

PROPOSED

State of California
AIR RESOURCES BOARD

**2018 AMENDMENTS TO AREA DESIGNATIONS FOR
STATE AMBIENT AIR QUALITY STANDARDS**

Resolution 19-5

February 21, 2019

Agenda Item No.: 19-2-3

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or 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 (State standards) be attained by the earliest practicable date to protect public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain the State standards, the Act mandates a comprehensive program of emission reduction measures and planning requirements for the State and the local air pollution control and air quality management districts (districts) in areas where the State standards are not attained;

WHEREAS, Health and Safety Code section 39607(e) requires the Board to establish and periodically review criteria for designating an air basin as nonattainment or attainment for any State standard set forth in title 17, California Code of Regulations (CCR), section 70200 (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter or PM10, fine particulate matter or PM2.5, sulfates, lead, hydrogen sulfide, and visibility reducing particles);

WHEREAS, on June 8, 1989, the Board adopted title 17, CCR, sections 70300 through 70306, and Appendices 1 through 3, thereof, establishing designation criteria consistent with the requirements of the Act; these sections were subsequently amended on June 15, 1990; May 15, 1992; December 10, 1992; November 18, 1993; November 16, 1995; September 24, 1998; January 20, 2004; and March 25, 2010;

WHEREAS, Health and Safety Code section 39608(a) requires the Board, in consultation with the districts, to identify and classify each air basin in California as nonattainment, attainment, or unclassified on a pollutant-by-pollutant basis pursuant to

the designation criteria established by the Board under Health and Safety Code section 39607(e);

WHEREAS, Health and Safety Code section 39608(c) also requires the Board to review the area designations annually and update them as new information becomes available;

WHEREAS, on June 9, 1989, the Board approved the initial area designations, currently contained in title 17, CCR, sections 60200 through 60210, and has updated them annually as appropriate based on a review of recent air quality data;

WHEREAS, title 17, CCR, sections 70300 through 70306, direct the Executive Officer, or his or her delegate, to make designations for areas as attainment, nonattainment, nonattainment-transitional, or unclassified for each of the pollutants for which State standards have been established;

WHEREAS, title 17, CCR, section 70306, directs the Executive Officer, or his or her delegate, to conduct the annual review of all designations and hold a public hearing, if requested, pursuant to Government Code section 11346.8(a);

WHEREAS, CARB staff has reviewed the area designations and determined that new information supports amendments to the area designations;

WHEREAS, CARB staff has proposed amendments to the description of non-county areas and the area designation, as set forth in Appendix A to the Initial Statement of Reasons released to the public on December 31, 2018;

WHEREAS, CARB staff has proposed amendments to the description of non-county Areas in title 17, CCR, section 60200, by adding a description for the Sutter Buttes portion of Sutter County in the Sacramento Valley Air Basin, and adding a description for the CA 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, thereby making the descriptions of non-county areas consistent with the staff's proposed amendments to the area designations, as set forth in Appendix A to the Initial Statement of Reasons released to the public on December 31, 2018;

WHEREAS, CARB staff has proposed amendments to the Table of Area Designations for Ozone in title 17, CCR, section 60201, for the North Central Coast Air Basin, and to Yolo, Solano, Sutter, and Yuba Counties, and the Sutter Buttes portion of Sutter County, in the Sacramento Valley Air Basin, as set forth in Appendix A to the Initial Statement of Reasons released to the public on December 31, 2018;

WHEREAS, CARB staff has proposed amendments to the Table of Area Designations for Nitrogen Dioxide in title 17, CCR, section 60203, for the CA 60 near-road portion of San Bernardino, Riverside and Los Angeles Counties in the South Coast Air Basin, as set forth in Appendix A to the Initial Statement of Reasons released to the public on December 31, 2018;

WHEREAS, based on CARB staff's review of 2015 through 2017 calendar year air quality data, and in consultation with the local air districts and considering comments received from public agencies, industry representatives, and other interested persons:

- Sutter and Yuba Counties (excluding the Sutter Buttes portion of Sutter County) in the Sacramento Valley Air Basin qualify as attainment for the State ozone standards;
- The North Central Coast Air Basin, and Yolo and Solano Counties in the Sacramento Valley Air Basin qualify as nonattainment-transitional for the State ozone standards;
- The CA 60 near-road portion of San Bernardino, Riverside and Los Angeles Counties in the South Coast Air Basin qualify as nonattainment for the State nitrogen dioxide standards;

WHEREAS, before proposing amendments to the area designations, CARB staff provided opportunities for public comment (including a public workshop held on November 18, 2018), consulted with local air districts, and considered all comments during this process;

WHEREAS, on December 31, 2018, the Board released a notice of public comment period and invitation to request a public hearing to consider for approval the proposed amendments to the Area Designations for State Ambient Air Quality Standards, as set forth in the Initial Statement of Reasons also released to the public on December 31, 2018;

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; CCR, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (CCR, title 17, sections 60000-60007);

WHEREAS, CARB prepared an environmental analysis under its certified regulatory program for the proposed amendments, and circulated it as part of the Initial Statement of Reasons for 45 days. The environmental analysis concluded there is no substantial evidence to support a fair argument that the proposed amendments will result in any significant adverse impacts on the environment;

WHEREAS, no comments were received during the 45-day comment period that raise significant environmental issues associated with the proposal, and no approval of written responses to environmental comments is required under CCR, title 17, section 60007;

WHEREAS, a public hearing and other administrative proceedings have been held according to the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code; and

WHEREAS, the Board finds that:

1. The proposed amendments meet the statutory requirements identified in section 39608 of the Health and Safety Code;
2. The proposed amendments to the area designations are consistent with the designation criteria contained in title 17, CCR, section 70300 through 70306, and Appendices 1 through 3, thereof;
3. The area designations are labels that describe the healthfulness of the air quality in each area of the State. Therefore, this regulatory action will not result in any significant adverse impacts on the environment, because it does not direct or require any specific activity or response that could result in any environmental impacts. Nonattainment areas may be subject to the planning process, whereby rules and regulations may be implemented, after appropriate environmental review, to reduce emissions and improve air quality. This would ultimately result in environmental benefits as these rules and regulations would be aimed at attaining and maintaining the State standards, as well as protecting public health;
4. The proposed amendments were developed in an open public process, in consultation with affected parties, through a public workshop, individual meetings, and other outreach efforts, and these efforts are expected to continue;
5. No reasonable alternatives to the amendment considered to date, or that have otherwise been identified and brought to the attention of CARB, would be more effective at carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected entities than the proposed regulation;
6. The proposed amendments are consistent with CARB's environmental justice policies and do not disproportionately impact people of any race, culture, or income;
7. On the basis of the whole record, including the environmental analysis included in the Initial Statement of Reasons, no substantial evidence exists to support a fair argument that the proposed amendments will result in any significant adverse impacts on the environment; and
8. The proposed amendments are exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) because substantial evidence in the

record shows with certainty that there is no possibility that the proposal may result in a significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves for adoption amendments to sections 60200, 60201, and 60203, title 17, CCR, as set forth in Attachment A.

BE IT FURTHER RESOLVED that if there is a possibility that any modifications to the regulation made available for one or more 15-day public comment periods may affect the conclusion of the environmental analysis, the Executive Officer shall prepare and circulate any additional environmental analysis to the extent required by CARB's regulations at CCR, title 17, sections 60000-60007, and prepare written responses to any comments received raising significant environmental issues as necessary, to present to the Board for approval along with the final regulation.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to determine if additional conforming modifications to the regulation are appropriate. If no additional modifications are appropriate, the Executive Officer shall take final action to adopt the regulation, as set forth in Attachment A. If the Executive Officer determines that additional conforming modifications are appropriate, the modified regulatory language shall be made available for public comment, with any additional supporting documents and information. The Executive Officer shall consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days. The Executive Officer may present the regulation to the Board for further consideration if warranted, and if not, the Executive Officer shall take final action to adopt the regulation after addressing all appropriate conforming modifications.

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Identification of Attachments to the Board Resolution

Attachment A*: Proposed Amendments to the Area Designations sections 60200, 60201 and 60203 Title 17 California Code of Regulations, as set forth in Appendix A to the Initial Statement of Reasons, released December 31, 2018.

***Attachment A is NOT attached to the proposed resolution; it is simply described on this page.**