

**PROPOSED AMENDMENTS TO THE DESIGNATION CRITERIA
AND TO THE AREA DESIGNATIONS
FOR STATE AMBIENT AIR QUALITY STANDARDS,**

**PROPOSED AMENDMENTS TO THE SAN JOAQUIN VALLEY
AND SOUTHEAST DESERT AIR BASIN BOUNDARIES,**

**AND MAPS OF AREA DESIGNATIONS FOR THE
STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS**

STAFF REPORT

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Air Resources Board
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**California Environmental Protection Agency
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OVERVIEW AND RECOMMENDATION

A. OVERVIEW

1. Introduction

This Staff Report proposes several regulatory changes. Specifically, these changes affect the criteria used in designating areas with respect to the State ambient air quality standards (State standards), the designation of areas of the State as nonattainment, attainment, and unclassified, and the Kern County portion of the boundary between the San Joaquin Valley Air Basin and the Southeast Desert Air Basin.

The Health and Safety Code (HSC) section 39607(e) requires the Air Resources Board (Board) to establish area designation criteria (refer to Attachment A). These designation criteria provide the basis for the Board to designate areas as nonattainment, attainment, or unclassified for the State standards. In addition, HSC section 39607(e) requires the Board to periodically review the designation criteria to ensure their continued relevance.

The staff proposes amendments which provide for excluding anomalous or unusual ambient air quality measurements in areas designated as attainment or unclassified. In addition, the staff proposes several minor technical revisions to clarify current practices, delete unnecessary or obsolete language, make the language of the regulations internally consistent, and correct grammatical errors. The proposed amendments are summarized in subsection 2, below.

In addition to the requirement under HSC section 39607(e) for establishing and periodically reviewing the designation criteria, HSC section 39608 requires the Board to establish and annually review the area designations (refer to Attachment A). Based on the most recently available three years of air quality data (data collected during 1992 through 1994), the staff recommends several amendments to the area designations. These proposed amendments, which are summarized in subsection 3, below, are based on the designation criteria as they are proposed to be amended in Chapter II of this Staff Report.

In addition to the proposed amendments to the designation criteria and to the area designations, the staff recommends amending the description of the Kern County portion of the boundary line separating the San Joaquin Valley and Southeast Desert Air Basins. The proposed amendments are summarized in subsection 4, below, and are based on recommendations from the affected air pollution control districts.

Finally, this Staff Report includes maps and tables of the area designations for both the State and national ambient air quality standards (refer to Attachment H). This information is required under section 40718

of the HSC (refer to Attachment A). The maps and tables provided in Attachment H reflect the area designations for State standards as proposed in Chapter III of this Staff Report.

2. Proposed Amendments to the Designation Criteria

The amendments proposed to the designation criteria (California Code of Regulations (CCR), Title 17, sections 70300 through 70306 and Appendices 1 through 4, thereof) would make the following substantive changes to the regulations:

- o Amend Appendix 2 to include a third type of highly irregular or infrequent event called an **unusual concentration event**. Exceedances affected by an unusual concentration event would be identified only for areas already designated as attainment or unclassified, and such exceedances would be excluded from consideration in the area designation process. To be identified as affected by an unusual concentration event, the Executive Officer must find (based on relevant information) that the impact of the affected exceedance is limited to the local area, the exceedance is not expected to recur, and that the data do not support a nonattainment designation. As proposed, an area could retain its attainment or unclassified designation for up to three consecutive years even though a State standard has been exceeded, if the exceedance(s) are found to have been affected by an unusual concentration event.

In addition to the above proposed amendments, the staff proposes several minor technical revisions to Appendix 2 and to sections 70303, 70303.5, 70304, and 70306 of the designation criteria. These proposed revisions would not change the current application of the designation criteria. Rather, they would provide clarification of current practices, delete unnecessary or obsolete language, make the language of the regulations internally consistent, and correct grammar. The proposed minor revisions would make the following changes to the regulations:

- o Reorganize Appendix 2 to make the procedures easier to follow, revise the current language to clarify the functions of the Executive Officer, and make grammatical corrections.
- o Revise section 70303(a)(1) to clarify that only the air quality measurement(s) used in making a nonattainment designation must be representative, not the entire body of data collected in the area.

