TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO DIVIDE THE SOUTHEAST DESERT AIR BASIN INTO TWO AIR BASINS AND TO MODIFY THE BOUNDARY OF THE SOUTH COAST AIR BASIN AND AMENDMENTS TO THE RELATED AGRICULTURAL BURNING REGULATIONS

The Air Resources Board (ARB, or the Board) will conduct a public hearing at the time and place noted below to consider amendments and adoption of air basin boundary regulations and agricultural burning regulations.

DATE: May 30, 1996

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., May 30, 1996, and may continue at 10:00 a.m., May 31, 1996. This item may not be considered until May 31, 1996. Please consult the agenda for the meeting, which will be available at least 10 days before May 30, 1996, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections affected: Proposed amendments to sections 60104, 60109, and 80280, and proposed adoption of new sections 60114 and 80311, Title 17, California Code of Regulations (CCR).

Background

California Health and Safety Code (H&SC) Section 39606(a) directs the ARB to divide the State into air basins. There are currently 14 air basins in California. Assembly Bill 421 (AB 421), authored by Assemblyman Olberg and enacted in 1995, added Section 39606.1 to the H&SC. This section requires the ARB to adopt regulations by January 1, 1997, to further divide the current Southeast Desert Air Basin (SEDAB) into two new air basins. Also, Section 39606.1 specifies that one new air basin, named the "Mojave Desert Air Basin," include at least the current SEDAB portions of Kern and Los Angeles Counties and all areas under the jurisdiction of the Mojave Desert Air Quality Management District (Mojave Desert AQMD). The areas under the jurisdiction of the Mojave Desert AQMD include the SEDAB's portion of San Bernardino County and an easterly segment of the SEDAB's portion of Riverside County. The ARB may include any additional areas contiguous to the areas mentioned above that the ARB determines appropriate for inclusion, based upon similar meteorological and geographical conditions and consideration for political boundary lines whenever practicable.

A second new air basin would consist of those areas of the SEDAB that are not included by the ARB in the new Mojave Desert Air Basin. Section 39606.1 of the H&SC indicates that these areas shall remain in the SEDAB. The staff believes that it would be appropriate to assign a new name to this second air basin to alleviate possible confusion by the public between the old and new versions of the SEDAB.

Unrelated to AB 421, the South Coast Air Quality Management District (South Coast AQMD) has requested that the ARB realign air basin boundaries so that the San Gorgonio Pass area, currently a part of the SEDAB, would become a part of the South Coast Air Basin (SOCAB). The South Coast AQMD believes that the San Gorgonio Pass is more similar in terms of both climate and geography to adjacent areas of the SOCAB than it is to the SEDAB. The ARB staff has reviewed the District's request and recommends that the ARB support the request.

Staff Proposal

The Staff proposes to combine into one regulatory action the air basin boundary changes as required by Section 39606.1 and as requested by the South Coast AQMD. Specifically, the staff proposes the following: (1) Divide the Southeast Desert Air Basin into two new air basins, called the "Mojave Desert Air Basin" (MDAB) and the "Salton Sea Air Basin" (SSAB); and (2) Alter the boundary of the South Coast Air Basin (SOCAB) by including the San Gorgonio Pass area of the current SEDAB as a part of the SOCAB. As a result, there would be a total of 15 air basins in California, and there would no longer be an air basin called the "Southeast Desert Air Basin."

The new Mojave Desert Air Basin (MDAB) would consist of the current SEDAB portions of Kern, Los Angeles, and San Bernardino Counties, and also that segment of Riverside County that lies to the east of the southwestern boundary line of Hydrologic Unit Number 18100100 in Riverside County. This Hydrologic Unit line joins the ridge lines of the Little San Bernardino Mountains and the Chuckwalla Mountains. The Hydrologic Unit is identified on the Hydrologic Unit Map, 1978, State of California (Southern Half), Department of the Interior, Geological Survey, Reston, Virginia (Reprinted 1987), which is to be incorporated by reference in the regulation. The staff's proposed boundary for the MDAB includes all of the minimum territories specified by Section 39606.1, plus a central segment of Riverside County that is currently beyond the boundary of the Mojave Desert AQMD. This additional segment of Riverside County is similar, in terms of geography and meteorology, to other areas in the MDAB, and therefore it is appropriate to include this segment in the MDAB.

