

State of California
AIR RESOURCES BOARD

RESOLUTIONS

No.	Item	Staff	Hearing Scheduled	Date Adopted	+ EIS to Resources
✓ 92-1	Consumer Products Phase II	SSD	1/9/92	1/9/92	
✓ 92-2	Exhaust Emis. Stds & Test Proc. HD Off-Road Diesel & Equip Engines	MSD	1/10/92	1/10/92	
✓ 92-3	Research Proposal # 1921-166, "A Study to Assess Economic Impacts of Alternatives." Spectrum Economics, \$100,241.	RD	1/9/92	1/9/92	
✓ 92-4	Research Proposal # 1835-160A, "An Enhanced Study of Atmospheric Transport Corridors." Wave Propagation Lab, \$220,000.	RD	1/9/92	1/9/92	
92-5	Research Proposal # 1926-166, "Evaluation of COPD Patients for Ozone Sensitivity." Univer/CA/LA \$65,693.	RD	1/9/92	1/9/92	
✓ 92-6	Research Proposal # 1925-166, "The Effects of Ozone Inhalation on Fibroblast Activation in the Lung." Univer/CA/SF \$61,839.	RD	1/9/92	1/9/92	
✓ 92-7	William Wirsen Sylte Retirement Resolution former Chief Deputy	EO	1/3/92	1/3/92	
92-8	Identifying Formaldehyde as a Toxic Air Contaminant	SSD	3/12/92	3/12/92	
✓ 92-9	Specifications for Alternative Fuels for Motor Vehicles	SSD	3/12/92	3/12/92	
92-10	NOT USED				
✓ 92-11	Research Proposal #1944-167, "Impacts of Compressed Workweek on Vehicular Trips & Miles Travelled." Univer/SC \$149,681.	RD	3/12/92	3/12/92	
✓ 92-12	Research Proposal #1945-167, "1992 Respiratory Symptoms Ascertainment for AHSMOG Cohort." Loma Linda UN \$34,623	RD	3/12/92	3/12/92	
✓ 92-13	Research Proposal #1942-167, "The effect of Ozone on Photosynthesis, Veg. Growth, in SJ Valley." Univer/Davis \$102,124.	RD	3/12/92	3/12/92	
✓ 92-14	Research Proposal #237-44, "Effects of Nitric Acid Vapor & Ozone on the Response to Inhaled Antigen." Un/SF \$346,200.	RD	3/12/92	3/12/92	
✓ 92-15	Research Proposal #232-44, "Regional Estimates of Acid Deposition Flux in California." Charles Blanchard \$90,129.	RD	3/12/92	3/12/92	
✓ 92-16	Roberta Hughan	EO	3/12/92	3/12/92	

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No.	Item	Staff	Hearing Scheduled	Date Adopted	+ EIS to Resources
✓ 92-17	Permit Fee Regulations for Nonvehicular Sources	TSD	4/9/92	4/9/92	
✓ 92-18	Fee Regulations Pursuant to the Atmos. Acidity Protection Act	RD	4/9/92	4/9/92	
✓ 92-19	Report Concerning Unfinished Fuels sold at other than Refineries	CD	4/9/92	4/9/92	
✓ 92-20	Photochemical Modeling	TSD	4/9/92	4/9/92	
✓ 92-21	Bay Area Air Quality Management Plan	EO	4/30/92	4/30/92	
✓ 92-22	Research Proposal #1948-168, "Air Pollution Mitigation Measures for Airport Related Activities." Energy Anal\$109,909.	RD	4/30/92	4/30/92	
✓ 92-23	Research Proposal #1958-168, "An Objective Classification Procedure for Bay Area Air Flow," Systems App. \$154,470.	RD	4/30/92	4/30/92	
✓ 92-24	Research Proposal #1953-168, "Study of Temporal & Vertical Ozone Patterns." AeroVironment Inc., \$104,904.	RD	4/30/92	4/30/92	
✓ 92-25	Research Proposal #1961-168, "Air Quality Monitoring in Support of Transport Assessment," Sonoma Tech. Inc. \$114,890.	RD	4/30/92	4/30/92	
✓ 92-26	Research Proposal #1974-168, "Study of Real-Time Vehicle Emissions Over Non-FTP Driving Cycles," Northridge\$343,579.	RD	4/30/92	4/30/92	
✓ 92-27	Research Proposal #1966-168, "Development of an Off-Highway Mobile Source Emissions Model," Energy Analysis, \$126,773.	RD	4/30/92	4/30/92	
✓ 92-28	Research Proposal #1969-168, "Feasibility & Demonstration of Network Simulation Tech." Deakin, Harvey, Skabard. \$125,161.	RD	4/30/92	4/30/92	
✓ 92-29	Research Proposal #1975-168, "Project MOHAVE: Pollution Transport from South CA," National Oceanic Admin. \$100,000.	RD	4/30/92	4/30/92	
✓ 92-30	Research Proposal #1984-169, "Sierra Cooperative Ozone Impact Assissment Study Year 3," UC Davis, \$153,662.	RD	4/30/92	4/30/92	
✓ 92-31	Adjunct to Contract No. A932-143, "Methods Development for Quantification of Ozone Transport." Sonoma Tech, \$441,428.	RD	4/30/92	4/30/92	
✓ 92-32	American Lung Association's 20th Annual Clean Air Week	EO	4/9/92	4/9/92	

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No.	Item	Staff	Hearing Scheduled	Date Adopted	+ EIS to Resources
✓ 92-33	Research Proposal #239-45, "Distribution of Aquatic Animals Relative to Naturally Acidic Waters." UC/LA, \$58,681.	RD	4/30/92	4/30/92	
✓ 92-34	Alt Fuel Retrofit Systems	MSD	5/14/92	5/14/92	
✓ 92-35	Research Proposal #1977-169, "Monitoring of Personal Driving Habits & Vehicle Activity" Mr. Richard Carlson, \$199,810.	RD	5/14/92	5/14/92	
✓ 92-36	Research Proposal #1987-169, "On-Road Motor Vehicle Activity Data", Valley Research Corporation, \$149,744.	RD	5/14/92	5/14/92	
✓ 92-37	Research Proposal #1994-169, "Effects of Use of Oxygenated Gasoline Blends", by Automotive Testing Labs, \$590,757.	RD	5/14/92	5/14/92	
✓ 92-38	Research Proposal #1982-169, "Development of an Improved Inventory of Emissions", Systems Applications Int., \$119,081.	RD	5/14/92	5/14/92	
✓ 92-39	Research Proposal #1997-169, "Crop Losses from Air Pollutants-A GIS Based Regional Analysis", UC Riverside, \$98,037.	RD	5/14/92	5/14/92	
✓ 92-40	Research Proposal #1993-169, "Toxic Volatile Organic Compounds in Environmental Tobacco Smoke", UC Berkeley, \$193,364.	RD	5/14/92	5/14/92	
✓ 92-41	Research Proposal #1994-169, "Database Development and Data Analysis for CA Indoor Exposure", Research Triangle, \$79,999.	RD	5/14/92	5/14/92	
✓ 92-42	Research Proposal #1996-169, "Statistical Methods for Epidemiologic Studies of Air Pollution", UCSouthern CA, \$74,780.	RD	5/14/92	5/14/92	
✓ 92-43	Area Designation Criteria	TSD	5/15/92	5/15/92	
✓ 92-44	Transport Between Air Basins	EO	5/28/92	5/28/92	
✓ 92-45	Yolo-Salano Sacramento Area Plans	EO	5/28/92	5/28/92	
✓ 92-46	Progress Report to BD LEV Regs.	MSD SSD	6/11/92	6/11/92	
✓ 92-47	Planned Air Pollution	RD	6/11/92	6/11/92	
✓ 92-48	Yolo-Salano Plan	EO	5/28/92	5/28/92	

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No.	Item	Staff	Hearing Scheduled	Date Adopted	+ EIS to Resources
✓ 92-49	El Dorado	EO	5/28/92	5/28/92	
✓ 92-50	Report on Perc	SSD	6/11/92	6/11/92	
✓ 92-51	Research Proposal #1999-170, "Determination of Variability in Leaf Biomass Densities of Conifers" by UC, Riverside, \$116,015	RD	7/10/92	7/10/92	
✓ 92-52	Research Proposal #2000-170, "Biodegradation Removal of VOCs & TACs from Emissions" by UCD, \$134,222	RD	7/10/92	7/10/92	
✓ 92-53	Research Proposal #241-46, "Development of Acid Deposition Model for SCAB in CA." by CA Institute of Technology \$559,713	RD	7/10/92	7/10/92	
✓ 92-54	Identity of 1,3 Butadiene	SSD	7/9 /92	7/9/92	
92-55	NOT USED	EO	---	---	---
✓ 92-56	Northern Sacramento Valley Plans	EO	7/9 /92	7/9/92	
✓ 92-57	Hot Spot Fee Regulations	SSD	7/10 /92 8/14 /92	8/14/92	
✓ 92-58	Santa Barbara Plan	EO	8/13/92	8/13/92	
✓ 92-59	San Luis Obispo Plan	EO	8/13/92	8/13/92	
✓ 92-60	Ventura Plan	EO	8/13/92	8/13/92	
✓ 92-61	Specifications for Gas Cert. Fuel	SSD	8/14/92	8/14/92	
✓ 92-62	Atmosphere Acidity Projection Plan	RD	8/27/92	8/27/92	
✓ 92-63	Consolidation of San Joaquin Valley Dist.	EO	8/27/92	8/27/92	
✓ 92-64	San Joaquin Valley Plan	EO	8/27/92	8/27/92	

