

Updated Informative Digest

ADOPTION OF AMENDMENTS TO THE REGULATION IDENTIFYING AREAS WHICH ARE IMPACTED BY TRANSPORTED POLLUTANTS AND REGULATION FOR MITIGATING THE UPWIND EMISSIONS ON DOWNWIND OZONE CONCENTRATIONS

Sections Affected

Amendments to section 70500, title 17 California Code of Regulations (CCR) and section 70600, title 17 CCR.

Background

Health and Safety Code section 39610 directs the Air Resources Board to identify upwind air basins that cause or contribute to violations of the State ozone standard in downwind areas and to assess the relative contributions of upwind emissions. The assessments establish ozone transport couples, which are air basins or air pollution control districts (districts) from which transported pollution originates and in which transported ozone and ozone precursors affect air quality. The assessments are a preliminary step in determining appropriate mitigation requirements. The Board approved the first assessment in August 1990, with updates in August 1993 and November 1996. This action is based on the findings from the third update to the original assessments of August 1990.

Description of the Proposed Regulatory Action

At a public hearing on April 26, 2001, the staff proposed amendments to the transport identification regulation set forth in section 70500, title 17 CCR and to the transport mitigation regulation section 70600, title 17 CCR.

For the transport identification regulation (section 70500), staff proposed to identify the San Francisco Bay Area Air Basin as “overwhelming” the northern Sonoma County portion of the North Coast Air Basin. This assessment was done because in November 1999 the Board redesignated the Northern Sonoma district from attainment to nonattainment of the State Ambient Air Quality Standard for ozone. ARB staff determined that all violations of the State standards for 1996 through 1998 were caused by transport from the San Francisco Bay Area Air Basin; the staff does not believe that the emissions in northern Sonoma County are sufficient to cause ozone violations. Second, the staff proposed to identify the San Francisco Bay Area Air Basin as an upwind contributor to ozone violations in San Luis Obispo County in the South Central Coast Air Basin. The staff has determined that emissions from the San

Francisco Bay Area Air Basin, in combination with the emissions from the San Joaquin Valley Air Basin, collectively can overwhelm San Luis Obispo County. The data are not sufficient to quantify the contribution from the two upwind areas. Therefore, the staff recommends that the San Francisco Bay Area Air Basin and the San Joaquin Valley Air Basin are individually responsible for significant transport impacts to San Luis Obispo County.

For the transport mitigation regulation (section 70600), staff proposed conforming notational changes based on the changes to the identification regulation.

At the hearing, the California Air Resources Board adopted the amendments to the transport identification regulation as proposed by staff. In addition, the Board adopted the conforming notational changes to the transport mitigation regulation as proposed by staff. However, the Board added two additional findings to the proposed resolution. While no changes to the mitigation requirements are immediately necessary, the Board is committed to enhancing the requirements for upwind districts to mitigate their air pollution impacts on downwind districts. The Board directed the staff to report back to the Board at its July meeting on their evaluation of four concepts, among others that the staff might generate:

- (1) an “all feasible measures” requirement;
- (2) implementing improved Smog Check in the San Francisco Bay Area;
- (3) making new source review thresholds equal in cases where the downwind area has a more severe classification than the upwind area; and
- (4) establishing a mitigation fee bank.

Comparable Federal Regulations

None.