State of California
AIR RESOURCES BOARD

Resolution 93-52

August 12, 1993

Agenda Item No.: 93-10-2

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 and air quality management districts ("districts") in areas where the standards have not been attained;

WHEREAS, the Act in section 39610 (a) of the Health and Safety Code directs the state 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 classified as "overwhelming", "significant", or "inconsequential";

WHEREAS, section 70600, Title 17, California Code of Regulations, was approved by the Board on August 10, 1993 and subsequently amended on March 11, 1993; 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;

WHEREAS, in order to fulfill the requirements of section 39610(d) of the Health and Safety Code, the staff has proposed an updated transport analysis, and has proposed amendments to sections 70500 and 70600, Title 17, California Code of Regulations, consistent with this updated analysis;

WHEREAS, the staff consulted with districts and has provided opportunities for public comment and 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 ambient air quality standard for ozone in that downwind area;

3. An evaluation of routine meteorological, air quality and emission data, and data from special studies for the period 1990-1992 reveals that an update to the initial 1990 transport assessment is warranted;

4. Based on this analysis of routine and special studies data, the following six additional transport couples have been identified:

   The San Joaquin Valley Air Basin to the South Central Coast Air Basin, Mexico to the San Diego Air Basin, Mexico to the Southeast Desert Air Basin, the Broader Sacramento Area to the Mountain Counties Air Basin, the San Joaquin Valley Air Basin to the Mountain Counties Air Basin, and the San Francisco Bay Area Air Basin to the Mountain Counties Air Basin;

5. Section 70500 should be amended to identify the San Joaquin Valley Air Basin as the source of the transport pollutants affecting the Great Basin Valley Air Basin, rather than leaving it as "undetermined";

6. Updates to the severity of impacts for some couples and corresponding changes to the transport mitigation regulations are warranted;

7. Because of the 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;

8. 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;"

9. It is appropriate to characterize the impact of transported ozone or ozone precursor on downwind ambient ozone concentration as "overwhelming", "significant", or "inconsequential";

10. Changes to the mitigation regulation for two transport couples are warranted, and a new finding of "overwhelming" transport in addition to the previous findings of "significant" is warranted for the San Francisco Bay Area Air Basin to parts of the San Joaquin Valley Air Basin couple, and for the San Francisco Bay Area Air Basin to parts of the Broader Sacramento Area couple;

11. The reevaluation of transport from the South Coast Air Basin to the Southeast Desert Air Basin warrants a finding of "significant" transport for the South Coast Air Basin to Imperial County couple;

12. A reevaluation of the transport from the Broader Sacramento Area to the Upper Sacramento Valley at Yuba City is warranted due to the redefinition of the boundary separating the two areas, and the transport is "overwhelming" from the Broader Sacramento area to the Upper Sacramento Valley at Yuba City;

13. An evaluation of the impact of transport from the San Francisco Bay Area Air Basin on ozone concentration at the Pinnacles in the North Central Coast Air Basin is warranted because Pinnacles was not considered in the 1990 assessment. However, this evaluation did not result in any new findings for the San Francisco Bay Area Air Basin to the north Central Coast Air Basin couple;

14. Based on review of a recent transport assessment of the South Coast Air Basin to the San Diego Air Basin which was conducted by the San Diego County Air Pollution Control District, the 1990 findings are still valid;

15. Based on a reevaluation of transport from the San Joaquin Valley Air Basin to the Southeast Desert Air Basin, the 1990 findings are still valid;

16. Two other prospective couples were assessed, but no evidence of transport of ozone precursors or ozone on the downwind basins was found for the Southeast Desert Air Basin to the South Coast Air Basin couple or the San Luis Obispo County to the San Joaquin Valley Air Basin couple;

17. Based on the evaluation of routine meteorological and air quality data, along with special studies data for 1990-1992, the transport impacts of the six new couples are characterized as "overwhelming" from the Broader Sacramento Area to the Mountain Counties Air Basin, as "overwhelming" from the San Joaquin Valley Air Basin to the Mountain Counties Air Basin, as "significant" from the San Francisco Bay Area Air Basin to the Mountain Counties Air Basin, as both "overwhelming" and "significant" from Mexico to the Southeast Desert Air Basin, as "overwhelming", "significant", and "inconsequential" from Mexico to the San Diego Air Basin, and as both "significant" and "inconsequential" from the San Joaquin Valley Air Basin to the South Central Coast Air Basin;

18. There are no other new findings to warrant a change in the 1990 assessment of transport severity for the remaining couples;

WHEREAS, the Board further finds that:

19. Mitigation responsibilities should be assigned to the upwind areas based on new findings of "overwhelming" transport;

20. It is appropriate that those upwind air basins identified as causing "overwhelming" impacts shall adopt control measures sufficient to attain the ozone standard within the impacted areas;

21. An upwind air basin that is identified as causing "overwhelming" impacts in portions of a downwind air basin, should be responsible only for attainment in those portions of the downwind air basin and under those conditions that are impacted by overwhelming transport, and not for attainment throughout the downwind air basin;

22. The regulations proposed by the staff as modified by the Board fulfill the requirements of Health and Safety Code section 39610;

23. The proposed mitigation requirements will 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:

24. The implementation of required mitigation measures in upwind areas will have positive environmental impacts in the downwind and in most of the upwind areas;

25. The Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to sections 70500 and 70600, Title 17, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachment A after making them 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 regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board endorses the recommendations for additional information and studies set forth in the Staff Report and directs the Executive Officer to make all reasonable efforts to supply air pollutant transport information to the affected districts as it becomes available.

I hereby certify that the above is a true and correct copy of Resolution 93-52, as adopted by the Air Resources Board

Pat Hutchens

Pat Hutchens, Board Secretary