- o Revise sections 70303(b) and (c)(1) to reflect exceedances rather than violations when referring to data affected by highly irregular or infrequent events.
- o Revise section 70303(c) to delete the obsolete reference to July 15, 1990, as the first date to request a nonattainment-transitional designation for pollutants other than ozone and correct grammar.
- o Revise sections 70303(c)(1) and (2) to clarify that each site in an area is considered individually in determining whether the area qualifies for the nonattainment-transitional designation for pollutants other than ozone.
- o Revise section 70303.5 to make the language of the regulations internally consistent by referring to the State Board as the entity that evaluates the nonattainment-transitional designations for ozone.
- o Revise section 70304(c) to delete the redundant reference to the State Board with respect to the Screening Procedure for Determining Attainment Designations for Areas with Incomplete Air Quality Data.
- o Revise section 70306(b) to delete the obsolete reference to May 1, 1990, as the first date to request a change in an area designation or submit information to be considered in the annual review of the area designations.

3. Proposed Amendments to the Area Designations

The proposed amendments to the area designations (CCR, Title 17, sections 60200 through 60209) would make the following changes to the regulations:

- o Redesignate Northern Sonoma County in the North Coast Air Basin as attainment for ozone. Currently, this portion of Sonoma County is designated as unclassified for ozone.
- o Redesignate Mono County in the Great Basin Valleys Air Basin as nonattainment for ozone. Currently, Mono County is designated as nonattainment-transitional for ozone.
- o Redesignate Sutter County in the Sacramento Valley Air Basin as attainment for carbon monoxide. Currently, Sutter County is designated as unclassified for carbon monoxide.

- o Redesignate Inyo County in the Great Basin Valleys Air Basin as attainment for carbon monoxide. Currently, Inyo County is designated as unclassified for carbon monoxide.
- o Redesignate the Sacramento County Portion of the Census Bureau Urbanized Area in the Sacramento Valley Air Basin as nonattainment-transitional for carbon monoxide. Currently, this portion of the Census Bureau Urbanized Area is designated as nonattainment, while the remainder of Sacramento County is designated as attainment for carbon monoxide.
- o Redesignate the city of Calexico in Imperial County, Southeast Desert Air Basin, as nonattainment for carbon monoxide. Currently, all of Imperial County is designated as unclassified for carbon monoxide.
- o Redesignate the South Coast Air Basin as attainment for nitrogen dioxide. Currently, the South Coast Air Basin is designated as nonattainment for nitrogen dioxide.

4. Proposed Amendments to the San Joaquin Valley and Southeast Desert Air Basin Boundaries

The proposed amendments to the Kern County portion of the San Joaquin Valley and Southeast Desert Air Basin boundaries (CCR, Title 17, sections 60107(h) and 60109(e)) would make the following changes to the regulations:

- o Revise the Kern County portion of the common boundary line to include the Kern River Valley and the Cummings Valley in the Southeast Desert Air Basin. Currently, these two areas are part of the San Joaquin Valley Air Basin.

B. RECOMMENDATION

The staff recommends the Board adopt the proposed amendments to the designation criteria regulations, the proposed amendments to the area designation regulations, and the proposed amendments to the air basin boundary regulations. The full text of the proposed amendments is given in Attachments B, C, and D to this Staff Report.

CHAPTER I

BACKGROUND

A. INTRODUCTION

This chapter gives some background information on the criteria used in making the area designations and on the area designations themselves. The following sections describe the legal requirements, the criteria used to make the area designations, the implications of being redesignated, and the area designation review process.

B. LEGAL REQUIREMENTS

HSC section 39607(e) requires the Board to establish and periodically review the criteria for designating areas as nonattainment or attainment for the State ambient air quality standards (State standards; refer to Attachment A). The Board originally adopted the required designation criteria in June of 1989. The Board subsequently amended the designation criteria in June 1990, May 1992, December 1992, and November 1993.

HSC section 39608 requires the Board to use the designation criteria in designating areas of California as nonattainment or attainment with respect to the State standards (refer to Attachment A). Areas that cannot be designated as nonattainment or attainment are designated as unclassified. The area designations are made on a pollutant-by-pollutant basis for all pollutants listed in the CCR, Title 17, section 70200. The nine affected pollutants are ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM10), sulfates, lead, hydrogen sulfide, and visibility reducing particles. HSC section 39608 requires the Board to review the area designations each year and to update them as new information becomes available.

