

State of California
AIR RESOURCES BOARD

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

**PUBLIC HEARING TO CONSIDER AMENDING THE AREA DESIGNATIONS FOR
STATE AMBIENT AIR QUALITY STANDARDS**

Public Hearing Date: November 16, 2000
Agenda Item No.: 00-11-6

I. GENERAL

The Staff Report: Initial Statement of Reasons for Rulemaking ("staff report"), entitled "Proposed Area Designations and Maps," released September 29, 2000, is incorporated by reference herein.

Following a public hearing on November 16, 2000, the Air Resources Board (Board), by Resolution 00-42, adopted amendments to the designation of areas in California as nonattainment, nonattainment-transitional, attainment, or unclassified for State ambient air quality standards (State standards). The amended regulation is contained in section 60201 of title 17, California Code of Regulations (CCR).

The amended regulation the Board adopted is identical to that initially proposed by the staff and made available in the staff report released on September 29, 2000.

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 adverse economic impact on business.

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.

The Board has further 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.

II. SUMMARY OF COMMENTS AND AGENCY RESPONSES

No comments were received during the 45-day comment period beginning September 29, 2000. One person, Kevin Tokunaga from the Glenn County Air Pollution Control District, testified at the public hearing on November 16, 2000.

Mr. Tokunaga's Comment: The nonattainment ozone designation hinders the ability of the County to recruit businesses. The few exceedances that do occur in Glenn County are the result of wildfires or transport from upwind areas (i.e. Sacramento). Glenn County does not warrant the same designation as some of the larger districts with a much more severe ozone problem. The nonattainment-transitional designation more accurately reflects the situation in Glenn County.

Agency Response: The nonattainment-transitional designation for ozone is a statutory requirement that is based on the total number of exceedances, regardless of the cause of those exceedances. Glenn County recorded more than the allotted exceedances specified in the statute. Therefore, by operation of law, the County is designated nonattainment. The Board's regulations do recognize wildfires and other highly irregular or infrequent concentrations in determining the remaining area designations. The Board agrees that it would be appropriate for the nonattainment-transitional designation for ozone to consider highly irregular or infrequent concentrations and directed the staff to investigate possible amendments to the current statute so that the nonattainment-transitional designation for ozone accounts for highly irregular or infrequent concentrations such as those that result from wildfires.

III. COMMENTS SUBMITTED BY THE OFFICE OF SMALL BUSINESS ADVOCATE AND THE TRADE AND COMMERCE AGENCY

No comments were submitted by the Office of Small Business Advocate or the Trade and Commerce Agency.