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No.	Item	Staff	Hearing Scheduled	Date Adopted	+ EIS to Resources
✓ 92-65	Research Proposal #2000-171, "Development Procedures Monitoring Oxygenated Hydrocarbons" by AeroVironment, \$189,230	RD	9/10/92	9/10/92	
✓ 92-66	Research Proposal #2009-171, "Asthma Exacerbations" by Univer. of Arizona, \$15,000	RD	9/10/92	9/10/92	
✓ 92-67	Research Proposal #1853-162A, "Neuro-Logical Effects of L.L. Methanol in Folate-Deficient Humans" UCSF, \$24,979	RD	9/10/92	9/10/92	
✓ 92-68	Motor Vehicle CFC Phase-Out	MSD	9/10/92	9/10/92	
✓ 92-69	Monterey Plan	EO	9/10/92	9/10/92	
✓ 92-70	Plan For Small Business Assistance Prog.	SSD	10/15/92	10/15/92	
✓ 92-71	SCAQMD PLAN	EO	10/15/92	10/15/92	
92-72	LEV REGS <i>Rescheduled</i>	MSD	Postponed 11/12/92	<i>12/10/92</i> <i>1/14/93</i>	
✓ 92-73	SUBSTITUTE FUELS TEST PROCEDURE	SSD	11/12/92	11/12/92	
✓ 92-74	SIP REVISION I & M	MSD	11/12/92	11/12/92	
✓ 92-75	SAN DIEGO PLAN	EO	11/12/92	11/12/92	
✓ 92-76	SELF-INSPECTION PROGRAM FOR H-D DIESEL	MSD	12/10/92	12/10/92	
✓ 92-77	ROADSIDE SMOKE & EMISSION CONTROL SYSTEM INSPECTION PROGRAM FOR H-D DIESEL	MSD	12/10/92	12/10/92	
✓ 92-78	STANDARDS & TEST PROCEDURES FOR H-D DIESEL	MSD	12/10/92	12/10/92	
✓ 92-79	AREA DESIGNATIONS	TSD	12/10/92	12/10/92	
✓ 92-80	RESEARCH PROPOSAL #1868-163A, "EPIDEM-IOLOGIC INVESTIGATION" by UC SOUTHERN CA \$2,534,145	RD	12/10/92	12/10/92	

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of Amendments to the Regulation For Reducing Volatile Organic Compound Emissions from Consumer Products--Phase II

Agenda Item No.: 92-1-1

Public Hearing Date: January 9, 1992

Response Date: N/A

Issuing Authority: Air Resources Board

Comment: The Board received comments alleging that certain significant adverse environmental effects could result from the adoption of the proposed regulation. Some commenters suggested that certain of the proposed volatile organic compound (VOC) standards might result in more air pollution, not less, because some products reformulated to meet the standards may be less efficacious than existing products. It was argued that this might result in greater VOC emissions because consumers would use proportionally more of the reformulated products, or else might use substitute high-VOC products to replace poorly performing reformulated products. In addition, some commenters suggested that the proposed VOC standard for carburetor-choke cleaner might result in products which are less efficacious in cleaning carburetors, thereby producing increased emissions from older vehicles with dirty carburetors.

Finally, some commenters suggested that the eighteen month "sell-through" period [section 94509(c)] could result in negative environmental impacts if retailers choose to dispose of noncomplying products that remain on the shelves at the end of the sell-through period. It was alleged that such disposal could result in a one-time increase in both solid and hazardous waste that would be disposed of in landfills.

Response: The Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have a significant adverse impact on the environment. The Board has summarized and responded to all comments from the public, including comments raising environmental issues, in the "Final Statement of Reasons for Rulemaking, including Summary of Comments and Agency Response". Each potential environmental impact is also briefly discussed below.

Impacts from reformulated products

There is no credible evidence that reformulated products as a class will be less efficacious than existing products. The basis for this conclusion is contained in the Staff Report, the Technical Support Document, and the responses to numerous comments in the Final Statement of Reasons (these three documents are incorporated herein by reference). In addition, the regulation will result in approximately a 28 percent overall reduction in VOCs that are contained in the Phase II product categories. Even if some reformulated products are less efficacious than some existing products, it is not reasonable to believe that any reduction in efficacy would come even remotely close to offsetting the significant VOC reductions that will be achieved by the regulation.

Carburetor-choke cleaners

There are 12 currently marketed aerosol carburetor-choke cleaners which already meet the proposed 75 percent VOC standard. These products perform at least as well as existing high-VOC products in unsticking and cleaning those components that affect carburetor efficiency. Since the efficiency of the carburetor will not be adversely affected by the use of these products, there is no reason to believe that an increase in emissions from older vehicles will occur as a result of the proposed regulation.

Impacts from the eighteen month "sell-through" period

The Board has determined that no significant environmental impacts will result from the eighteen month sell-through period. The basis for this conclusion is set forth on pages VII.26 to VII.35 of the Technical Support Document, and the responses to Comments 86-100 in the Final Statement of Reasons.

CERTIFIED:

Pat Hutchens

Board Secretary

Date:

10/1/92

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-1

January 9, 1992

Agenda Item No.: 92-1-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature in 1988 enacted the California Clean Air Act of 1988 (Stats. 1988, ch. 1568) to address the problem of air pollution in California;

WHEREAS, in the California Clean Air Act the Legislature declared that attainment of the Board's health-based ambient air quality standards is necessary to protect public health, particularly of children, older people, and those with respiratory diseases, and directed that these standards be attained at the earliest practicable date;

WHEREAS, section 41712 of the Health and Safety Code directs the Board to adopt by January 1, 1992 regulations to achieve the maximum feasible reduction in reactive organic compounds emitted by consumer products, if the Board determines that adequate data exists for it to adopt the regulations, and if the regulations are technologically and commercially feasible and necessary;

WHEREAS, following a November 8, 1989, public hearing, the Board approved a regulation to reduce volatile organic compound (VOC) emissions from antiperspirants and deodorants (Title 17, California Code of Regulations, sections 94500-94506.5; the "antiperspirant regulation");

WHEREAS, following an October 11, 1990, public hearing, the Board approved a regulation to reduce VOC emissions from consumer products in California (Title 17, California Code of Regulations, sections 94507-94517; the "consumer products regulation"), and also approved amendments to the antiperspirant regulation to achieve consistency with the provisions of the consumer products regulation;

WHEREAS, to achieve the maximum feasible reduction in reactive organic compounds emitted by consumer products, staff has proposed amendments to the consumer products regulation;

WHEREAS, to provide consistency with the proposed amendments to the consumer products regulation, staff has also proposed amendments to the antiperspirant regulation.

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, Board staff has consulted with the federal Environmental Protection Agency regarding consumer product regulations promulgated by other state and local governments, as provided in section 183(e)(9) of the federal Clean Air Act;

WHEREAS, the Board finds that:

Consumer products represent one of the few remaining emission sources that have not been extensively controlled, and control of these emissions is necessary in order to attain and maintain national and state ambient air quality standards;

Emissions from all forms of consumer products are expected to increase steadily in the future unless they are controlled effectively;

VOC emissions from consumer products contribute to ambient concentrations of ozone and PM10 in the state;

The national and state ambient air quality standards for these pollutants are violated in many areas of the state, and over 90 per cent of the state's population currently lives in areas that are nonattainment for these pollutants;

The regulations will result in a significant reduction in VOC emissions from consumer products, and concomitant reductions in ambient ozone and PM10 levels;

The proposed amendments to the consumer products regulation will achieve additional emissions reduction of approximately 8 tons per day in California by 1999;

It is appropriate to amend the consumer products regulation in order to achieve the maximum feasible reduction in reactive organic compounds emitted by consumer products;

It is appropriate to amend the antiperspirant regulation in order to provide consistency with the proposed amendments to the consumer products regulation;

The cost-effectiveness ratios for reducing emissions from consumer products through the proposed VOC limits are within the range of other control measures adopted to reduce emissions of these pollutants;

There exists adequate data to support the adoption of the emission limits and other requirements contained in the proposed amendments;

The proposed amendments are necessary to attain and maintain the state and national ambient air quality standards;

The reporting requirements of the proposed amendments which apply to small businesses are necessary for the health, safety, and welfare of the people of the state;

For each new product category, consumer products currently exist which meet the standards in the proposed amendments;

The proposed amendments are technologically and commercially feasible.

WHEREAS, the Board further finds that:

The Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Title 17, California Code of Regulations, sections 94503.5, 94506, 94507-94513, and 94515, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachment A after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to consult with the consumer product manufacturers who must achieve the future effective VOC limits specified in the Table of Standards for automotive brake cleaners, carburetor-choke cleaners, aerosol dusting aids, fabric protectants, aerosol household adhesives, crawling bug insecticides, and personal fragrance products; to provide biennial reports (beginning in 1994) on their progress to the Board, and in these reports to identify any significant problems, and propose any regulatory modifications that may be appropriate; the regulated public and other interested parties shall be consulted in the preparation of such reports and shall be provided with an opportunity to make oral and written comments to the Board in conjunction with the reports.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work with industry and other interested parties to evaluate alternative approaches to traditional "command and control" measures for further control of consumer products (such as market-based alternative compliance plans and environmental labeling), to pursue the development of approaches that are determined to be both feasible and enforceable, and to report to the Board by December 1992 on the progress made regarding these alternative approaches.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work with the Department of Health Services and other appropriate parties to undertake an independent study on marketable disinfectant formulations, with the goal of determining an appropriate VOC standard that will provide for efficacious disinfectants and will achieve emission reductions.