In addition to making the area designations for State standards, HSC section 40718 requires the Board to publish maps showing the areas with one or more measured violations of any State or national ambient air quality standard (refer to Attachment A). The maps and summary tables provided in Attachment H to this Staff Report fulfill this requirement. The maps and tables for the State standards reflect the proposed amendments to the area designations as described in Chapter III of this Staff Report. The maps and summary tables for the national standards reflect the current federal area designations, as promulgated by the United States Environmental Protection Agency.

C. SUMMARY OF THE DESIGNATION CRITERIA

1. General Provisions

The designation criteria describe the procedures the Board must use in determining an area's designation status with respect to the State standards (refer to Attachment E). In summary, the designation criteria specify:

- o The data the Board will use for making the area designations;
- o How the Board will determine whether an area qualifies for designation as nonattainment, attainment, or unclassified;
- o How the Board will determine the size of designated areas; and
- o The requirement for an annual review of the area designations by the Board's Executive Officer.

2. Data to Use

To the extent possible, the Board makes area designations for each pollutant based on recent ambient air quality data. The air quality data must be data for record, which are those air quality data that satisfy specific siting and quality assurance procedures established by the United States Environmental Protection Agency. Generally, data for record are those data collected by or under the direction of the Board and the air pollution control or air quality management districts (districts). When adequate, recent air quality data are not available, the Board may use other types of information to determine an appropriate area designation. These other types of information may include historical air quality data, emission data, meteorological or topographical data, and data relating to the characteristics of population or emissions.

3. Highly Irregular or Infrequent Events

When area designations for State standards are based on ambient air quality data, the designation criteria provide for excluding rare values. In particular, the designation criteria provide for excluding exceedances affected by highly irregular or infrequent events because it is not reasonable to mitigate these exceedances through the regulatory process. Appendix 2 to the designation criteria (refer to Attachment E) currently defines two types of highly irregular or infrequent events:

- o Exceptional events, and
- o Extreme concentration events.

An exceptional event is a specific, identifiable event that is beyond reasonable regulatory control and causes an exceedance of a State standard. An exceptional event may be caused by an act of nature (for example, a severe wind storm or forest fire) or it may be of human origin (for example, a chemical spill or industrial accident).

An extreme concentration event may not have a specific, identifiable cause, but is identified by a statistical procedure which calculates the concentration that is not expected to recur more frequently than once per year. This value commonly is referred to as the Expected Peak Day Concentration. Adverse meteorology is one potential cause of an extreme concentration event. Measured concentrations that are higher than the Expected Peak Day Concentration are identified as extreme concentrations and are excluded from the area designation process.

A pollutant-specific, Expected Peak Day Concentration is calculated for each monitoring site using air quality data measured at the site during a three-year period. The site-specific Expected Peak Day Concentrations for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, PM10, sulfates, lead, and hydrogen sulfide are listed in Attachment F. These Expected Peak Day Concentrations are based on air quality data for 1992 through 1994. This is the most recent three-year period for which data are available and the same three-year period used in reviewing the area designations as described in this Staff Report. Note that Expected Peak Day Concentrations are not given for visibility reducing particles because data are not available for calculating the Expected Peak Day Concentrations for this pollutant.

4. Size of Designated Areas

The size of the area designated for a pollutant may vary depending on the nature of the pollutant, the location of contributing emission sources, the meteorology, and the topographic features. Normally, an air basin is the area designated for ozone, nitrogen dioxide, PM10, sulfates, and visibility reducing particles. A county (or the portion of a county located within an air basin) normally is the area designated for carbon monoxide, sulfur dioxide, lead, and hydrogen sulfide. In both cases, however, the Board may designate a smaller area if the Board finds that the smaller area has distinctly different air quality. This finding is based on a review of the air quality data, meteorology, topography, and the distribution of population and emissions. Sources with emissions that contribute to a violation must be included within the smaller area. To the extent practicable, the Board uses political boundary lines to define a smaller designated area.

5. Designation Categories

The designation criteria specify three major designation categories: nonattainment, attainment, and unclassified. The Board will designate an area as nonattainment for a pollutant if air quality data show that a State standard for the pollutant was violated at least once during the previous three calendar years.¹ Exceedances that are affected by highly irregular or infrequent events are not considered violations of a State standard and are not used as a basis for designating areas as nonattainment.

