


AIR RESOURCES BOARD

2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812STATEMENT RE MAILING
NOTICE OF AVAILABILITY OF MODIFIED TEXT

On November 1, 1993, the Air Resources Board (ARB) mailed the attached NOTICE OF AVAILABILITY OF MODIFIED TEXT to those persons specified in section 44, subsections (a)(1) through (4) Title 1, CCR, as required by section 44, Title 1, CCR. The notice was available to the public from November 1, 1993 through November 16, 1993 at the Public Information Office of the Air Resources Board, 2020 "L" Street, First Floor, Sacramento, California.

Subsequently, a typographical error was noted on the second page, which inadvertently reflected the deadline date for comment as October 13, 1993. In order to avoid any confusion that may have resulted, the ARB extended the comment period an additional 15 days.

Accordingly, the ARB mailed the attached SUPPLEMENTAL NOTICE OF PUBLIC AVAILABILITY OF MODIFIED TEXT to those persons specified in section 44, subsections (a)(1) through (4) Title 1, CCR, as required by section 44, Title 1, CCR. The 15-day comment period was extended from November 16, 1993 to December 1, 1993, and was made available to the public at the Public Information Office of the Air Resources Board, 2020 "L" Street, First Floor, Sacramento, California.

Date: May 2, 1994
Artavia M. Edwards
Regulations Coordinator

Attachments

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER THE TRIENNIAL REPORT OF ASSESSMENT AND MITIGATION OF THE IMPACTS OF TRANSPORTED POLLUTANTS ON OZONE CONCENTRATIONS IN CALIFORNIA AND TO CONSIDER AMENDMENTS TO THE TRANSPORT IDENTIFICATION AND MITIGATION REGULATIONS

Public hearing Date: August 12, 1993
Public Availability Date: November 1, 1993
Deadline for Public Comment: November 16, 1993

At a public hearing held August 12, 1993, the Air Resources Board (Board) considered the Triennial Report of Assessment and Mitigation of the Impacts of Transported Pollutants on Ozone Concentrations in California. Also, the Board considered amendments to the transport identification and mitigation regulations. The triennial report, which is required by section 39610(b) of the Health and Safety Code, provides updated information on new and revised pollutant transport source and receptor areas. The amendments to the transport identification and mitigation regulations extend the applicability of the mitigation regulations to new areas. The mitigation requirements were not affected.

At the hearing, the Board approved the amendments to the transport identification and mitigation regulations with one modification to the originally proposed regulatory language. The modification more clearly defines the downwind area in the Sacramento Valley for which the San Francisco Bay Area Air Quality Management District must demonstrate attainment of the state ambient air quality standard for ozone. A copy of Resolution 93-52 is attached along with the text of the regulations as proposed in the notice for the August 12, 1993, Board hearing. The amendments proposed before the hearing are shown with additions in underlined italics and deletions with slashes. The change made by the Board at the hearing is shown with the addition in underlined, bold italics, and the deletion in underlined italics with slashes.

The changes made by the Board at the hearing amend Subchapter 1.5, Article 6, section 70600, Title 17, California Code of Regulations to change the downwind area in the Broader Sacramento Area for which the San Francisco Bay Area Air Quality Management District is responsible for demonstrating attainment from "that portion of the Broader Sacramento Area west of the Yolo-Sacramento County line" to "that portion of Solano County within the Broader Sacramento Area."

In accordance with section 11346.8(c) of the Government Code, and pursuant to the direction of the Board as set forth in Resolution 93-52, the Executive Officer will adopt the modified regulations after making them available to the public for comment for a period of at least 15 days, provided that the Executive Officer shall consider written comments concerning the changes and make minor modifications to the language as

appropriate in response to comments, and shall present the regulations to the Board for further consideration if he determines that this is warranted in light of the written comments received.

Written comments must be submitted to the Board Secretary, California Environmental Protection Agency, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than October 13, 1993, for consideration by the Executive Officer. Only comments relating to the modifications described in this notice will be considered by the Executive Officer.