I hereby certify that the above is a true and correct copy of Resolution 92-1, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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RESOURCES AGENCY OF CALIFORNIA

AIR RESOURCES BOARD

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P.O. BOX 2815
SACRAMENTO, CA 95812State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF REGULATIONS REGARDING THE CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR NEW 1996 AND LATER HEAVY-DUTY OFF-ROAD DIESEL CYCLE ENGINES AND EQUIPMENT ENGINES.

Agenda Item No.: 91-2-1

Public Hearing Date: January 10, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Pat HutchensPat Hutchens
Board SecretaryDate: 11/6/92RECEIVED BY
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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-2

January 10, 1992

Agenda Item No.: 92-2-1

WHEREAS, section 39000 of the Health and Safety Code declares that the people of the State of California have a primary interest in the quality of the physical environment in which they live, and that this physical environment is being degraded by the waste and refuse of civilization polluting the atmosphere, thereby creating a situation which is detrimental to the health, safety, welfare, and sense of well-being of the people of California;

WHEREAS, section 39003 of the Health and Safety Code charges the Air Resources Board ("Board") with coordinating efforts to attain and maintain ambient air quality standards;

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Board to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in section 43000.5 of the Health and Safety Code, the Legislature found and declared that despite significant reductions in vehicle emissions in recent years, continued growth in population and vehicle miles traveled throughout California have the potential not only to prevent attainment of the state standards, but in some cases, to result in worsening of air quality;

WHEREAS, section 43013 authorizes the Board to adopt standards and regulations for the control of contaminants for off-road sources, including construction and farm equipment and other off-road engine categories;

WHEREAS, section 43018 of the Health and Safety Code directs the Board to achieve the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to accomplish the attainment of state standards at the earliest possible date, and to hold hearings to consider adoption of regulations for off-road mobile engines by November 1991;

WHEREAS, section 39515 and 39516 provide that the Board may delegate any duty to the Executive Officer which the Board deems appropriate and that any power, duty, purpose, function, or jurisdiction which the Board may lawfully delegate shall be conclusively presumed to have been delegated to the Executive Officer unless the Board has expressly reserved such authority to itself;

WHEREAS, the staff has proposed adoption of regulations under Title 13, California Code of Regulations Sections 2420, et seq. and procedures and documents to be incorporated by reference therein for 1996 and subsequent model heavy-duty off-road diesel cycle engines, including emission standards, test procedures, emission control labels and specifications, emission control system warranties, enforcement procedures, and compliance testing;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, pursuant to section 43013(c) of the Health and Safety Code, the Board has considered the effects of the proposed standards on the cost, fuel consumption, and performance characteristics of mobile farm equipment;

WHEREAS, pursuant to section 43013(e) of the Health and Safety Code, the Board has considered the effects of the proposed standards on the economy of the state;

WHEREAS, the Federal Clean Air Act, as amended in 1990, recently became effective, and section 209(e) of that Act requires that the ARB receive authorization from the Administrator of the Environmental Protection Agency (EPA) to adopt and enforce standards relating to the control of emissions from nonroad engines or vehicles;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

Despite advances in reducing emissions from motor vehicles, California still has the most severe air pollution problems in the United States;

It is now necessary, because of these serious pollution problems, to attempt to achieve emissions reductions from sources such as heavy-duty off-road diesel cycle engines, which have previously been unregulated;

The proposed heavy-duty off-road diesel cycle engine regulations are necessary, cost-effective, and technologically feasible to carry out the purposes of the California Clean Air Act;

The proposed regulations for heavy-duty off-road diesel cycle engines will result in emissions reductions that will help attain and maintain national and state ambient

air quality standards for ozone and nitrogen dioxide in rural and urban areas throughout the state;

In authorizing the Board to adopt regulations for heavy-duty off-road diesel cycle engines, the Legislature intended such regulations to be fully enforceable; and

The proposed regulations and procedures for emission control labels, warranties, and other enforcement procedures, including compliance and quality audit testing are necessary to adequately enforce regulations establishing emission standards and test procedures that will reduce emissions for heavy-duty off-road diesel cycle engines and will in and of themselves help to reduce emissions from such sources.

WHEREAS, the Board has determined, in accordance with the California Environmental Quality Act and Board regulations, that the proposed standards and regulations will not have significant adverse environmental impacts; and

WHEREAS, the reporting requirements of the proposed regulations which apply to small businesses are necessary for the health, safety, and welfare of the people of the state.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 2420-2427, Title 13, California Code of Regulations, "California Exhaust Emission Standards and Test Procedures for New 1996 and Later Heavy-Duty Off-Road Engines and Equipment Engines," "California Smoke Test Procedures for New 1996 and Later Heavy-Duty Off-Road Diesel Cycle Engines and Equipment Engines," "California New Heavy-Duty Off-Road Engines and Equipment Engines Compliance and Quality-Audit Test Procedures," and "California New Heavy-Duty Off-Road Engines and Equipment Engines Emission Control Label Specifications," as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt Sections 2420-2427, Title 13, California Code of Regulations, "California Exhaust Emission Standards and Test Procedures for New 1996 and Later Heavy-Duty Off-Road Engines and Equipment Engines," "California Smoke Test Procedures for New 1996 and Later Heavy-Duty Off-Road Diesel Cycle Engines and Equipment Engines," "California New Heavy-Duty Off-Road Engines and Equipment Engines Compliance and Quality-Audit Test Procedures," and "California New Heavy-Duty Off-Road Engines and Equipment Engines Emission Control Label Specifications," after making them available to the public for a period of 15 days provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations approved herein will not cause the California emission standards, in the

aggregate, to be less protective of public health and welfare than applicable federal standards; that California needs such standards to meet compelling and extraordinary conditions within the State; that the standards and accompanying enforcement procedures are not inconsistent with the Federal Clean Air Act, as amended; and that the regulations raise no new issues affecting previous waiver determinations of the Administrator of EPA.

BE IT FURTHER RESOLVED that the Executive Officer shall forward the regulations approved herein which are subject to Section 209 of the Federal Clean Air Act to the Administrator of EPA with a request that California be given authorization to adopt and enforce such regulations.

BE IT FURTHER RESOLVED that the Board delegates to the Executive Officer to incorporate technical revisions as needed to the "California Exhaust Emission Standards and Test Procedures for New 1996 and Later Heavy-Duty Off-Road Engines and Equipment Engines."

BE IT FURTHER RESOLVED that the Board directs staff to consult with industry through workshops and report back to the Board in 1998 on the status of compliance with and the appropriateness of the 2001 standards, Sections 2420-2427 and the incorporated documents therein.

BE IT FURTHER RESOLVED that the Board directs staff to report back to the Board after EPA has promulgated regulations for nonroad heavy-duty diesel cycle engines and equipment and provide a report on the appropriateness of the EPA regulations to California.

I hereby certify that the above is a true and correct copy of Resolution 92-2, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

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RESOURCES AGENCY OF CALIFORNIA

State of California

AIR RESOURCES BOARD

Resolution 92-3
January 9, 1992

Agenda Item No.: 92-1-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1921-166 entitled "A Study to Assess the Economic Impacts of Alternatives to Open-Field Burning of Agricultural Residues," has been submitted by Spectrum Economics, Inc., and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

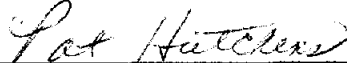
Proposal No. 1921-166, entitled "A Study to Assess the Economic Impacts of Alternatives to Open-Field Burning of Agricultural Residues," submitted by Spectrum Economics, Inc., for a total amount not to exceed \$100,241.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal No. 1921-166, entitled "A Study to Assess the Economic Impacts of Alternatives to Open-Field Burning of Agricultural Residues," submitted by Spectrum Economics, Inc., for a total amount not to exceed \$100,241.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$100,241.

I hereby certify that the above is a true and correct copy of Resolution 92-3, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-4
January 9, 1992

Agenda Item No.: 92-1-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an unsolicited research proposal, Number 1835-160A, entitled "An Enhanced Study of Atmospheric Transport Corridors and Processes in Southern California" has been submitted by the Wave Propagation Laboratory of NOAA.

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

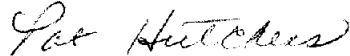
Proposal Number 1835-160A, entitled "An Enhanced Study of Atmospheric Transport Corridors and Processes in Southern California," submitted by the Wave Propagation Laboratory of NOAA, for a total amount not to exceed \$220,000.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1835-160A, entitled "An Enhanced Study of Atmospheric Transport Corridors and Processes in Southern California," submitted by the Wave Propagation Laboratory of NOAA, for a total amount not to exceed \$220,000.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$220,000

I hereby certify that the above is a true and correct copy of Resolution 92-4, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-5
January 9, 1992

Agenda Item No.: 92-1-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal, Number 1926-166 entitled "Evaluation of COPD Patients for Ozone Sensitivity: Validation of Health Advisories," has been submitted by the University of California, Los Angeles; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:


Proposal Number 1926-166, entitled "Evaluation of COPD Patients for Ozone Sensitivity: Validation of Health Advisories," submitted by the University of California, Los Angeles, for a total amount not to exceed \$65,693.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1926-166, entitled "Evaluation of COPD Patients for Ozone Sensitivity: Validation of Health Advisories," submitted by the University of California, Los Angeles, for a total amount not to exceed \$65,693.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$65,693.

I hereby certify that the above is a true and correct copy of Resolution 92-5, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-6
January 9, 1992

Agenda Item No.: 92-1-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal, Number 1925-166 entitled "The Effects of Ozone Inhalation on Fibroblast Activation in the Lung: Possible Relationship to Long-Term Fibrotic Lung Changes," has been submitted by the University of California, San Francisco; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

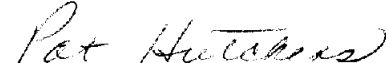
Proposal Number 1925-166, entitled "The Effects of Ozone Inhalation on Fibroblast Activation in the Lung: Possible Relationship to Long-Term Fibrotic Lung Changes," submitted by the University of California, San Francisco, for a total amount not to exceed \$61,839.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1925-166, entitled "The Effects of Ozone Inhalation on Fibroblast Activation in the Lung: Possible Relationship to Long-Term Fibrotic Lung Changes," submitted by the University of California, San Francisco, for a total amount not to exceed \$61,839.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$61,839.

I hereby certify that the above is a true and correct copy of Resolution 92-6, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-7

January 3, 1992

WHEREAS, William Wirsén Sylte has devoted himself to improving California's air quality for over 20 years, first with the Environmental Protection Agency, Region IX, and then for 15 years at the Air Resources Board (ARB), most recently as Chief Deputy Executive Officer;

WHEREAS, Bill's compendious knowledge of air pollution control strategies, his ability to see the "big picture," and his remarkable political astuteness have allowed him a prominent role in masterminding the goals, policies, and priorities of California's air quality program, the most progressive in the world;

WHEREAS, Bill's skill, tact, and good fortune in charting a course among the captains of industry, the shoals of government agencies, the schools of environmentalists, the currents of public opinion, and the tides of national, state, and local politics have kept the ARB afloat and on course and have greatly benefited all of us;

WHEREAS, Bill's sensitivity, intuition and patience at the ARB have also manifested themselves in his ability to play poker, catch fish, and raise teenagers with apparent equanimity;

WHEREAS, Bill is leaving a long career in public service to accept a position in the private sector as an environmental consultant;

WHEREAS, the loss of Bill's unflagging energy, dedication, and creativity as well as his personal warmth and good humor, will be lamented throughout the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board extends to Bill its wholehearted appreciation and warmest wishes for future success and happiness, and exhorts Bill to continue to expend his unstinting efforts on behalf of air quality.

BE IT FURTHER RESOLVED, that the Board expresses its hope that the Golden Gophers of the University of Minnesota, Bill's alma mater, may in his lifetime achieve the summit of success that Bill has achieved.

Jauanne Shapless, Chairwoman

Brian P. Bilbray, Member

Barbara Riordan, Member

Eugene A. Boston, M.D., Member

Harriet M. Wieder, Member

Betsy S. Ichikawa, Member

Andrew Wortman, Ph.D., Member

John S. Lagarias, Member

State of California
AIR RESOURCES BOARD

Resolution 92-8

March 12, 1992

Agenda Item No.: 92-3-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to do such acts and to adopt such regulations as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the Board by law;

WHEREAS, Chapter 3.5 (commencing with section 39650) of Part 2 of Division 26 of the Health and Safety Code establishes procedures for the identification of toxic air contaminants by the Board;

WHEREAS, section 39655 of the Health and Safety Code defines a "toxic air contaminant" as an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health;

WHEREAS, section 39662 of the Health and Safety Code directs the Board to list, by regulation, substances determined to be toxic air contaminants, and to specify for each substance listed a threshold exposure level, if any, below which no significant adverse health effects are anticipated;

WHEREAS, in California, the major identified sources of outdoor ambient formaldehyde are direct emissions from mobile sources and oil refineries and secondary formation by photochemical reactions;

WHEREAS, formaldehyde is not naturally removed or detoxified in the atmosphere at a rate that would significantly reduce public exposure;

WHEREAS, section 39660.5 of the Health and Safety Code requires the state Board to assess the level of potential human exposure to formaldehyde in indoor environments in consultation with the Office of Environmental Health Hazard Assessment (OEHHA) and to refer data on indoor exposures to specified state agencies;

WHEREAS, pursuant to the request of the Board, the OEHHA evaluated the health effects of formaldehyde in accordance with section 39660 of the Health and Safety Code;

WHEREAS, the OEHHA concluded in its evaluation that formaldehyde is a probable human carcinogen; that noncancer health effects are not expected to occur at existing statewide outdoor ambient levels of formaldehyde; that, based on the upper 95 percent confidence limit of potency, the estimated range of lifetime (70-year) excess cancer risk from continuous exposure to 1 ppbv of atmospheric formaldehyde is from 0.3 to 40×10^{-6} ; and that the OEHHA best value for the upper 95 percent confidence limit of cancer unit risk for formaldehyde is 7×10^{-6} ppbv⁻¹;

WHEREAS, based on OEHHA's best value cancer unit risk factor of 7×10^{-6} per ppbv and the corresponding concentrations for indoor and outdoor environments, the number of potential excess cancer cases due to indoor and outdoor exposure to formaldehyde is estimated to be 230 and 5 per million, respectively, for a 70-year lifetime which corresponds to a potential excess cancer burden of 7,000 and 150 for indoor and outdoor exposures, respectively, for a California population of 30 million;

WHEREAS, for the reasons set forth in its evaluation, the OEHHA treats formaldehyde-induced carcinogenesis as a nonthreshold phenomenon because the OEHHA found no evidence that there is a carcinogenic threshold level for formaldehyde;

WHEREAS, upon receipt of the OEHHA evaluation, the staff of the Board prepared a report including, and in consideration of, the OEHHA evaluation and recommendations and in the form required by section 39661 of the Health and Safety Code and, in accordance with the provisions of that section, made the report available to the public and submitted it for review to the Scientific Review Panel (SRP) established pursuant to section 39670 of the Health and Safety Code;

WHEREAS, in accordance with section 39661 of the Health and Safety Code, the SRP reviewed the staff report, including the scientific procedures and methods used to support the data in the report, the data itself, and the conclusions and assessments on which the report was based; considered the public comments received regarding the report; and on December 5, 1991, adopted, for submittal to the Board, findings which include the following quoted material:

1. There is evidence that exposure to formaldehyde results in animal carcinogenicity and probable human carcinogenicity. Both the International Agency for Research on Cancer (IARC) and the United States Environmental Protection Agency (EPA) have classified formaldehyde as a probable human carcinogen, on the basis of sufficient evidence for carcinogenicity in animals and limited evidence in humans.
2. Because formaldehyde is listed as a hazardous air pollutant under Section 112 of the United States Clean Air Act of 1990, identification of formaldehyde as a toxic air contaminant is required by the California Health and Safety Code section 39655.
3. Based on available scientific information, a level of formaldehyde exposure below which no carcinogenic effects are anticipated cannot be identified.
4. Based on a health protective interpretation of available scientific evidence, the upper 95 percent confidence limits on the lifetime risk of cancer from formaldehyde range at ambient concentrations from 0.3 to 40×10^{-6} ppbv [0.25 to 33×10^{-6} (ug/m^3)⁻¹]. Furthermore, 7×10^{-6} ppbv [6×10^{-6} (ug/m^3)⁻¹] is the best value of the upper confidence limit of risk. Appendix I compares the best value of upper-bound formaldehyde cancer unit risk with those of other compounds reviewed by the SRP (the dates these compounds' identification reports were approved by the SRP are included in Appendix I). These 95 percent

upper confidence limits for excess lifetime risks are health-protective estimates; the actual risk may be significantly lower.

5. The major identified sources of outdoor ambient formaldehyde are direct emissions from mobile sources and oil refineries and secondary formation by photochemical reactions.
6. Based on data collected by the ARB's ambient toxic air contaminant monitoring network, the estimated mean annual population-weighted outdoor ambient exposure for approximately 20 million Californians is 4.4 ppbv.
7. Based on the ARB emission inventory, areas that are expected to have formaldehyde levels higher than the mean statewide concentration are near commercial production sources, reconstituted wood processing plants, oil refineries, and in urban areas [with] congested freeways. However, the emission inventory is incomplete and a number of potential hot spots have not yet been adequately evaluated.
8. Based on its gas-phase reactivity from photolysis and oxidation by the hydroxyl radical, formaldehyde's estimated tropospheric lifetime is approximately 0.3 days.
9. Results from indoor monitoring in California's conventional and mobile homes, offices, and public buildings indicate that people are exposed frequently to much higher indoor concentrations than outdoor formaldehyde concentrations due to the abundance of building materials and other domestic products in buildings that emit formaldehyde. The results of recent surveys indicate that formaldehyde concentrations inside California residences generally range from less than 10 ppbv to 500 ppbv. Mean concentrations can range from 24 ppbv in office and public buildings to 72 ppbv for mobile homes, with a mean concentration of 50 ppbv found in conventional homes.
10. A number of adverse health effects have been associated with formaldehyde exposure. Acute effects include irritation of the skin, eyes and mucous membranes, as well as causing [sic.] nausea and headaches. Skin contact with formaldehyde can induce long-term allergic dermal sensitization, and limited evidence suggests that inhalation of high concentrations of formaldehyde can cause respiratory tract sensitization. Adverse health effects other than cancer are not expected to occur at mean statewide outdoor ambient concentrations. However, there is sufficient evidence that adverse acute health effects may result from exposure to levels found in indoor environments for those sensitive to formaldehyde.
11. Based on the OEHHA staff's best value for cancer unit risk of $7 \times 10^{-6} \text{ ppbv}^{-1}$ and the ARB staff's population-weighted outdoor ambient exposure of 4.4 ppbv, up to 31 potential excess cancers per million are predicted if exposed to this level over a 70-year lifetime. In addition, the staff of ARB and OEHHA have developed cancer risk based on relative exposure to indoor and outdoor concentrations. Using the OEHHA staff's best value for cancer unit risk of $7 \times 10^{-6} \text{ ppbv}^{-1}$ and the corresponding concentrations found in indoor and outdoor environments, the number of excess cancer cases due to indoor and outdoor exposure to

formaldehyde is estimated to be 230 and 5 per million, respectively, for a 70-year lifetime. This corresponds to an excess cancer burden of 7,000 and 150 for indoor and outdoor exposures, respectively, for a California population of 30 million.