The designation criteria specify a subcategory of nonattainment which is called **nonattainment-transitional**. The Board will designate an area as nonattainment-transitional for a pollutant other than ozone if air quality data show that a State standard for that pollutant was violated two or fewer times at each of the sites in the area during the previous calendar year. In addition, an evaluation of recent air quality data trends and meteorological and emission data must show that air quality either has stabilized or has improved. Finally, each site in the area must be expected to reach attainment for the pollutant within three years.

The nonattainment-transitional designation also can apply for ozone. Under HSC section 40925.5(a), the nonattainment-transitional designations for ozone are made by operation of law (refer to Attachment A). Specifically, an area is designated as nonattainment-transitional for ozone by operation of law if air quality data show that the State ozone standard was exceeded three or fewer times at each of the sites in the air basin during the most recent year for which air quality data are available. The Board has adopted guidelines to use in evaluating whether an area satisfies the requirements of HSC section 40925.5(a). These guidelines are specified in section 70303.5 of the designation criteria (refer to Attachment E).

The Board will designate an area as attainment for a pollutant if the data show that the State standard for that pollutant was not violated during the previous three calendar years. Again, exceedances affected by highly irregular or infrequent events are not considered violations and, therefore, are not considered in the area designation process. As a result, an area may have measured concentrations that exceed a State standard and still be designated as attainment. Finally, the Board will designate an area as unclassified for a pollutant if the available data do not support a designation of nonattainment or attainment.

1. The terms "exceedance" and "violation" are used throughout this Staff Report. Because the two terms are closely related, they can be confusing. In this report, the term "exceedance" refers to a measured pollutant concentration that is higher than the concentration of a State standard. The term "violation" refers to an exceedance that was not affected by a highly irregular or infrequent event (see Attachment E). Only violations are considered in the area designation process.

D. IMPLICATIONS OF THE AREA DESIGNATIONS

1. Areas Redesignated as Nonattainment

A district that includes an attainment or unclassified area that is redesignated as nonattainment (a nonattainment district) experiences two principal consequences under the law. First, State law requires the nonattainment districts for four pollutants (ozone, carbon monoxide, nitrogen dioxide, and sulfur dioxide) to develop plans for attaining the State standards for these pollutants. The nonattainment districts must submit these attainment plans to the Board for approval (HSC section 40911). Ozone nonattainment districts that are impacted by transport from upwind areas (in other words, ozone violations are caused by emissions transported from upwind areas located outside the district) are required to develop ozone attainment plans for mitigation only of violations that would occur in the absence of the transport contribution (HSC sections 39610(b) and 40912). In this case, the responsible upwind district(s) would be responsible for mitigating the ozone violations in the downwind nonattainment area that are caused by overwhelming transport (CCR, Title 17, Subchapter 1.5, Article 6, section 70600).

A district with an area that is redesignated as nonattainment for any of the remaining five pollutants--PM10, sulfates, lead, hydrogen sulfide, or visibility reducing particles--is not subject to any specific statutory planning requirements. However, such districts must adopt and enforce rules and regulations to expeditiously attain the State standards for these five pollutants (HSC section 40001). Furthermore, a nonattainment district may develop and implement an attainment plan or adopt regulations to control the emissions that contribute to these pollutants (HSC section 40926).

The second consequence of a nonattainment designation is that the State Board may require a nonattainment district to collect additional permit fees from large, nonvehicular sources located in the nonattainment area (HSC section 39612 and CCR, Title 17, section 90800 through 90803). Only those sources which are authorized by district permit to emit 500 tons per year or more of any nonattainment pollutant or their precursors are subject to the additional permit fees. The fees are used to help defray the costs of State programs related to nonvehicular sources and implemented under the California Clean Air Act of 1988 (Stats. 1988, ch. 1568). With certain exceptions, nonattainment districts also are authorized to levy a fee of up to \$4.00 on motor vehicles registered in the district for the purposes of California Clean Air Act implementation (HSC sections 44223 and 44225).

2. Areas Redesignated as Nonattainment-Transitional

Nonattainment-transitional is a subcategory of the nonattainment designation. Therefore, a district with an area that is redesignated as nonattainment-transitional is subject to the same legal requirements as a nonattainment district (refer to discussion in subsection 1, above).

However, in contrast to the simple nonattainment designation, nonattainment-transitional status may signal a change in how these legal requirements are implemented. For example, a district that currently is implementing an approved attainment plan may determine that some of the additional control measures contained in the attainment plan are not needed to reach attainment by the earliest practicable date. As a result, nonattainment-transitional status provides the district with a signal that it may be appropriate to review and perhaps modify its approved attainment plan. District actions in response to a nonattainment-transitional designation must be consistent with State and federal regulations and statutes. HSC section 40925.5 specifically allows a district with an area designated as nonattainment-transitional for ozone to shift some stationary source control measures from the rulemaking calendar to the contingency category if the district finds these control measures no longer are necessary to accomplish expeditious attainment of the State ozone standard. These actions are subject to the Board's review and approval and do not apply to control measures required to mitigate the effects of pollutant transport.

3. Areas Redesignated as Attainment or Unclassified

State law does not impose any specific planning requirements upon districts with areas redesignated as attainment or unclassified. However, State law does require that the State standards not only be attained but also, maintained. State law requires the districts and the Board to make a coordinated effort to protect and enhance the ambient air quality. As part of this effort, the districts must adopt rules and regulations sufficiently effective to attain and maintain the State standards (HSC sections 39001, 40001, and 41500).

E. AREA DESIGNATION REVIEW PROCESS

Both the HSC (section 39608(c)) and the designation criteria (CCR, Title 17, section 70306) require the Board to review the area designations annually and to redesignate areas as new information becomes available (refer to Attachments A and E, respectively). As part of this review process, the staff distributed two notices.

On March 20, 1995, the staff sent a letter to all districts notifying them of the May 1, 1995, deadline for requesting a change in an area's designation, submitting information for consideration in the annual review process, or requesting a nonattainment-transitional designation for pollutants other than ozone. Note that the nonattainment-transitional designations for ozone are made by operation of law, rather than by the Board, so a formal district request is not needed.

On July 5, 1995, the staff distributed a general announcement for a public consultation meeting held July 31, 1995. This announcement included a discussion of the staff's proposed amendments to the designation criteria. It also included a table summarizing the staff's proposed redesignations. As required by the designation criteria, the proposed area redesignations are based on the staff's review of the air quality data collected during the most recent three calendar years--1992 through 1994. They also reflect the proposed amendments to the designation criteria as described in Chapter II of this Staff Report.

CHAPTER II

PROPOSED AMENDMENTS TO THE DESIGNATION CRITERIA

A. INTRODUCTION

This chapter describes the proposed amendments to the designation criteria. The proposed amendments mainly affect Appendix 2: Air Resources Board Procedure for Reviewing Air Quality Data Possibly Affected by a Highly Irregular or Infrequent Event. The current requirements of Appendix 2 and the specifics of the proposed amendments are described in Section B, below. The staff also proposes several minor technical revisions to clarify the application of Appendix 2 and correct grammatical errors. These minor revisions also are described in Section B, below.

In addition to these amendments, the staff proposes a number of minor technical revisions to sections 70303, 70303.5, 70304, and 70306 of the designation criteria. These minor revisions do not modify the application of these sections of the designation criteria. Rather, they clarify the intent of the provisions, delete unnecessary or obsolete language, make the language of the regulations internally consistent, and correct grammatical errors. These minor revisions are described in Section C, below.

B. APPENDIX 2: PROCEDURE FOR REVIEWING AIR QUALITY DATA POSSIBLY AFFECTED BY A HIGHLY IRREGULAR OR INFREQUENT EVENT

1. Current Requirements

The designation criteria currently provide for excluding from the area designation process, exceedances affected by highly irregular or infrequent events. The procedures for identifying data affected by such events are set forth in Appendix 2 to the designation criteria. Appendix 2 defines two types of highly irregular or infrequent events:

- o Exceptional events, and
- o Extreme concentration events

An exceptional event is a specific, identifiable event that is beyond reasonable regulatory control and causes an exceedance of a State standard. An exceptional event may be caused by an act of nature (for example, a severe wind storm, forest fire, or volcanic eruption) or it may be of human origin (for example, a chemical spill or industrial accident). An extreme concentration event may not have a specific, identifiable cause but is defined as a concentration that statistically is expected to occur less frequently than once per year, on average. Adverse meteorology is one potential cause of an extreme concentration event. The Board excludes from the area designation process all exceedances affected by highly irregular or infrequent events because such exceedances are not reasonable to mitigate through a regulatory control program.

2. Discussion of Proposed Amendments

The staff proposes amending Appendix 2 to include a third type of highly irregular or infrequent event called the unusual concentration event. An unusual concentration event would be defined as an event which causes an anomalous exceedance of a State standard and which cannot be identified as an exceptional event or an extreme concentration event. Exceedances affected by an unusual concentration event would be excluded from the area designation process. Note that although exceedances affected by an unusual concentration event are excluded from the area designation process, such exceedances are included in the computational procedure for identifying exceedances affected by an extreme concentration event as defined in Appendix 2 to the designation criteria.

Exceedances affected by an unusual concentration event would be identified only for areas designated as attainment or unclassified at the time the exceedance occurred. For both attainment and unclassified areas, the Executive Officer would consider information related to the possible event, including (but not limited to) the amount and characteristics of the air quality data, the related emission and meteorological data, the potential impacts on public health and welfare, and any applicable rules or regulations that might influence future ambient concentrations. Based on a review of the relevant information, the Executive Officer would need to find that the impact of the exceedance is limited to the local area, the exceedance is not expected to recur, and the data are not sufficient to support a nonattainment designation.

Similar to the extreme concentration event, exceedances possibly affected by an unusual concentration event would be evaluated on a site-by-site basis. As proposed, an area could retain its attainment or unclassified designation based on the exclusion of one or more exceedances affected by an unusual concentration event for up to three consecutive years. These exceedances could occur at different sites during the three-year period. If an exceedance possibly affected by an unusual concentration event occurred at any site in an area during the fourth consecutive year, the Board would redesignate the area as nonattainment.

There are several examples which show how the unusual concentration event might be used in the area designation process. One example occurred last year in the Southeast Desert Air Basin. Nitrogen dioxide monitoring was initiated at the Trona-Athol site in San Bernardino County during 1993. In May 1993, a very high one-hour concentration, 0.36 ppm, was measured. This value exceeded the State nitrogen dioxide standard. The second highest concentration measured at this site during 1993 was only 0.05 ppm. During last year's review of the area designations, this apparently anomalous concentration could not be excluded as an exceptional event because the staff could not document the occurrence of anything unusual at the time of the exceedance. The value also could not be excluded as an extreme concentration event because the available data were not sufficient for calculating an Expected Peak Day Concentration.

Under the proposed amendments, this single anomalous exceedance could be excluded as an unusual concentration event. Based on a review of air quality and emission data, the exceedance appears to be limited to the local area. In addition, because the concentration is so far above the remaining data, it is unlikely to recur. Moreover, a single exceedance in an area designated as attainment does not represent an increased impact on public health and welfare because the current regulations already allow, by virtue of the extreme concentration event procedure, the exclusion of one exceedance per year, on average. Based on these findings, the single exceedance would not, by itself, provide sufficient basis for a nonattainment designation.

During this year's review of the area designations, additional nitrogen dioxide data were available for the Trona-Athol monitoring site, and the staff was able to calculate an Expected Peak Day Concentration. The 1993 value (0.36 ppm) is higher than the rounded Expected Peak Day Concentration (0.07 ppm) and, therefore, is excluded as an extreme concentration event. This confirms the anomalous nature of the exceedance and the appropriateness of the proposed amendments as a mechanism for excluding such exceedances.

Ozone data measured in the Great Basin Valleys Air Basin provide a second example of how the unusual concentration event might be used. Currently, Inyo County in the Great Basin Valleys Air Basin is designated as unclassified for the State ozone standard. During December 1993, the National Park Service initiated ozone monitoring at a site located at the Death Valley National Monument. These data show one exceedance of the State ozone standard during May 1994. The staff cannot document an exceptional event associated with the exceedance. Furthermore, because the data are limited, the staff cannot calculate a reliable Expected Peak Day Concentration and possibly exclude the measurement as an extreme concentration event.

Under the proposed amendments, the exceedance could be excluded as an unusual concentration event. Based on a review of air quality and emission data, the impact of the exceedance appears to be limited to the local area. Furthermore, the air quality data that are available, although limited, do not indicate that the exceedance is likely to recur. Because the level of the exceedance is close to the level of the State ozone standard and the exceedance occurred only for one hour, the staff does not expect this exceedance would have any quantifiable impact on public health and welfare. As a result, the single exceedance does not provide sufficient basis for a nonattainment designation. Identifying this single exceedance as affected by an unusual concentration event would allow Inyo County to maintain its unclassified designation for ozone. However, the staff would reevaluate the appropriateness of the unclassified designation during the next review of the area designations, when additional data are available.