The new Salton Sea Air Basin (SSAB) would consist of all of Imperial County and that segment of the current SEDAB portion of Riverside County that lies to the west of the southwestern boundary line of Hydrologic Unit Number 18100100, except for the San Gorgonio Pass area. The SSAB would be mainly a low desert, as the elevation of most areas in this proposed air basin is near or below sea level. The name of Salton Sea Air Basin is different than the name recommended by the staff at the public consultation meeting held on February 23, 1996. After further evaluation, the staff believes that Salton Sea Air Basin is more suitable than the previously recommended name.

The South Coast Air Basin, as modified, would consist of all the territories currently in that air basin plus the San Gorgonio Pass area of Riverside County. The San Gorgonio Pass area is already under the jurisdiction of the South Coast AQMD.

The proposed changes in air basin boundaries would necessitate that the ARB's air basin-specific agricultural burning regulations also be amended. These regulations establish meteorological criteria for declaring permissive burn days in each air basin. The staff proposes to use the existing criteria of the SEDAB for the new Salton Sea Air Basin, and the same criteria for the new Mojave Desert Air Basin except with the deletion of one criterion on wind direction that does not apply to the MDAB. The staff does not propose any changes to the criteria for the South Coast Air Basin.

The proposed changes in air basin boundaries would also affect the area designations for the state ambient air quality standards. The staff plans to propose the appropriate changes to those regulations in the fall of 1996 as a part of the staff's annual review of area designations.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the potential environmental and economic impacts of the proposal. The Staff Report is entitled, "PROPOSED AMENDMENTS TO DIVIDE THE SOUTHEAST DESERT AIR BASIN AND TO MODIFY THE BOUNDARY OF THE SOUTH COAST AIR BASIN AND PROPOSED AMENDMENTS TO THE RELATED AGRICULTURAL BURNING REGULATIONS." Copies of the Staff Report, which includes an appendix with the full text of the proposed regulatory language, may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990. The Board staff has compiled a record which includes all the 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, Chief, Air Quality Data Branch, Technical Support Division, P.O. Box 2815, Sacramento, California 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 amendments are presented below.

The proposed amendments to divide the Southeast Desert Air Basin (SEDAB) and to modify the boundary of the South Coast Air Basin (SOCAB) by themselves do not contain requirements for action. Subsequent requirements for action may result after additional steps, such as plan preparation and approval, are taken. The change in air basin boundaries would help better define areas with similar geographical and meteorological characteristics and air quality. Therefore, there are no adverse impacts on public health and welfare, and there are no costs associated with such impacts.

The proposed amendments to the agricultural burning regulations arise from the need to update them to correspond to the air basin boundary changes. Since the changes to the meteorological criteria in these regulations are minimal, there will not be any additional costs incurred by the amendments to the agricultural burning regulations.

The Executive Officer has determined that adoption of the proposed amendments 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, in accordance with Government Code section 11346.5(a)(8), that adoption of the proposed amendments will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other States.

The Executive Officer has also determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9), on private persons or businesses directly affected as a result of the proposed action.

The Executive Officer has determined, pursuant to Government Code section 11346.5(a)(3)(B), that the regulation will not directly affect small businesses. The realignment of air basin boundaries so that the San Gorgonio Pass area, currently a part of the SEDAB, would become a part of the South Coast Air Basin (SOCAB), is expected to have only minimal economic impact on the sources currently in the area. All sources currently in the San Gorgonio Pass area are smaller than the level that would cause them to meet the more stringent emission regulations for sources in the SOCAB with respect to the Federal Title V permits, New Source Review offset ratios, and Best Available Control Technology adjustment. Upon being a part of the SOCAB, eligible sources in the San Gorgonio Pass would have the option, but not the obligation, to participate in the South Coast AQMD's market incentive-based emission reduction program called RECLAIM. This may in fact act as an incentive for new businesses to locate in the San Gorgonio Pass area, because of the flexibility the RECLAIM program provides. If any of the current sources in the San Gorgonio Pass should expand, there may be a possible economic impact. However, this potential impact currently cannot be quantified by the staff because any additional cost would depend on the level of expansion and the types and amounts of emissions from the expansion.

In accordance with Government Code section 11346.3, the Executive Officer has determined that adoption of the proposed amendments will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

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. To be considered by the Board, written submissions 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, May 29, 1996, 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 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, 39606.1, 41856, and 41859 of the Health and Safety Code (H&SC). The amendments to the regulations are proposed to implement, interpret, and make specific sections 39001, 39606(a), 39606.1, 40410, 41854, 41855, 41856, 41857, 41859, and 41863 of the H&SC.

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 the 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 regulatory text, 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 regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

James D. Boyd
Executive Officer

Date: April 2, 1996