

State of California
AIR RESOURCES BOARD

RESOLUTION 96-56

Agenda Item No.: 96-9-3

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (Board) to adopt standards, rules, and regulations, and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the Act; Stats. 1988, ch. 1568) declaring that it is necessary that the State ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act mandates a comprehensive program of emission reduction measures and planning requirements for local and regional air pollution control and air quality management districts (Districts) must undertake in areas where the standards have not been attained;

WHEREAS, the Act, in section 39610(a) of the Health and Safety Code, directs the Board to identify each air basin or subregion thereof in which transported air pollutants from upwind areas outside the air basin or subregion cause or contribute to a violation of the State ambient air quality standard for ozone, and to identify the district of origin based upon the preponderance of available evidence;

WHEREAS, on December 14, 1989, the Board adopted section 70500, Title 17, California Code of Regulations, which identifies, consistent with the requirements of the Act, the areas affected by transported air pollutants from upwind areas, and the areas of origin of the transported pollutants;

WHEREAS, the Act, in section 39610(b) of the Health and Safety Code, directs the Board, in cooperation with the Districts, to assess the relative contribution of upwind emissions to downwind ambient ozone pollutant levels to the extent permitted by available data and to establish mitigation requirements commensurate with the level of contribution;

WHEREAS, on August 10, 1990, the Board approved a qualitative assessment of the relative contributions of upwind emissions to downwind ozone concentrations, and in that assessment the relative contributions for specified geographical areas were described as "overwhelming," "significant," or "inconsequential;"

WHEREAS, section 70600, Title 17, California Code of Regulations, was adopted by the Board on August 10, 1993, and subsequently amended on March 11, 1994; section 70600 establishes mitigation requirements for upwind districts within the areas of origin of transported air pollutants, consistent with the requirements of section 39610(b) of the Health and Safety Code;

WHEREAS, section 39610(d) of the Health and Safety Code requires the Board to review and update its transport analysis at least once every three years and staff has proposed an updated transport analysis based on new data, and has proposed amendments to sections 70500 and 70600, Title 17, California Code of Regulations, consistent with this updated analysis;

WHEREAS, on May 30, 1996, the Board adopted regulations which redefined the South Coast Air Basin boundaries, discontinued the Southeast Desert Air Basin boundaries, and established the new Mojave Desert Air Basin and Salton Sea Air Basin boundaries, all of which affect the designation of transport couples;

WHEREAS, staff consulted with the Districts, has provided opportunities for public comment, and has considered such comments before proposing regulations to the Board;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code and the Board has considered the testimony presented by interested persons and the staff;

WHEREAS, the Board finds that:

1. The relative contribution of upwind emissions to downwind ambient pollutant levels has been assessed to the extent permitted by available data;
2. The assessment reveals that the transport of upwind emissions to downwind areas significantly contributes to, and in some instances is the cause of, violations of the State ozone standard in a downwind area;
3. An evaluation of routine meteorological, air quality, and emission data, as well as new data from special studies for the period of 1993-1995, reveals that an update to the initial 1990 transport assessment and the 1993 triennial update is warranted;
4. Based on the staff analyses of routine and special studies data, the identification of a new transport couple and specified changes to the assessments of existing transport couples are warranted;
5. Because of limitations of the data and the inherent difficulties in understanding and characterizing the mechanisms that result in ozone formation and transport, these findings are qualitative, as they were in the 1990 transport assessment and the 1993 triennial update;
6. A qualitative assessment is consistent with the language of the Health and Safety Code section 39610(a) and (b), which provides for assessments "to the extent permitted by available data;"
7. It is appropriate to continue to characterize the impact of transported ozone or ozone precursors on downwind ambient ozone concentrations as "overwhelming," "significant," or "inconsequential;"

8. The dissolution of the Southeast Desert Air Basin and the creation of two new air basins, the Mojave Desert Air Basin and the Salton Sea Air Basin, requires amendments to the transport couple identifications and to the transport mitigation regulation to conform them to the new boundaries.

WHEREAS, the Board further finds that:

9. Mitigation responsibilities should be assigned to the upwind areas based on new findings of "overwhelming" transport;
10. It is appropriate that those upwind areas identified as causing "overwhelming" impacts shall adopt control measures sufficient to attain the ozone standard within the affected areas;
11. An upwind air basin or air basin subregion which is identified as causing "overwhelming" impacts in portions of a downwind air basin or air basin subregion should be responsible for attainment in only those portions of the downwind air basin or air basin subregion which are affected by overwhelming transport, and not for attainment throughout the downwind air basin subregion;
12. No changes to the mitigation requirements, based on these assessments, are necessary at this time;
13. The mitigation requirements should be revisited periodically and amended, as appropriate, to reflect additional information on the contribution of transported pollutants to downwind ambient ozone concentrations;

WHEREAS, the Board further finds that:

14. The implementation of required mitigation measures in identified upwind areas will have positive environmental impacts in the downwind areas and in most upwind areas;
15. Pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, this regulatory action will not have any significant adverse impacts on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the staff's recommended ozone transport couples and transport assessments pursuant to section 39610(a) and (b) of the Health and Safety Code and hereby amends the California Code of Regulations, Title 17, sections 70500 and 70600, as set forth in Attachment A hereto.

I hereby certify that the above is a true and correct copy of Resolution 96-56, as adopted by the Air Resources Board.

Pat Hutchens, Clerk of the Board