In addition to the amendments described above, the staff recommends several minor technical revisions to Appendix 2. First, the staff recommends reorganizing Appendix 2. The proposed reorganization would put the specific steps for identifying each type of highly irregular or infrequent event directly under the general description of that event. This proposed reorganization would make the procedure easier to follow. Second,

the staff recommends clarifying the role of the Executive Officer in identifying data pursuant to Appendix 2. The current language in the steps for identifying data affected by a highly irregular or infrequent event refers interchangeably to the Executive Officer and the State Board. However, when the designation criteria originally were drafted and as stated in the first paragraph of Appendix 2, the Executive Officer makes all decisions regarding the identification of data pursuant to Appendix 2. Evaluating exceedances to determine whether they were affected by a highly irregular or infrequent event can be a very detailed and laborious process. This work is more appropriately completed by the Board staff than by the Board itself. Therefore, to clarify the intent and to maintain internal consistency, the staff recommends amending the procedures in Appendix 2 to reference the Executive Officer.

Next, the staff recommends replacing the reference to "violations" in the second paragraph of Appendix 2 with the word "exceedances." This paragraph describes the type of data that the Executive Officer will review under Appendix 2. The proposed revision is appropriate because all concentrations that are higher than the level of a State standard are exceedances. Only those that are not identified as affected by a highly irregular or infrequent event are considered violations. Finally, the staff recommends several revisions to clarify the procedures in Appendix 2 and correct grammatical errors. These minor revisions, which are shown in Attachment B to this Staff Report, do not change the current application of the procedures set forth in Appendix 2.

3. Staff Recommendation

The staff recommends the Board adopt the proposed amendments to Appendix 2 to the designation criteria. The full text of the proposed amendments is shown in Attachment B to this Staff Report.

C. OTHER MINOR TECHNICAL REVISIONS

1. Section 70303

Section 70303 of the designation criteria specifies the criteria for designating an area as nonattainment. The staff proposes several minor revisions to this section.

The first proposed revision affects section 70303(a)(1). This section states that the data used in designating an area as nonattainment must be representative. The current language could be interpreted to mean that the entire body of data collected in the area must be representative. In practice, however, the representativeness criteria apply only to those measurements that show violations of a State standard because these are the data that provide the basis for the nonattainment designation. To clarify this intent, the staff proposes revising section 70303(a)(1) as shown, below:

(1) Data for record show at least one violation of a state standard for that pollutant in the area, and the measurement of the violation meets the representativeness criteria set forth in "Criteria for Determining Data Representativeness" contained in Appendix 1 to this article ~~and show at least one violation of a state standard for that pollutant in the area;~~ or

The second proposed revision affects the first sentence of section 70303(b). The current language states that a nonattainment designation will not be based on violations affected by highly irregular or infrequent events. However, as defined in the designation criteria, a violation is a concentration that is above the level of the State standard and is not affected by a highly irregular or infrequent event. In contrast, an exceedance is any concentration above the level of a State standard including those affected by highly irregular or infrequent events. To maintain consistency with this definition, the staff proposes replacing the word "violations" with the word "exceedances," as shown, below:

(b) An area shall not be designated as nonattainment if the only recorded ~~violation(s)~~ exceedance(s) of that standard were based solely on data for record determined to be affected by a highly irregular or infrequent event. Data affected by a highly irregular or infrequent event will be identified as such by the executive officer in accordance with the "Air Resources Board Procedure for Reviewing Air Quality Data Possibly Affected by a Highly Irregular or Infrequent Event," set forth in Appendix 2 to this article.

The third proposed revision affects section 70303(c). This section specifies the procedure for requesting an area redesignation for nonattainment-transitional and describes which pollutants qualify for this designation category. The current language cites July 15, 1990, as the first date to submit requests for the nonattainment-transitional designation. This date no longer is relevant and, therefore, the staff proposes it be deleted. In addition, the staff recommends two minor revisions to provide clarification and correct grammar. The proposed revision is given, below:

(c) The state board shall, if requested by a ~~the~~ district ~~no later than July 15, 1990 or~~ no later than May 1 of each year ~~thereafter~~ pursuant to section 70306, identify that portion of a designated area within the district as nonattainment-transitional for a pollutant other than ozone with a standard averaging time less than or equal to 24 hours and for which samples are routinely collected every day if it finds that: