

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE AREA DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the regulations designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified for pollutants with State ambient air quality standards set forth in section 70200 of title 17, California Code of Regulations.

DATE: November 16, 2006

TIME: 9:00 a.m.

PLACE: California Public Utilities Commission
Auditorium
505 Van Ness Avenue
San Francisco, California 94102

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., November 16, 2006, and may continue at 8:30 a.m., November 17, 2006. This item may not be considered until November 17, 2006. Please consult the agenda for the meeting, which will be available at least 10 days before November 16, 2006, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette, or computer disk. Please contact ARB's Disability Coordinator at 916-323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at 916-323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to title 17, California Code of Regulations (CCR), sections 60201, 60202, 60205, and 60210.

Background: The Board is charged with the responsibility of adopting standards of ambient air quality for each air basin in consideration of the public health, safety, and welfare (Health and Safety Code (H&SC) section 39606). To date, the Board has adopted State ambient air quality standards (State Standards) for ten pollutants, set forth in CCR, title 17, section 70200. In addition, H&SC section 39607(e) requires the Board to establish designation criteria which provide the basis for designating areas of California as attainment or nonattainment with respect to the State standards. The

Board originally adopted designation criteria in 1989 and has modified them several times, most recently in January 2004. The designation criteria are set forth in CCR, title 17, sections 70300 through 70306, and appendices 1 through 4 thereof. Based on these designation criteria, H&SC section 39608 further requires ARB to establish and annually review area designations for State standards. During the annual review, ARB determines whether changes to the existing area designations are warranted, based on an evaluation of recent air quality data.

The ARB makes area designations for ten pollutants: ozone, suspended particulate matter (PM10), fine suspended particulate matter (PM2.5), carbon monoxide, nitrogen dioxide, sulfur dioxide, sulfates, lead, hydrogen sulfide, and visibility reducing particles. The area designations comprise CCR, title 17, sections 60200 through 60210. This year's review of the area designations is based on air quality data from 2003 through 2005. The proposed amendments include changes to existing area designations for ozone, carbon monoxide, PM10, and PM2.5. This is the first year the new State 8-hour ozone standard is being considered in the area designation process. It became effective May 17, 2006. The changes to the ozone designations listed below are primarily due to the addition of this new more health-protective standard. All the recommended changes are summarized below:

Ozone:

- ◆ Designate the Sonoma County portion of the North Coast Air Basin, Siskiyou County in the Northeast Plateau Air Basin, and San Luis Obispo County in the South Central Coast Air Basin as nonattainment. These areas are currently designated as attainment.
- ◆ Designate Inyo County in the Great Basin Valleys Air Basin as nonattainment. This area is currently designated as unclassified.
- ◆ Designate the Lake Tahoe Air Basin, as well as Lassen and Modoc Counties in the Northeast Plateau Air Basin, as unclassified. These areas are currently designated as attainment.

In addition, there are a number of changes for ozone that occur by operation of law. Under H&SC section 40925.5, reclassifications between nonattainment and non-attainment transitional status for ozone occur by operation of law. While these changes do not require formal action by the Board, ARB's designation criteria contain guidelines for confirming such changes. Therefore staff is proposing that the Board confirm the changes and modify the designation regulations to reflect these automatic changes. In all cases, the areas are reverting back to nonattainment from nonattainment-transitional. These changes are summarized for completeness below.

- ◆ Change the designation of the North Central Coast Air Basin as nonattainment. This air basin is currently designated as nonattainment-transitional.

- ◆ Change the designation of the following Sacramento Valley Air Basin (SVAB) counties to nonattainment. They are currently designated as nonattainment-transitional.

- ◆ Butte County
- ◆ Shasta County
- ◆ Solano County (portion in SVAB)
- ◆ Sutter County
- ◆ Tehama County
- ◆ Yolo County
- ◆ Yuba County

Carbon Monoxide:

- ◆ Designate Imperial County in the Salton Sea Air Basin as attainment. The City of Calexico is currently designated as nonattainment, while the remainder of Imperial County is designated as unclassified. Calexico was the last remaining nonattainment area for the State carbon monoxide (CO) standards. With this change, all areas of California will be attainment or unclassified for CO.

PM10:

- ◆ Designate the Sonoma County portion of the North Coast Air Basin as attainment. This area is currently designated as nonattainment.

PM2.5:

- ◆ Designate San Luis Obispo County in the South Central Coast Air Basin as attainment. This area is currently designated as unclassified.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal or local regulations that address area designations for the California State standards.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The Staff Report is entitled: "Initial Statement of Reasons for Proposed Rulemaking: 2006 Area Designations and Maps."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public

Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on November 16, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Inquires concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Theresa Najita, Air Pollution Specialist, Particulate Matter Analysis Section, at (916) 322-7297 or via email at tnajita@arb.ca.gov, or Sylvia Morrow, Manager, Particulate Matter Analysis Section, (916) 324-7163 or via email at smorrow@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/area06/area06.htm>.

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 by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

The proposed amendments to the area designation regulations do not contain any requirements for action. Subsequent requirements for action may result after additional steps, such as plan preparation and approval, are taken. The area designations are simply labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves contain no requirements for action, they have no direct economic impact, and the following general determinations are appropriate.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings 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 cost or savings to state or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer also has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

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

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because the proposed regulatory action does not contain any requirements for action.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board 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 at the hearing, and in writing or by email before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be **received no later than 12:00 noon, November 15, 2006**, and addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. 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 REFERENCES

This regulatory action is proposed under that authority granted in H&SC sections 39600, 39601, 39606, 39608, and 40925.5. This action is proposed to implement, interpret, and make specific sections 39606, 39607, 39608, and 40925.5 of the H&SC.

HEARING PROCEDURES

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 non substantial 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 ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Catherine Witherspoon
Executive Officer

Date: