officer

Date: November 23, 2004

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our Web site at www.arb.ca.gov.