

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

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

The Air Resources Board (Board or ARB) will conduct a public hearing at the time and place noted below to consider amending the regulations designating areas of California as attainment, nonattainment, or unclassified for all pollutants for which there are State ambient air quality standards.

DATE: November 18, 1999

TIME: 9:30 a.m.

PLACE: California 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, 1999, and may continue at 8:30 a.m., November 19, 1999. This item may not be considered until November 19, 1999. Please consult the agenda for this meeting, which will be available at least ten days before November 18, 1999, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the ARB's Clerk of the Board at (916) 322-5594, or (800) 700-8326 for TDD calls from outside the Sacramento area, by November 4, 1999.

INFORMATIVE DIGEST OF PROPOSED ACTION

Section Affected: Proposed amendment to Title 17, California Code of Regulations (CCR), section 60201, pursuant to section 39608 of the Health and Safety Code.

Background: The California Clean Air Act of 1988 (the Act; Stats. 1988, ch. 1568) significantly revised Division 26 of the Health and Safety Code (H&SC). The Act added to the H&SC 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 H&SC requires the Board to establish and periodically review designation criteria. These criteria provide the basis for designating areas for the State standards cited in CCR, Title 17, section 70200. The nine pollutants with State standards for which designations are made are: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM₁₀), sulfates, lead, hydrogen sulfide, and visibility reducing particles.

Pursuant to H&SC section 39607(e), the Board first established designation criteria at a public hearing in June 1989 (CCR, Title 17, sections 70300 through 70306). The Board subsequently amended these criteria in June 1990, May 1992, December 1992, November 1993, November 1995, and September 1998. The criteria specify the data to use, the size of the designated area, and the conditions for determining the appropriate designation category.

Based on the designation criteria, H&SC section 39608 requires the Board to designate areas as attainment, nonattainment, or unclassified for each of the nine pollutants with State standards set forth in CCR, Title 17, section 70200. The Board approved the original area designations in June 1989. The H&SC further requires the Board to review the area designations annually and update them as new information becomes available. The area designations comprise CCR, Title 17, sections 60200 through 60209.

Staff Proposal: The Board staff proposes to change the area designation for the State ozone standard for one area, as follows:

Based on air quality data for 1996 through 1998, the staff proposes that the portion of Sonoma County located in the North Coast Air Basin be redesignated from attainment to nonattainment for ozone (CCR, Title 17, section 60201). In addition, staff proposes a nonsubstantive change to update the reference to nonattainment-transitional areas in section 60201.

The staff is not proposing any changes to the designation criteria this year.

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, if any. The Staff Report is entitled, "Proposed Amendment to the Area Designations for State Ambient Air Quality Standards, and Proposed Maps of the Area Designations for the State and National Ambient Air Quality Standards" (Release Date: October 1, 1999). Copies of the Staff Report and the full text of the proposed regulatory language, in underline and strike-out format, may be obtained from the Board's Public Information Office, 2020 "L" Street, Sacramento, CA 95814, (916) 322-2990. The Board staff has compiled a record which includes all the information upon which the proposal is based. Copies of the documents may be obtained from, or inspected at, the Public Information Office at the above address.

To obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 322-4505, TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

Further inquiries regarding this matter should be directed to Debora Popejoy, Manager of the Air Quality Analysis Section, Air Quality Data Branch, Planning and Technical Support Division, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812, Ph. (916) 323-5123, or dpopejoy@arb.ca.gov. For further information, visit our web site at <http://www.arb.ca.gov/desig/desig99/desig99.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 in reasonable compliance with the proposed amendment are presented below.

The proposed amendment to the area designations by itself does not contain requirements for action. Subsequent requirements for action may result after additional steps, such as plan preparation and approval, are taken. The area designations are 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:

The Executive Officer has determined that adoption of the proposed amendment 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 also has determined, in accordance with Government Code section 11346.5(a)(8), that adoption of the proposed amendment will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other States. An assessment of the economic impacts of the proposed amendment can be found in the Staff Report. Finally, the Executive Officer has determined that there will be no, or 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 adopting the proposed amendment.

In accordance with Government Code section 11346.3, the Executive Officer has determined that adoption of the proposed amendment 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. In accordance with Government Code section 11346.5(a)(11), the Executive Officer has determined that adoption of the proposed amendment will not have a significant effect on housing costs.

Finally, the Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the proposed regulatory action will not affect small business, because the amendment contains no requirements for action and, therefore, has no direct economic impact.

Before taking final action on the proposed amendment to the regulations, 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.

The proposed amendment to the area designations will not have any direct adverse economic impacts because it does not, by itself, require any regulatory action. The area designations are labels which define the healthfulness of air quality in each area of the State. The proposed amendment would redesignate one area as nonattainment for the State ozone standard. Redesignating an area as nonattainment may result in the Board and districts adopting plans and control measures. Therefore, adopting the proposed redesignation ultimately may indirectly benefit public health and welfare. Any potentially adverse impacts on public health and welfare that are identified with respect to specific plans and control measures would be included in the development and consideration of such plans and control measures.

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 Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, November 17, 1999, or received by the Clerk of the Board 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, so that the Board members and ARB staff 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 HEARING PROCEDURES

This regulatory action is proposed under that authority granted in sections 39600, 39601, and 39608 of the H&SC. The amendment to the regulations is proposed to implement, interpret, and make specific sections 39608 and 40925.5 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, CA 95814, Ph. (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Michael P. Kenny
Executive Officer

Date: September 21, 1999