12. Based on available scientific evidence indicating that formaldehyde is an animal and a probable human carcinogen, we conclude that formaldehyde should be identified as a toxic air contaminant.

WHEREAS, Appendix I of the SRP findings which compares the best value of upper-bound formaldehyde cancer unit risk with those of other compounds is incorporated in the reference herein;

WHEREAS, the SRP found the staff report to be without serious deficiency, and the SRP agreed with the staff recommendation that formaldehyde should be listed by the Air Resources Board as a toxic air contaminant, and found that, based on available scientific information, the formaldehyde exposure level below which carcinogenic effects are not expected to occur cannot be identified;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, in consideration of the staff report, including the OEHHA's evaluation and recommendations, the available evidence, the findings of the SRP, and the written comments and public testimony it has received, the Board finds that:

1. There is evidence that formaldehyde is a probable human carcinogen;
2. Adverse health effects other than cancer are not expected to occur at statewide outdoor average ambient concentrations;
3. Formaldehyde has been measured in significant concentrations in indoor environments;
4. The OEHHA and the SRP agree, and the Board concurs, that the best value of the upper bound of the overall formaldehyde cancer unit risk is 7×10^{-6} ppbv⁻¹;
5. Formaldehyde is an air pollutant which, because of its carcinogenicity, may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health;
6. There is not sufficient available scientific evidence to support the identification of a threshold exposure level for formaldehyde;

7. This regulatory action will not automatically lead to new costs for California small businesses; and
8. Given the scientific basis of the Board's action, no alternative to identifying formaldehyde as a TAC would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and Board regulations, that this regulatory action will have no significant adverse impact on the environment.

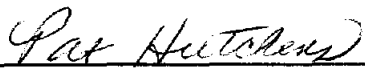
NOW, THEREFORE BE IT RESOLVED, that the Board hereby identifies formaldehyde as a toxic air contaminant and adopts the proposed regulatory amendment to section 93000, Titles 17 and 26, California Code of Regulations, as set forth in Attachment A.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to clarify the staff report to reflect staff's recommendations regarding the contribution to potential risk of indoor and outdoor concentrations of formaldehyde, and other clarifications recommended by the staff.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to forward all available data on indoor exposure to formaldehyde to the Department of Health Services, Division of Occupational Safety and Health of the Department of Industrial Relations, the State Energy Resources Conservation and Development Commission, the Department of Housing and Community Development, and the Department of Consumer Affairs.

BE IT FURTHER RESOLVED, that a summary of the state's risk assessment/risk management process for toxic air contaminants pursuant to AB 1807 be included into the Executive Summary portion of the ARB staff report.

I hereby certify that the above is a true and correct copy of Resolution 92-8, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

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Office of the Secretary

JAN 22 1993

RESOURCES AGENCY OF CALIFORNIA

AIR RESOURCES BOARD

2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of a Regulatory Amendment
Identifying Formaldehyde as a Toxic Air Contaminant.

Agenda Item No.: 92-3-1

Public Hearing Date: March 12, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The staff report
identified no adverse environmental effects.

Response: N/A

Certified:

Pat Hutchens
Pat Hutchens
Board Secretary

Date:

11/23/92

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Office of the Secretary

JAN 22 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Notice of Public Hearing to Consider the Adoption of Specifications
for Alternative Fuels for Motor Vehicles

Agenda Item No.: 91-12-2

Public Hearing Date: December 12, 1991
Postponed To: March 12, 1992

Issuing Authority: Air Resources Board

Comment: Comments were received identifying significant environmental
issues pertaining to this item. These comments are summarized and
responded to in the Final Statement of Reasons, which is
incorporated by reference herein.

Response: Resolution 92-9 is also incorporated herein and attached hereto.
In the Resolution, the Board made various findings pertaining to
potential environmental impacts of the proposed regulations. The
Board found that the amendments approved therein would not have
any significant adverse environmental impacts.

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: 10/22/92

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OCT 23 1992

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-9

March 12, 1992

Agenda Item No.: 92-3-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in section 43000 of the Health and Safety Code the Legislature has declared that the emission of air contaminants from motor vehicles is the primary cause of air pollution in many parts of the state, and that the control and elimination of those air contaminants is of prime importance for the protection and preservation of the public health and well-being, and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property;

WHEREAS, section 43018(a) of the Health and Safety Code, enacted by the California Clean Air Act of 1988, directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of the state ambient air quality standards at the earliest practicable date;

WHEREAS, section 43018(b) of the Health and Safety Code directs the Board no later than January 1, 1992 to take whatever actions are necessary, cost-effective, and technologically feasible in order to achieve, by December 31, 2000, a reduction in motor vehicle emissions of reactive organic gases ("ROG") of at least 55 percent and a reduction of motor vehicle emissions of oxides of nitrogen ("NOx"), and the maximum feasible reductions in particulates ("PM"), carbon monoxide ("CO"), and toxic air contaminants from vehicular sources;

WHEREAS, section 43018(c) of the Health and Safety Code provides that in carrying out section 43018, the Board shall adopt standards and regulations which will result in the most cost-effective combination of control measures on all classes of motor vehicles and motor vehicle fuel, including but not limited to reductions in motor vehicle exhaust and evaporative emissions, reductions in in-use vehicular emissions through durability and performance improvements, requiring the purchase of low-emission vehicles by state fleet operators, and specification of vehicular fuel composition;

WHEREAS, section 43104 of the Health and Safety Code directs the Board to adopt test procedures for determining whether new motor vehicles are in compliance with the emission standards established by the Board;

WHEREAS, following a hearing on September 27-28, 1990, the Board in Resolution 90-58 approved Low-Emission Vehicles and Clean Fuels regulations which require the production of low-emission light- and medium-duty vehicles and require that alternative fuels used by these vehicles be made reasonably available to motorists; at the direction of the Board these regulations were subsequently adopted by the Executive Officer in Executive Order G-604;

WHEREAS, the test procedures for certifying new motor vehicles operating on specified alternative fuels to the low-emission standards are contained in the California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles, which is incorporated by reference in Title 13, California Code of Regulations, section 1960.1(k); test procedures for certifying new heavy-duty engines operating on specified alternative fuels to the Board's heavy-duty engine emission standards are contained in the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles and the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles, which are incorporated by reference in Title 13, California Code of Regulations, sections 1956(b) and 1956(d);

WHEREAS, the staff has now proposed adoption of a regulatory action which would establish specifications for certain alternative fuels sold or supplied for use in motor vehicles applicable starting January 1, 1993 ("commercial specifications"); these specifications would cover M-100 fuel methanol, M-85 fuel methanol, E-100 fuel ethanol, E-85 fuel ethanol, compressed and liquified natural gas, liquified petroleum gas, and hydrogen;

WHEREAS, the regulatory action proposed by the staff would also amend, generally applicable starting with the 1994 model year, the alternative fuel specifications currently established for motor vehicle emission certification testing ("certification specifications"); these specifications cover M-100 fuel methanol, M-85 fuel methanol, compressed and liquified natural gas, and liquified petroleum gas;

WHEREAS, the California Environmental Quality Act and Board regulations require that an action not be adopted as proposed where it will have significant adverse environmental impacts if feasible alternatives or mitigation measures are available which would substantially reduce or avoid such impacts;

WHEREAS, the Board has considered the impact of the proposed regulations on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

The alternative fuel specifications approved herein will help ensure that the fuels used to certify low-emission vehicles are consistent with those available for routine consumer operation of those vehicles; to the extent that alternative clean fuels are used to certify low-emission vehicles, emission reductions will be achieved in customer use only if fuels of similar quality are readily available and used by the vehicle owners;

The alternative fuel commercial specifications approved herein are appropriate and necessary to ensure that commercially available alternative fuels meet consistent standards for quality; fuels of inferior or inconsistent quality may cause the vehicles to operate improperly, resulting in adverse impacts on both the acceptance of low-emission vehicles and emissions;

The regulations approved herein are technologically feasible within the applicable timeframes;

The economic impacts of the regulations approved herein are warranted in light of the public health benefits associated with the regulations;

The modifications to the regulations described in Attachment E hereto are appropriate and necessary to clarify them and improve their effectiveness; and

The amendments approved herein will not have any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to sections 1960.1(k), 1956.8(b) and 1956.8(d), Title 13, California Code of Regulations, the adoption of new Article 3 (containing new sections 2290, 2291, 2292.1 through 2292.7) Title 13, California Code of Regulations, as set forth in Attachment A hereto; the amendments to the California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-duty Vehicles as set forth in Attachment B hereto; the amendments to the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles as set forth in Attachment C hereto; and the amendments to the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles as set forth in Attachment D hereto; with the modifications to the above regulations and incorporated documents (including new section 2293) described in Attachment E hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer: (1) to incorporate into the approved regulations and incorporated documents the modifications described in Attachment E hereto, and (2) either to adopt the modified regulations, amendments, and new documents after making them available to the public for a supplemental written comment period of 15 days, with such additional modifications as may be appropriate in light of supplemental comments received, or to present the regulations, amendments, and documents to the Board for further considerations if he determines that this is warranted in light of supplemental written comments received.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments to the motor vehicle emission test procedures approved herein will not cause the California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

BE IT FURTHER RESOLVED that the Board hereby finds that separate California emission standards and test procedures are necessary to meet compelling and extraordinary conditions.

