

PROPOSED AMENDMENTS TO THE AREA DESIGNATION CRITERIA**CALIFORNIA CODE OF REGULATIONS, TITLE 17,
SECTIONS 70300 THROUGH 70306, AND APPENDICES 1 THROUGH 4, THEREOF**

Proposed deletions are shown as ~~strikeout~~ and proposed additions as underline

70301. Air Quality Data Used for Designations

(a) Except as otherwise provided in this article, designations shall be based on “data for record.”

(1) Data for record are those data collected by or under the auspices of the state board or the districts for the purpose of measuring ambient air quality, and which the executive officer has determined comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations, ~~as they existed on July 1, 1987,~~ or other equivalent procedures.

(2) Any other data which are provided by a district or by any other person will be data for record if the executive officer determines within 90 days of submittal of complete supporting documentation that the data comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations, ~~as they existed on July 1, 1987,~~ or other equivalent procedures. If the executive officer finds there is good cause that 90 days is insufficient time to make a determination, he/she may after notification of the person requesting the data review extend the deadline for completion of the data review.

(b) Except as otherwise provided in this article, designations and reviews of designations will be based on data for record for the three calendar years prior to the year in which the designation is made or the annual review of the designation is conducted.

(c) Data as described in section 70301(a)(1) and (2) become data for record upon completion of the executive officer’s review.

NOTE: Authority Cited: sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: sections 39607 and 39608, Health and Safety Code.

70303.1. Criteria for Designating an Area as Nonattainment-Transitional for Pollutants Other than Ozone

(a) Nonattainment-transitional is a subcategory of the nonattainment designation. The state board will, ~~if requested by a district no later than May 1 of each year pursuant to section 70306,~~ identify that portion of a designated area within the district as nonattainment-transitional for a pollutant other than ozone with a state standard averaging time less than or equal to 24 hours and for which samples are routinely collected every day if it finds that:

(1) Data for record for the previous calendar year are consistent with the criteria established in section 70304(a)(2) and show two or fewer days at each site in the area with violations of a state standard for that pollutant (not including exceedances found to be affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2 to this article);

(2) Evaluation of multi-year air quality, meteorological and emission data indicates that ambient air quality either has stabilized or is improving and that every site in the area is expected to reach attainment within three years; and

(3) The geographic extent of the area is consistent with the criteria established in section 70302.

(b) An area designated as nonattainment-transitional for a pollutant is close to attaining the state standard(s) for that pollutant. The nonattainment-transitional designation provides an opportunity for a district to review and potentially to modify its attainment plan. Any modification to an attainment plan must be consistent with state and federal regulations and statutes.

NOTE: Authority Cited: sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: sections 39607 and 39608, Health and Safety Code.

70304. Criteria for Designating an Area as Attainment

(a) The state board will designate an area as attainment for a pollutant if:

(1) Data for record show that no state standard for that pollutant was violated at any site in the area; and

(2) Data for record meet representativeness and completeness criteria for a location at which the pollutant concentrations are expected to be high based on the spatial distribution of emission sources in the area and the relationship of emissions to air quality. Data representativeness criteria are set forth in "Criteria for Determining Data Representativeness" contained in Appendix 1 to this article. Data completeness criteria are set forth in "Criteria for Determining Data Completeness" contained in Appendix 3 to this article.

(b) Where there are limited or no air quality data for an area, the state board will designate the area as attainment for a pollutant if it finds that no state standard for that pollutant has been violated in that area based on:

(1) Air quality data collected in the area during the most recent period since 1980 which meet the conditions in (a) above;

(2) Emissions of that pollutant or its precursors in the area have not increased since that period to a level at which the state standard might be exceeded; and

(3) Air quality data collected in the area since the time period in (1) above do not show a violation of the state standard.

~~(c) If an area is designated as attainment and now~~Where an area has limited or no air quality data for record for carbon monoxide, nitrogen dioxide, sulfur dioxide, sulfates, and or lead (particulate), the state board shall continue to designate that area attainment for the respective pollutant if: ~~for a pollutant if it finds that no state standard for that pollutant has been violated in that area based on the "Screening Procedure for Determining Attainment Designations for Areas with Incomplete Air Quality Data" set forth in Appendix 4 to this article.~~

(1) Emissions of that pollutant or its precursors in the area have not increased since the area was most recently designated as attainment to a level at which the state standard might be exceeded.

(d) A nonattainment area will not be redesignated as attainment for a pollutant if:

(1) Data for record for the monitoring site showing the greatest violation of a state standard for that pollutant no longer are available; and

(2) No other site has been identified as equivalent by the executive officer.

NOTE: Authority Cited: sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: sections 39607 and 39608, Health and Safety Code.

