

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CRITERIA FOR DESIGNATING AREAS OF CALIFORNIA AS NONATTAINMENT, ATTAINMENT, OR UNCLASSIFIED AND TO THE AREA DESIGNATIONS FOR THE STATE AMBIENT AIR QUALITY STANDARDS

The Air Resources Board (the Board) will conduct a public hearing at the time and place noted below to consider the adoption of amendments to the regulations establishing designation criteria and to the regulations designating areas of California as nonattainment, attainment, or unclassified for all pollutants for which State ambient air quality standards are set forth in the California Code of Regulations (CCR), Title 17, section 70200.

DATE: November 18, 1993

TIME: 9:30 a.m.

PLACE: Air Resources Board
Board Hearing Room, Lower Level
2020 "L" Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., November 18, 1993. This item may not be considered until November 19. Please consult the agenda for the meeting, which will be available at least 10 days before November 18, 1993, to determine the order in which the scheduled items will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections affected: California Code of Regulations (CCR), Title 17, sections 60200-60209, and Appendices 3 and 4 to sections 70300-70306.

The California Clean Air Act of 1988 (the Act) (Stats. 1988, ch. 1568), authored by Assemblyman Byron Sher, significantly revised Division 26 of the Health and Safety Code (the HSC). The Act added to the HSC several requirements concerning district plans and control measures to attain and maintain the State ambient air quality standards (State standards). Section 39607(e) of the HSC requires the Board to adopt and periodically review designation criteria. These criteria provide the basis for designating areas as attainment, nonattainment, or unclassified for any State standard cited in CCR, Title 17, section 70200. The pollutants with State standards are: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM10), sulfates, lead, hydrogen sulfide, and visibility reducing particulates. Section 39608 of the HSC ~~requires the Board to adopt area designations for all pollutants with State standards.~~ For each of the nine pollutants listed above, the Board must designate areas of the State as attainment or nonattainment. If the data are not sufficient to designate an area as attainment or nonattainment, the Board must designate the area as unclassified.

Designation Criteria

Pursuant to HSC section 39607(e), the Board established the initial criteria for designating areas as attainment, nonattainment, or unclassified at a public hearing on June 8, 1989. The Board amended the designation criteria at public hearings on June 15, 1990, May 15, 1992, and December 10, 1992.

Based on the Board staff's periodic review of the designation criteria, the Board staff proposes two amendments affecting Appendices 3 and 4 to CCR, Title 17, sections 70300 to 70306. The first amendment would change the requirements for determining complete data--when less than three years of data are available--to exclude data affected by highly irregular or infrequent events before using the maximum pollutant concentration to determine if the data meet the completeness criteria. The second amendment would change the emission screening value for the annual emissions of oxides of nitrogen in an air basin to reflect the Board staff's improved procedure for estimating oxides of nitrogen emissions. The screening value is used in determining the nitrogen dioxide attainment status for an area which lacks complete data.

Area Designations

The Board approved the original area designations required by the Act on June 9, 1989. The Act requires the Board to review the area designations annually and update them as new information becomes available. The Board has approved amendments to the area designations that resulted from the annual review each year since the original designations. The area designations comprise CCR, Title 17, sections 60200 through 60209.

Based on this year's annual review, the Board staff proposes to change the carbon monoxide designations for Santa Clara County, the San Francisco Bay Area Air Basin portion of Solano County, Sacramento County, and San Diego Air Basin; the sulfur dioxide and sulfate designations for Humboldt County; and the hydrogen sulfide designations for Humboldt County and Santa Barbara County. In addition, if the Board approves the proposed amendment to Appendix 3 of the designation criteria, the Board staff proposes to change the ozone designations for three counties in the North Coast Air Basin.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report pertaining to these amendments which includes an initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal, if any. The Staff Report is entitled "Proposed Amendments to the Criteria for Designating Areas of California as Nonattainment, Attainment, or Unclassified and to the Area Designations for the State Ambient Air Quality Standards." Copies of the Staff Report and the full text of the proposed amendments may be obtained from the Board's Public Information Office, 2020 "L" Street, Sacramento CA 95814, (916) 322-2990.

The Board staff has also compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person, identified immediately below.

Further inquiries regarding this matter should be directed to Rich Bradley, Technical Support Division, P.O. Box 2815, Sacramento, CA 95812, (916) 322-6076.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Board's Executive Officer has determined that the proposed amendments to the regulations will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any State agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

The Executive Officer has also determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on businesses.

Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.53(e), on private persons or businesses directly affected resulting from the proposed action.

In addition, before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, 2020 "L" Street, Sacramento CA, or P.O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, November 17, 1993, or received by the Board Secretary at the hearing.

The Board requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of the Board staff in advance of the hearing any suggestions for modifications of the proposed amendments to the regulations.

STATUTORY AUTHORITY AND HEARING PROCEDURES

The amendments to the regulations are proposed under the authority granted in sections 39600, 39601, 39607, and 39608 of the HSC. The amendments to the regulations are proposed to implement, interpret, and make specific sections 39607, and 39608 of the HSC.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 of the Government Code.

Following the public hearing, the Board may adopt the proposed amendments to the regulations as originally proposed, or with nonsubstantial or grammatical modifications. The Board also may adopt the proposed amendments to the regulations with other modifications if the amendments as modified are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulations as modified could result from the proposed regulatory action; in such event, the full text of the regulations with the modifications clearly indicated will be made available to the public, for written comment, at least 15 days before they are adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 "L" Street, Sacramento CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Michael M. Schupp
for James D. Boyd
Executive Officer

Date: September 21, 1993