

**REGULATION VIII
AIR QUALITY ZONING**

Rule 801 **Establishment of Air Quality Zones**

The Northern Sierra Air Quality Management District Board may establish air quality zones within the District for the implementation of air pollution control strategies. The District Board may consider factors including, but not limited to, topography, meteorology, land use, and existing air quality in considering boundaries of a zone. Air pollution control strategies may include different emission limitation and source category applicabilities. The establishment of District zones shall be enacted only after consultation with the Control Council of the Mountain Counties Air Basin.

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Rule 802 **Attainment Pollutant Zones**

A. Class I Zones

1. All of the following areas within the District which were in existence on August 7, 1977, shall be Class I zones with respect to attainment pollutant increment consumption and shall not be redesigned:
 - a. National wilderness areas which exceed 5,000 acres in size;
 - b. National memorial parks which exceed 5,000 acres in size;
 - c. National parks which exceed 6,000 acres in size.
2. Pursuant to the provisions of Rule 803, the District Board may redesignate any other area within the District as a Class I zone. Such eligible lands include, but are not limited to, any local, state or federal monument, primitive area, preserve, recreational area, wild and scenic river, wildlife refuge, lakeshore, park, wilderness area or other area of cultural or recreational value.

B. Class II Zones

1. All area within the District not contained within Class I or Class III zones shall be Class II zones with respect to attainment pollutant increment consumption.
2. Pursuant to the provisions of Rule 803, the District Board may redesignate any area not contained within a mandatory federal Class I zone as a Class II zone.

C. Class III Zones

1. Pursuant to the provisions of Rule 803, the District Board may redesignate any area not contained within a mandatory Federal Class I zone or restricted area as listed below as a Class III zone:
 - a. An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; or

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- b. A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.
- 2. In redesignating an area as a Class III zone, the District Board shall make the finding that the highest and best use of the land redesignated as a Class III zone is for industrial development.

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Rule 803 **Attainment Pollutant Zone Redesignations**

- A. The District Board may redesignate areas as Class I or Class II zones with respect to attainment pollutant increment consumption, provided that:
1. Prior to the issuance of notice respecting the redesignation of an area that includes any Federal lands, the Air Pollution Control Officer shall provide written notice to the appropriate Federal Land Manager and afford adequate opportunity (not in excess of 60 days) to confer with the Air Pollution Control Officer respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager has submitted written comments and recommendations, the Air Pollution Control Officer shall publish a list of any inconsistency between such redesignation and such comments and recommendations together with the reasons for making redesignation against the recommendation of the Federal Land Manager; and
 2. At least one public hearing is to be held to receive comments relative to such redesignation. The notice of public hearing shall be published at least 30 days prior to the hearing date in a newspaper of general circulation in the District; and
 3. The Air Pollution Control Officer shall consult with the Control Council of the Mountain Counties Air Basin regarding such redesignation; and
 4. Federal Land Managers and other Air Pollution Control Districts outside the Mountain Counties Air Basin whose lands may be affected shall be notified at least 30 days prior to the public hearing; and
 5. A description of the reasons for the proposed redesignation, including a description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation shall be prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing shall contain appropriate notification of the availability of such discussion.

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- B. The District Board may redesignate areas, except those listed in Rule 802.A.1. and C.1., as Class III zones with respect to attainment pollutant increment consumption, provided that:
1. All the requirements for a Class I or Class II area redesignation contained in Section A. above shall be met with respect to the proposed Class III area redesignation; and
 2. The redesignation shall have been specifically approved by the Air Resources Board after consultation with the Legislature, if it is in session, or with the leadership of the Legislature if it is not in session; and
 3. The District Board shall enact a resolution concurring with redesignation; and
 4. The redesignation shall not cause, or contribute to, a concentration of any air pollution which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and
 5. Any Authority to Construct application for any major stationary source or major modification subject to the provisions of Regulation IV which could receive an Authority to Construct only if the area in question were redesignated as Class III, and any material submitted as part of that application, shall be made available, insofar as is practicable, for public inspection prior to any public hearing on redesignation of any area as Class III.