70306. Annual Review of Designations

(a) The executive officer will conduct annual reviews of all designations and will ~~propose revisions to the designations as necessary to the state board~~ hold a public hearing if requested pursuant to Government Code section 11346.8(a). ~~The executive officer will complete the annual reviews by November 15.~~

(b) Any request for a change in a designation and any submittal of information for purposes of the executive officer's consideration in the annual review of a designation shall be provided in writing to the executive officer no later than May 1 of each year.

NOTE: Authority Cited: sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: sections 39607 and 39608, Health and Safety Code.

APPENDIX 3

CRITERIA FOR DETERMINING DATA COMPLETENESS

This Appendix describes the criteria to be used in determining data completeness for the purpose of designating areas as described in this article. These Criteria for Determining Data Completeness (Completeness Criteria) apply only to air quality data used in designating an area as attainment or nonattainment-transitional. Air quality data used in designating an area as nonattainment do not need to be complete. The purpose of these Completeness Criteria is to specify the minimum amount of data deemed necessary to ensure that sampling occurred at times when a violation is most likely to occur.

After a set or group of air quality measurements or statistics are deemed representative under the Criteria for Determining Data Representativeness set forth in Appendix 1 to this article, they are then evaluated under these Completeness Criteria to ensure that the group of representative measurements or statistics reflect the time of day and the season of the year during which high concentrations are likely to occur.

Complete Data

Data for a site will be complete if there are representative data (as **determined** in accordance with the Representativeness Criteria in Appendix 1 to this article) during the required hours (see below) of the day during the required months (see below) for the required years (see below).

Required Hours

The hours of potentially high concentration must be included. Unless a detailed evaluation determines different hours to be appropriate for a specific site, these hours are:

<u>Pollutant</u>	<u>Hours (PST)</u>
Ozone	9 am - 5 pm
Carbon Monoxide	3 pm - 9 am (next day)
Nitrogen Dioxide	8 am - 8 pm
Visibility Reducing Particles	10 am - 6 pm
Other Pollutants	Throughout day

Required Months

The months of potentially high concentrations must be included. Unless a detailed evaluation determines different months to be appropriate for a specific site, these months are:

Pollutant

Ozone
 Carbon Monoxide
 Nitrogen Dioxide
 Sulfur Dioxide
 Sulfates
 Lead (Particulate)
 Other Pollutants

Months

July - September
 January, November - December
~~October - December~~
 September - December
 January, June - December
 January, November - December
 January - December

Required Years for an Attainment Designation

The number of years to be included for an attainment designation is:

- a) Three; or
- b) Two, if during these years the maximum pollutant concentration (not including data found to be affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2 to this article) is less than three-fourths the applicable state ambient air quality standard; or
- c) One, if during this year the maximum pollutant concentration (not including data found to be affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2 to this article) is less than one-half the applicable state ambient air quality standard.

APPENDIX 4**SCREENING PROCEDURE FOR DETERMINING ATTAINMENT DESIGNATIONS
FOR AREAS WITH INCOMPLETE AIR QUALITY DATA**

This Appendix describes the screening procedure that will serve as the basis for making a pollutant specific finding under section 70304(c) that the state ambient air quality standard is being attained for areas with no or an incomplete air quality data record. The procedure is applicable only for nitrogen dioxide, sulfur dioxide, sulfates, and lead (particulate). For those areas with some air quality data for the prior three years, the screening procedure will be applied for a pollutant only if the maximum concentrations of that pollutant in the area did not exceed 75 percent of the state standard(s).

<u>Pollutant</u>		<u>Screening Parameters</u>	<u>Screening Values</u>
Nitrogen Dioxide	a)	Basin Population	1,000,000 people
	b)	Total Annual NO _x Emissions in Air Basin	40,000 tons/yr
	c)	Total Annual Point Source NO _x Emissions in County	2,100 tons/yr
Sulfur Dioxide	a)	Total Annual Point Source SO _x emissions in County	1,700 tons/yr
	b)	Maximum Annual SO _x Emissions from Single Facility in County	900 tons/yr
Sulfates	a)	Total Annual SO _x Emissions in Air Basin	19,000 tons/yr
	b)	Total Annual Point Source SO _x Emissions in County	1,700 tons/yr
	c)	Maximum Annual SO _x Emissions from Single Facility in County	900 tons/yr
Lead	a)	County Population	600,000 people
	b)	Maximum Annual Lead Emissions from Single Facility in County	0.5 tons/yr

For an area to which these values are applied, the local values of the applicable screening parameters will be compared to the respective screening values. The area will be presumed to be attainment if none of the applicable screening parameters for a pollutant exceed the associated screening values.