State of California
AIR RESOURCES BOARD

Resolution 89-100

December 14, 1989

Agenda Item No.: 89-20-3

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "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 the state and local air pollution control districts ("districts") in areas where the standards are not attained;

WHEREAS, as directed by the Act, the Board has established criteria for designating an air basin attainment or nonattainment for each state ambient air quality standard and has designated each air basin which is in attainment and each air basin which is in nonattainment for each standard;

WHEREAS, the Act in Health and Safety Code Section 39610(a) directs the Board to identify, not later than December 31, 1989, each district in which transported air pollutants from upwind areas outside the district cause or contribute to a violation of the ozone standard and to identify the district of origin of transported pollutants, based upon the preponderance of the evidence;

WHEREAS, the Board is also directed in Health and Safety Code Section 39610(a) to identify and determine the priorities of information and studies needed to make a more accurate determination, including but not limited to emission inventories, pollutant characterization, ambient air monitoring and air quality models;

WHEREAS, the Board is to make every reasonable effort to supply air pollution transport information to heavily impacted districts prior to the development of plans to attain the state ambient air quality standards;

WHEREAS, the Act requires that any district which is a receptor or contributor of transported air pollutants, as determined by the Board, shall prepare and submit its plan for attaining and maintaining the ozone standard not later than June 30, 1991 (Health and Safety Code Section 40911(b);

WHEREAS, Health and Safety Code Section 40912 mandates that the attainment plans for districts responsible for or affected by air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both the upwind and downwind districts;

WHEREAS, staff has proposed a regulation which identifies the areas in which transported air pollutants from upwind areas cause or contribute to a violation of the state ambient air quality standard for ozone and which identifies the district of origin of the transported pollutants, based upon the preponderance of available evidence;

WHEREAS, staff has also included a table in the Staff Report which sets forth the proposed priorities for information and studies which are necessary for making more accurate transport determinations;

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;

WHEREAS, the Board finds that:

The regulation as proposed by the staff and as amended by the Board fulfills the requirements of Health and Safety Code Section 39610(a);

The proposed identification of transport couples is based on the preponderance of evidence which is currently available;

Further study of other potential transport corridors is necessary;

The proposed priorities for information and studies necessary to make more accurate transport determinations are appropriate; and

The identification of transport couples will have no adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Section 70500, Title 17, California Code of Regulations, as amended by the Board and as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to evaluate the data provided by the Bay Area Air Quality Management District and determine whether the North Central Coast Air Basin should be identified in the regulation as impacting the San Francisco Bay Area Air Basin and, if so, to make appropriate modifications to the regulation.

BE IT FURTHER RESOLVED that the Board further directs the Executive Officer to adopt Section 70500, Title 17, California Code of Regulations, as amended, after making it available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board approves the priorities for additional information and studies as set forth in the table in the Staff Report and as modified at the Board meeting and directs the Executive Officer to make all reasonable efforts to supply air pollutant transport information to the impacted districts as it becomes available.

I hereby certify that the above is a true and correct copy of Resolution 89-100, as adopted by the Air Resources Board.

Cary Allison, Board Secretary

State of California

AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of a Regulation Which Identifies the Areas in Which Transported Air Pollutants Conribute to Violations of the State Ambient Air Quality Standard for Ozone and the Areas of Origin of the Pollutants

Agenda Item No.: 89-20-3

Public Hearing Date: December 14, 1989

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Cary Allen
Board Secretary

Date: 3/6/90