BE IT FURTHER RESOLVED that the Board finds that the California emission standards and test procedures as amended herein will not cause the California requirements to be inconsistent with section 202(a) of the Clean Air Act and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the amendments pertaining to the motor vehicle emission standards and test procedures to the U.S. Environmental Protection Agency with a request for a waiver or confirmation that the amendments are within the scope of an existing waiver of federal preemption pursuant to section 209(b) of the Clean Air Act, as appropriate.

BE IT FURTHER RESOLVED the the Board directs the Executive Officer to monitor implementation of the requirements for commercial alternative fuel specifications approved herein, and to report to the Board as appropriate on any significant difficulties encountered by the regulated industries in implementing the requirements, with recommendations for the consideration of any amendments deemed necessary.

I hereby certify that the above is a true and correct copy of Resolution 92-9 as adopted by the Air Resources Board.

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Office of the Secretary

OCT 23 1992

Pat Hutchens
Pat Hutchens, Board Secretary

RESOURCES AGENCY OF CALIFORNIA

Resolution 92-9

March 12, 1992

Identification of Attachments to the Resolution

Attachment A: Proposed amendments to Title 13, California Code of Regulations, sections 1960.1, 1956.8(b), and 1956.8(d), and proposed new Title 13, California Code of Regulations, sections 2290 through 2292.7, as set forth in Appendix A to the Staff Report.

Attachment B: Amendments to the California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles, as set forth in Appendix B to the Staff Report.

Attachment C: Amendments to the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-duty Diesel Engines and Vehicles, as set forth in Appendix C to the Staff Report.

Attachment D: Amendments to the California Exhaust Emission Standards and Test Procedures for 1987 and Subsequent Model Heavy-duty Otto-cycle Engines and Vehicles, as set forth in Appendix D to the Staff Report.

Attachment E: Staff's Suggested Changes to the Proposed Specifications for Alternative Fuels for Motor Vehicles (distributed at the hearing on March 12, 1992).

PROPOSED REGULATION ORDER

Note: Proposed new language is shown in *italics* and proposed deletions are shown in ~~strikeout~~. Modifications to the proposed new language are indicated by underlining of italicized text in the case of additions, and ~~strikeout of italicized text~~ in the case of deletions.

Amend section 1960.1(k), Title 13, California Code of Regulations to read as follows:

1960.1. Exhaust Emission Standards and Test Procedures - 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

(a) through (j) [No change]

(k) The test procedures for determining compliance with these standards are set forth in "California Exhaust Emission Standards and Test Procedures for 1981 through 1987 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", adopted by the State Board on November 23, 1976, as last amended May 20, 1987, and in "California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", adopted by the state board on May 20, 1987, as last amended July 12, 1991 [*insert date of amendment*], both of which are incorporated herein by reference.

(l) through (o) [No Change]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101 and 43104, Health and Safety Code. Reference: Sections 39002, 39003, 39667, 43000, 43013, 43018, 43100, 43101, 43101.5, 43102, 43103, 43104, 43106 and 43204, Health and Safety Code.

Amend Title 13, California Code of Regulations, section 1956.8(b) and (d) to read as follows:

1956.8. Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles.

(a) [No Change]

(b) The test procedures for determining compliance with standards applicable to 1985 and subsequent heavy-duty diesel engines and vehicles are set forth in the "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles", adopted April 8, 1985, as last amended July 12, 1991 [*insert date of amendment*], which is incorporated herein by reference.

(c) [No Change]

(d) The test procedures for determining compliance with standards applicable to 1987 and subsequent model heavy-duty otto-cycle engines and vehicles are set forth in the "California Exhaust Emission Standards and Test Procedures for 1987 and Subsequent Model Heavy Duty Otto-Cycle Engines and Vehicles," adopted April 25, 1986, as last amended July 12, 1991 [*insert date of amendment*], which is incorporated herein by reference.

(e) through (h) [No Change]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43103, and 43104 Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43013, 43018, 43100, 43101, 43101.5, 43102, 43103, 43104, 43106, and 43204, Health and Safety Code.

Adopt new Article 3, sections 2290 - 2293, Chapter 5, Title 13, California Code of Regulations, to read as follows:

Article 3. Specifications for Alternative Motor Vehicle Fuels

2290. Definitions

(a) For the purposes of this article, the following definitions apply:

(1) "Alternative fuel" means any fuel which is commonly or commercially known or sold as one of the following: M-100 fuel methanol, M-85 fuel methanol, E-100 fuel ethanol, E-85 fuel ethanol, compressed natural gas, ~~liquified natural gas~~, ~~liquiefied~~ petroleum gas, or hydrogen.

(2) "ASTM" means the American Society for Testing and Materials.

(3) "Motor vehicle" has the same meaning as defined in section 415 of the Vehicle Code.

(4) "Supply" means to provide or transfer a product to a physically separate facility, vehicle, or transportation system.

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2291. **Basic Prohibitions.**

(a) Starting January 1, 1993, no person shall sell, offer for sale or supply an alternative fuel intended for use in motor vehicles in California unless it conforms with the applicable specifications set forth in this article 3.

(b) An alternative fuel shall be deemed to be intended for use in motor vehicles in California if it is:

- (1) stored at a facility which is equipped and used to dispense that type of alternative fuel to motor vehicles, or
- (2) delivered or intended for delivery to a facility which is equipped and used to dispense that type of alternative fuel to motor vehicles, or
- (3) sold, offered for sale or supplied to a person engaged in the distribution of motor vehicle fuels to motor vehicle fueling facilities, unless the person selling, offering or supplying the fuel demonstrates that he or she has taken reasonably prudent precautions to assure that the fuel will not be used as a motor vehicle fuel in California.

(c) For the purposes of this section, each retail sale of alternative fuel for use in a motor vehicle, and each supply of alternative fuel into a

motor vehicle fuel tank, shall also be deemed a sale or supply by any person who previously sold or supplied such alternative fuel in violation of this section.

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).
 Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2292.1. Specifications for M-100 Fuel Methanol

The following standards apply to M-100 fuel methanol

(The identified test methods are incorporated herein by reference):

Specifications for M-100 Fuel Methanol

<u>Specification</u>	<u>Value</u>	<u>Test Method</u>
Methanol	96 vol. % (min.)	As determined by the distillation range below
Distillation	4.0 °C (range)	ASTM D 1078-86. At 95% by volume distilled. Must include 64.6 ± 0.1 °C
Other alcohols and ethers	2 mass % (max.)	ASTM D 4815-89
Hydrocarbons, gasoline or diesel fuel derived	2 mass % (max.)	ASTM D 4815-89, and then subtract concentration of alcohols, ethers and water from 100 to obtain percent hydrocarbons
Luminosity		Shall produce a luminous flame, <u>which is visible under maximum daylight conditions.</u>

throughout the entire
burn duration.
Applicable 1/1/94
1/1/95

Specific gravity	0.792 ± 0.002 @ 20/20/20°C	ASTM D 891-89
Acidity as acetic acid	0-003 0.01 mass % (max.)	ASTM D 1613-85
Total chlorine as chloride	0.0002 mass % (max.)	ASTM D 2988-86
Lead	2 mg/l (max.) a/	ASTM D 3237-90 3229-88
Phosphorus	0.2 mg/l (max.) b/	ASTM D 3231-89
Sulfur	0-015 0.002 mass % (max.)	ASTM D 3120-87 2622-87
Gum, heptane washed	5 mg/100 ml (max.)	ASTM D 381-86
Total particulates	5 mg/l (max.)	ASTM D 2276-89, modified to replace cellulose acetate filter with a 0.8 micron pore size membrane filter
Water	0-5 0.3 mass % (max.)	ASTM E 203-75
Appearance	Free of turbidity, suspended matter and sediment	Visually determined at 25°C by proc. A of ASTM D 4176-86
Bitterant	c/	
Odorant	d/	

a/ No added lead.

b/ No added phosphorus.

c/ The M-100 fuel methanol at ambient conditions must have a distinctive and noxious taste, for purposes of preventing purposeful or inadvertent human consumption. Applicable 1/1/95.

d/ The M-100 fuel methanol upon vaporization at ambient conditions must have a distinctive odor potent enough for its presence to be detected down to a concentration in air of not over 1/5 (one-fifth) of the lower limit of flammability. Applicable 1/1/95.