Attachments

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

**PROPOSED TEXT OF REGULATIONS
FOR MITIGATING THE UPWIND EMISSIONS
ON DOWNWIND OZONE CONCENTRATIONS**

Amend Subchapter 1.5, Article 6, section 70600, Title 17, California Code of Regulations, to read as follows (additions proposed in the August 12, 1993, hearing notice are shown in underlined italics and deletions with slashes; the addition made by the Board at the hearing is in underlined, bold italics and the deletion is underlined italics with slashes):

ARTICLE 6. TRANSPORT MITIGATION

70600. Emissions Control Requirements

Districts within the areas of origin of transported air pollutants, as identified in section 70500 (c), shall include sufficient emission control measures in their attainment plans for ozone adopted pursuant to Chapter 10 of the Health and Safety Code, Part 3, Division 26, beginning with section 40910, to mitigate the impact of pollution sources within their jurisdictions on ozone concentrations in downwind areas. At a minimum, the attainment plans for districts within the air basins or areas specified below shall conform to the following requirements:

(a) Broader Sacramento Area (as defined in section 70500 (b)(3)) shall:

- (1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emission inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.

1. At a March 11, 1993, public hearing, the Air Resources Board approved amendments to section 70600. These amendments have not yet been approved by the Office of Administrative Law. To avoid confusion, the March 11, 1993, amendments have been reflected but not identified here. The full text of the March 11, 1993, amendments can be found in Appendix F of the Staff Report.

(2) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the Upper Sacramento Valley and that portion of the Mountain Counties Air Basin north of the Amador-El Dorado County border and south of the Sierra-Plumas County border, except as provided in the Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

(A) are likely to produce a violation of the state ozone standard in the Upper Sacramento Valley or that portion of the Mountain Counties Air Basin north of the Amador-El Dorado County border and south of the Sierra-Plumas County border; and

(B) are dominated by overwhelming pollutant transport from the Broader Sacramento Area; and

(C) are not measurably affected by emissions of ozone precursors from sources within the Upper Sacramento Valley or that portion of the Mountain Counties Air Basin north of the Amador-El Dorado County border and south of the Sierra-Plumas County border.

(b) San Francisco Bay Area Air Basin shall:

(1) ~~require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emission inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.~~

(2) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the North Central Coast Air Basin, that portion of the Broader Sacramento Area west of the Yolo/Sacramento County border Solano County within the Broader Sacramento Area, and that portion of Stanislaus County west of Highway 33, except as provided in the Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

- (A) are likely to produce a violation of the state ozone standard in the North Central Coast Air Basin, or that portion of the Broader Sacramento Area west of the Yolo/Sacramento County border Solano County within the Broader Sacramento Area, or that portion of Stanislaus County west of Highway 33; and
- (B) are dominated by overwhelming pollutant transport from the San Francisco Bay Area Air Basin; and
- (C) are not measurably affected by emissions of ozone precursors from sources within the North Central Coast, or that portion of the Broader Sacramento Area west of the Yolo/Sacramento County border Solano County within the Broader Sacramento Area, or that portion of Stanislaus County west of Highway 33.
- (c) San Joaquin Valley Air Basin shall:
- (1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emission inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.
- (2) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the Southeast Desert Air Basin, and the Great Basin Valleys, and that portion of the Mountain Counties Air Basin south of the Amador-El Dorado County border, provided in the Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:
- (A) are likely to produce a violation of the state ozone standard in the Southeast Desert Air Basin, or the Great Basin Valleys, or that portion of the Mountain Counties Air Basin south of the Amador-El Dorado County border; and
- (B) are dominated by transported pollutants from the San Joaquin Valley Air Basin; and

- (C) are not measurably affected by emissions of ozone precursors from sources within the Southeast Desert Air Basin, or the Great Basin Valleys, or that portion of the Mountain Counties Air Basin south of the Amador-El Dorado County border.
- (d) South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border shall, for sources located in that portion of the Basin:
- (1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emission inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.
- (e) South Coast Air Basin shall:
- (1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emission inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.
 - (2) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, the San Diego Air Basin, and the Southeast Desert Air Basin, except as provided in the Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:
 - (A) are likely to produce a violation of the state ozone standard in the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, or the San Diego Air Basin, or the Southeast Desert Air Basin; and
 - (B) are dominated by transported pollutants from the South Coast Air Basin; and

(C) are not measurably affected by emissions of ozone precursors from sources within the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, or the San Diego Air Basin, or the Southeast Desert Air Basin.

Note: Authority cited: sections 39601 and 39610(b), Health and Safety Code. Reference: sections 39610, 40912, 40913, 40921 and 41503, Health and Safety Code.