

Title 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF 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.

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider the triennial report of the assessment and mitigation of the impacts of transported pollutants on ozone concentrations in California and to consider the adoption of amendments to the transport identification and mitigation regulations.

DATE: August 12, 1993

TIME: 9:30 am

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

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., August 12, 1993, and will continue at 8:30 a.m., August 13, 1993. This item may not be considered until August 13, 1993. Please consult the agenda for the meeting, which will be available at least 10 days before August 12, 1993, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Proposed amendments to sections 70500 and 70600, Title 17, California Code of Regulations.

Section 39610(b) of the Health and Safety Code requires the ARB, in cooperation with the local air pollution control districts, to assess the relative contribution of upwind emissions to downwind ozone ambient pollutant levels to the extent permitted by available data, and to establish mitigation requirements commensurate with the level of contribution. Section 39610(d) further requires the ARB to review and update its transport analysis at least once every three years.

ARB staff has prepared a Staff Report which contains the first triennial update of the ARB's transport analysis. The Staff Report presents the results of staff's analysis of available data in terms of transport couples; that is, the downwind areas which are impacted by transported pollutants and the upwind areas which are the source of the pollutants. The staff is proposing that the Board amend section 70500 to identify six new transport

couples. The staff is also proposing that the Board identify a greater severity of transport for two previously identified transport couples. Finally, the staff is proposing that the Board amend section 70600 to change the mitigation requirements to reflect the changes to the transport identification. The proposed amendments to section 70600 would require those upwind air basins identified as causing overwhelming impacts to adopt control measures sufficient to attain the state ozone standard within the impacted downwind areas. These mitigation requirements would be imposed on the Bay Area Air Quality Management District, the San Joaquin Valley Air Quality Management District, and those air pollution control and air quality management districts located within the Broader Sacramento Area.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which contains the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal. Copies of the staff report and full text of the proposed regulatory language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled meeting. The Board staff has 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 Mr. Don McNerny, Chief of the Modeling and Meteorology Branch, (916) 322-6048.

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 Executive Officer has determined that the proposed regulatory action 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, except as noted below:

The amended regulations may create costs to, and impose a mandate upon, the Bay Area Air Quality Management District, the San Joaquin Valley Air Quality Management District, and those air pollution control and air quality management districts located within the Broader Sacramento Area. These districts may need to adopt additional control measures in order to mitigate the impact of their emissions on downwind areas. Such control measures would be proposed as part of district air quality attainment plans for ozone under the California Clean Air Act, and would be adopted by the districts pursuant to their normal regulatory adoption procedures. (See Health and Safety Code sections 40725-40728.5.) However, this mandate does not require state reimbursement pursuant to Government Code sections 17500 et seq., and

section 6 of Article XIII B of the California Constitution, because the districts have the authority to levy fees sufficient to pay for the mandated program. (See Health and Safety Code sections 42311 and 41512.5.)

The Executive Officer finds that the amendment of these regulations may have a significant adverse economic impact on businesses, since it is possible that additional costs may be imposed on individual businesses through the adoption of control measures in certain districts. At this time it is not possible to estimate the cost of any additional control measures. An opportunity for public review and participation is provided in all district rulemakings, and the economic effects from future proposed regulations will be disclosed and addressed during the rulemaking proceedings.

The Executive Officer has considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

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 purpose for which the action 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. Written comments must be addressed to and received by the Board Secretary, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than 12:00 noon, August 11, 1993, or received by the Board Secretary at the hearing.

The Board requests but does not require that 20 copies of any written statement should 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 attention to the staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 39610 of the Health and Safety Code. This action is proposed to implement, interpret and make specific sections 39610, 40912, 40913, 40921, and 41503 of the Health and Safety Code.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language 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 it is adopted. The public may request a copy of the modified text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 98514, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Michael N. Scheibel
for James D. Boyd
Executive Officer

Date: June 15, 1993