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).
Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2292.2. Specifications for M-85 Fuel Methanol

The following standards apply to M-85 fuel methanol

(The identified test methods are incorporated herein by reference):

Specifications for M-85 Fuel Methanol

<u>Specification</u>	<u>Value</u>	<u>Test Method</u>
Methanol plus higher alcohols	85 84 vol. % (min.)	Annex A1 to the ASTM D-2 Proposal P-232, Draft 8-9-91
Gasoline, unleaded a/	14.5 ± .5 vol. %	Must meet local specifications for commercial unleaded gasoline, except for RVP
Higher alcohols (C2 - C8)	2 vol. % (max.)	ASTM D 4815-89
Hydrocarbons + aliphatic ethers a/	13- 15 <u>16</u> vol. %	ASTM D 4815-89, and then subtract concentration of alcohols, ethers and water from 100 to obtain percent hydrocarbons
Vapor pressure, dry	b/ Final blend must meet vapor pressure requirements for commercial unleaded gasoline of the area in which it will be sold, with a minimum RVP of 6.5 psi	Methods contained in Title 13, Section 2262 must be used. ASTM D 4953-90 is an alternative method, however, in case of dispute about the vapor pressure, the value determined by the methods contained in Title 13, Section 2262 shall prevail over the value calculated by ASTM D 4953-90, including its precision statement
Luminosity		Shall produce a luminous flame, <u>which is visible under maximum daylight conditions.</u> throughout the entire burn duration
Acidity as acetic acid	0- 003 <u>0.005</u> mass % (max.)	ASTM D 1613-85

Total chlorine as chloride	0.0002 mass % (max.)	ASTM D 3120-87 modified for the det. of organic chlorides, and ASTM D 2988-86
Lead	0.002 g/l 2 mg/l (max.) c/	ASTM D 3237-90 3329-88
Phosphorus	0.0002 g/l 0.2 mg/l (max.) d/	ASTM D 3231-89
Sulfur	0.015 0.004 mass % (max.)	ASTM D 3120-87 2622-87
Gum, heptane washed	5 mg/100 ml (max.)	ASTM D 381-86
Total particulates	5 0.6 mg/l (max.)	ASTM D 2276-89, modified to replace cellulose acetate filter with a 0.8 micron pore size membrane filter
Water	0.5 mass % (max.)	ASTM E 203-75
Appearance	Free of turbidity, suspended matter and sediment	Visually determined at 25°C by Proc. A of ASTM D 4176-86

a/ Hydrocarbon fraction shall have a final maximum boiling point of 225 degrees C by ASTM method D 86, oxidation stability of 240 minutes by ASTM test method D 525 and No. 1 maximum copper strip corrosion by ASTM method D 130. Ethers must be aliphatic. No manganese added. Adjustment of RVP must be performed using common blending components from the gasoline stream. Starting on 4/1/96, the hydrocarbon fraction must also meet specifications for benzene, olefin content, aromatic hydrocarbon content, maximum T90 and maximum T50 found in California Code of Regulations, Title 13 sections 2262.3, 2262.4, 2262.7 and 2262.6 (T90 & T50), respectively.

{Staff intends to adjust the boundaries of the areas indicated in the ASTM D 4814-91b document referenced in b/ below to match the Air Resources Board's California air basin boundaries.}

b/ RVP range of 7.0 to 9.0 psi for those geographical areas and times indicated for A, A/B, B/A and B volatility class fuels in Table 2 of ASTM D 4814-91b. RVP range of 9.0 to 10.9 psi for those geographical areas and times indicated for B/C, C/B, C, C/D and D/C volatility fuels. RVP range of 10.9 to 13.1 psi for those geographical areas and times indicated for D, D/E, E/D and E volatility fuels.

c/ No added lead.

d/ No added phosphorus.

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2292.3. Specifications for E-100 Fuel Ethanol

The following standards apply to E-100 fuel ethanol:

(The identified test methods are incorporated herein by reference):

Specifications for E-100 Fuel Ethanol

<u>Specification</u>	<u>Value</u>	<u>Test Method</u>
Ethanol	92 vol. % (min.)	ASTM D 3545-90 <u>a/</u>
Denatured fuel ethanol	98 vol. % (min.)	<u>a/</u>
Other alcohols and ethers	2 mass % (max.)	ASTM D 4815-89
Hydrocarbons, gasoline or diesel fuel derived	5 mass % (max.)	ASTM D 4815-89, and then subtract concentration of alcohols, ethers and water from 100 to obtain percent hydrocarbons
Acidity as acetic acid	0.007 mass % (max.)	ASTM D 1613-85
Total chlorine as chloride	0.0004 mass % (max.)	ASTM D 3120-87 - modified for the determination of organic chlorides, and ASTM D 2988-86
Copper	0.07 mg/l (max.)	ASTM D 1688-90 as modified in ASTM D 4806-88
Lead	2 mg/l (max.) <u>b/</u>	ASTM D 3237-90 <u>3229-88</u>
Phosphorus	0.2 mg/l (max.) <u>c/</u>	ASTM D 3231-89
Sulfur	0.015 <u>0.002</u> mass % (max.)	ASTM D 3120-87 <u>2622-87</u>
Gum, heptane washed	5 mg/100 ml <u>1</u> (max.)	ASTM D 381-86
Total particulates	5 mg/l (max.)	ASTM D 2276-89, <u>modified to replace cellulose acetate filter with a 0.8 micron pore size membrane filter</u>

Water Appearance	1.25 mass % (max.) Free of turbidity, suspended matter and sediment	ASTM E 203-75 Visually determined at 25°C by Proc. A of ASTM D 4176-86
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- a/ The denaturant must meet the ASTM D 4806-88 specification for denatured fuel ethanol, except the denaturant must be representative of unleaded gasoline that is commercially available cannot be rubber hydrocarbon solvent, blended in a range of 4 to 5 parts by volume gasoline to 100 parts by volume fuel ethanol (including water) to form the denatured fuel ethanol. The final blend specifications for E-100 take precedence over the ASTM D 4806-88 specifications.
- b/ No added lead.
- c/ No added phosphorus.

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).
Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2292.4. Specifications for E-85 Fuel Ethanol

The following standards apply to E-85 fuel ethanol

(The identified test methods are incorporated herein by reference):

Specifications for E-85 Fuel Ethanol

<u>Specification</u>	<u>Value</u>	<u>Test Method</u>
Ethanol	81 <u>79</u> vol. % (min.)	ASTM D 3545-90 a/
Denatured fuel ethanol	85 <u>84</u> vol.-% (min.)	a/
Other alcohols	2 vol. % (max.)	ASTM D 4815-89
Gasoline, unleaded	14-5 ± .5 vol. %	b/
Hydrocarbons + aliphatic ethers b/	13-19 <u>15-21</u> vol. %	ASTM D 4815-89, and then subtract concentration of alcohols, ethers and water from 100 to obtain percent hydrocarbons. The denaturant is included in this percentage.

Vapor pressure, dry	<u>c/</u> Final blend must meet vapor pressure requirements for commercial unleaded gasoline of the area in which it will be sold, with a minimum RVP of 6.5 psi	Methods contained in Title 13, Section 2262 must be used. ASTM D 4953-90 is an alternative method, however, in case of dispute about the vapor pressure, the value determined by the methods contained in Title 13, Section 2262 shall prevail over the value calculated by ASTM D 4953-90, including its precision statement
Acidity as acetic acid	0.007 mass % (max.)	ASTM D 1613-85
Total chlorine as chloride	0.0004 mass % (max.)	ASTM D 3120-87 modified for the det. of organic chlorides, and ASTM D 2988-86
Copper	0.07 mg/l (max.)	ASTM D 1688-90 as modified in ASTM D 4806-88
Lead	0.002 g/l 2 mg/l (max.) d/	ASTM D 3237-90 3229-88
Phosphorus	0.0002 g/l 0.2 mg/l (max.) e/	ASTM D 3231-89
Sulfur	0.015 0.004 mass % (max.)	ASTM D 3120-87 2622-87
Gum, heptane washed	5 mg/100 ml (max.)	ASTM D 381-86
Total particulates	5 mg/l (max.)	ASTM D 2276-89, <u>modified to replace cellulose acetate filter with a 0.8 micron pore size membrane filter</u>
Water	1.25 mass % (max.)	ASTM E 203-75
Appearance	Free of turbidity, suspended matter and sediment	Visually determined at 25°C by proc. A of ASTM D 4176-86

- a/ The denaturant must meet the ASTM D 4806-88 specification for denatured fuel ethanol, except the denaturant must be commercially available unleaded gasoline, which is then blended in a range of 4 to 5 parts by volume gasoline to 100 parts by volume fuel ethanol (including water) to form the denatured fuel ethanol. cannot be rubber hydrocarbon solvent. The final blend specifications for E-85 take precedence over the ASTM D 4806-88 specifications.
- b/ The denaturant for the denatured fuel ethanol is not included as a part of this percentage, but is included as a part of the total blend volume for percent calculation. The gasoline specified here (not denaturant) must meet local specifications for commercial unleaded gasoline, except for RVP. Hydrocarbon fraction shall have a final maximum boiling point of 225 degrees C by ASTM method D 86. oxidation stability of 240 minutes by ASTM test

method D 525 and No. 1 maximum copper strip corrosion by ASTM method D 130. Ethers must be aliphatic. No manganese added. Adjustment of RVP must be performed using common blending components from the gasoline stream. Starting 4/1/96, the hydrocarbon fraction must also meet specification for benzene, olefin content, aromatic hydrocarbon content, maximum T90 and maximum T50 found in California Code of Regulations, Title 13 sections 2262.3, 2262.4, 2262.7 and 2262.6 (T90 & T50), respectively.

{Staff intends to adjust the boundaries of the areas indicated in the ASTM D 4814-91b document referenced in c/ below to match the Air Resources Board's California air basin boundaries.}

- c/ RVP range of 6.5 to 8.7 for those geographical areas and times indicated for A, A/B, B/A and B volatility class fuels in Table 2 of ASTM D 4814-91b. RVP range of 7.3 to 9.4 for those geographical areas and times indicated for B/C, C/B, C, C/D and D/C volatility fuels. RVP range of 8.7 to 10.2 for those geographical areas and times indicated for D, D/E, E/D and E volatility fuels.
- d/ No added lead.
- e/ No added phosphorus.

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).
Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2292.5. Specifications for Compressed and Liquefied Natural Gas

The following standards apply to compressed and liquefied natural gas
(The identified test methods are incorporated herein by reference):

Specifications for Compressed and Liquefied Natural Gas

<u>Specification</u>	<u>Value</u>	<u>Test Method</u>
Hydrocarbons (expressed as mole percent)		
Methane	88.0% (min.)	ASTM D 1945-81
Ethane	6.0% (max.)	ASTM D 1945-81
C ₃ and higher HC	3.0% (max.)	ASTM D 1945-81
C ₆ and higher HC	0.2% (max.)	ASTM D 1945-81

Other species (expressed as mole percent unless otherwise indicated)

Hydrogen	0.1% (max.)	ASTM D 2650-88
Carbon monoxide	0.1% (max.)	ASTM D 2650-88
Oxygen	0-5 1.0% (max.)	ASTM D 1945-81
Inert gases		
Sum of CO ₂ and N ₂	5-0 1.5-4.5% (max-) (range)	ASTM D 1945-81
Water	a/	
Particulate matter	b/	
<u>Odorant</u>	c/	
<u>Sulfur</u>	16 ppm by volume	<u>Title 17 CAC</u> <u>Section 94112</u>

- a/ The dewpoint at vehicle fuel storage container pressure shall be at least 10°F below the 99.0% winter design temperature listed in Chapter 24, Table 1, Climatic Conditions for the United States, in the American Society of Heating, Refrigerating and Air Conditioning Engineer's (ASHRAE) Handbook, 1989 fundamentals volume. Testing for water vapor shall be in accordance with ASTM D 1142-90, utilizing the Bureau of Mines apparatus.
- b/ The compressed or liquefied natural gas shall not contain dust, sand, dirt, gums, oils, or other substances in an amount sufficient to be injurious to the fueling station equipment or the vehicle being fueled.
- c/ The natural gas at ambient conditions must have a distinctive odor potent enough for its presence to be detected down to a concentration in air of not over 1/5 (one-fifth) of the lower limit of flammability.

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).
Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2292.6. Specifications for Liquefied Petroleum Gas

The following standards apply to liquefied petroleum gas

(The identified test methods are incorporated herein by reference):

Specifications for Liquefied Petroleum Gas

<u>Specification</u>	<u>Value</u>	<u>Test Method</u>
Propane	80-0 85.0 vol. % (min.) a/	ASTM D 2163-87

Vapor pressure at 100° F	208 psig (max.)	ASTM D 1267-89 ASTM D 2598-88 <u>a/</u> <u>b/</u>
Volatility residue: evaporated temp., 95%	-37°F (max.)	ASTM D 1837-86
or butane & heavier,	2.5 vol. % (max.)	ASTM D 2163-87
Propene	10.0 <u>5.0</u> vol. % (max.) <u>c/</u>	ASTM D 2163-87
Residual matter: residue on evap. of 100 ml	0.05 ml (max.)	ASTM D 2158-89
oil stain observ.	pass b/ <u>d/</u>	ASTM D 2158-89
Corrosion, copper, strip	No. 1 (max.)	ASTM D 1838-89
Sulfur	1230 ppmw (max.)	ASTM D 2784-89
Moisture content	pass	ASTM D 2713-86
Odorant	<u>e/</u>	

a/ Propane shall be required to be a minimum of 80.0 volume percent starting January 1, 1993. Starting January 1, 1995 the minimum propane content shall be 85.0 volume percent.

a/ b/ In case of dispute about the vapor pressure of a product, the value actually determined by Test Method ASTM D 1267-89 shall prevail over the value calculated by Practice ASTM D 2598-88.

c/ Propene shall be limited to 10.0 volume percent starting January 1, 1993. Starting January 1, 1995, the propene limit shall be 5.0 volume percent.

b/ d/ An acceptable product shall not yield a persistent oil ring when 0.3 ml of solvent residue mixture is added to a filter paper, in 0.1 ml increments and examined in daylight after 2 min. as described in Test Method ASTM D 2158-89.

e/ The liquefied petroleum gas upon vaporization at ambient conditions must have a distinctive odor potent enough for its presence to be detected down to a concentration in air of not over 1/5 (one-fifth) of the lower limit of flammability.

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).
Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2292.7. Specifications for Hydrogen

The following standards apply for hydrogen

(The identified test methods are incorporated herein by reference):

Specifications for Hydrogen

<u>Specification</u>	<u>Value</u>	<u>Test Method</u>
Hydrogen	98.0 mole % (min.)	ASTM D 1946-90
Combined hydrogen, water, oxygen and nitrogen	99.9 mole % (min.)	ASTM D 1946-90 for hydrogen, nitrogen and oxygen; ASTM D 1142-90 for water using the Bureau of Mines apparatus
Total hydrocarbons	0.01 mole % (max.)	ASTM D 1946-90
Particulate matter	a/	
Odorant	b/	

a/ The hydrogen shall not contain dust, sand, dirt, gums, oils, or other substances in an amount sufficient to be injurious to the fueling station equipment or the vehicle being fueled.

b/ Starting 1/1/95, the hydrogen fuel at ambient conditions must have a distinctive odor potent enough for its presence to be detected down to a concentration in air of not over 1/5 (one-fifth) of the lower limit of flammability. This requirement applies only to hydrogen which is introduced into the vehicle fuel storage system in gaseous form.

NOTE: Authority cited: sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).
Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 40000, 43000, 43016, 43018, and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2293. Equivalent Test Methods

- (a) Whenever sections 2292.1 thru 2292.7 provides for the use of a specified test method, another test method may be used following a determination by the Executive Officer that the other test method produces results equivalent to the results obtained with the specified method.

PROPOSED ALTERNATIVE FUEL CERTIFICATION SPECIFICATIONS

Staff's Suggested Changes to the Original Regulatory Proposal

March 12, 1992

The staff's original proposal included amendments to the alternative fuel certification specifications in the following three documents referenced in the ARB's regulations: the California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles; the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles; and the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles. In each of the three test procedures the amendments would revise, starting with the 1994 model year, the specifications for alternative fuels previously established in the test procedure. In addition, these revised specifications would be made optional for 1993 model-year vehicles and engines.

The staff is now proposing modifications to the originally proposed alternative fuel specifications for 1994 and subsequent model year vehicles and engines. The modifications would result in the specifications outlined below. The specifications for a listed fuel would apply for each test procedure that currently identifies specifications for that fuel. In addition, as in the original proposal, the 1994 and subsequent model year alternative fuel specifications would be optional for the 1993 model year.

A. Service Accumulation Fuels

In all cases the service accumulation fuel must meet the commercial specification

B. Emission-testing Fuels

1. M-100: Emission-testing fuel specification:

Methanol - 98.0 +/- 0.5 vol. %

Ethanol - 1.0 +/- 0.1 vol. %

Certification gasoline - 1.0 +/- 0.1 vol. %

Remaining commercial specifications must be met

Additive types and amounts are subject to E.O. approval (the values shown above, and in the commercial specifications, are applicable to the certification fuel prior to the addition of any additives)

2. M-85: Emission-testing fuel specification:

Certification gasoline is required as the blending gasoline

Remaining commercial specifications must be met

Additive types and amounts subject to E.O. approval (the values shown in the commercial specifications are applicable to the certification fuel prior to the addition of any additives)

3. Compressed Natural Gas: Emission-testing fuel specification:

Methane - 90.0 +/- 1.0 vol. %
Ethane - 4.0 +/- 0.5 vol. %
C3 and higher - 2.0 +/- 0.3 vol. %
Oxygen - 0.5 +/- 0.1 vol.
Inert gases - 3.5 +/- 0.5 vol. %
Remaining commercial specifications must be met

4. LPG: Emission-testing fuel specification:

Propane - 93.5 +/- 1.0 vol. %
Propene - 3.8 +/- 0.5 vol. %
Butane and heavier - 1.9 +/- 0.3 vol. %
Remaining commercial specifications must be met

C. Flexible-fuel Vehicle Emission-testing: M-85 Only

Fuel that meets the commercial M-85 specifications (except that the blending gasoline must be emission-testing gasoline) is used. A blend consisting of this same fuel and certification gasoline, such that the final blend is composed of 35 volume percent methanol (+/- 1 volume percent) is also used.

Attachment E

PUBLIC HEARING ON PROPOSED REGULATIONS ESTABLISHING
SPECIFICATIONS FOR ALTERNATIVE FUELS FOR MOTOR VEHICLES

MARCH 12, 1992

Staff's Suggested Changes to the Original Regulatory Proposal

The staff's original proposal included both regulatory text pertaining to specifications for alternative fuels sold or supplied for use in motor vehicles ("commercial specification"), and revisions to the provisions in the Board's motor vehicle emissions certification test procedures which establish the specifications for certain alternative fuels for purposes of motor vehicle emission certification testing ("certification specifications").

The staff is now proposing modifications to the original proposal in both the areas of commercial specifications and certification specifications. Pages 2 through 15 of the attached document contain the text of the staff's proposed modifications to the originally proposed Title 13, California Code of Regulations text, including all provisions pertaining to required commercial specification. Following that, pages 16 through 17 set forth a detailed outline of the staff's proposed modifications to the certification specifications contained in the reference motor vehicle emission certification test procedures. The modifications to the certification specifications would be incorporated into the test procedure texts prior to the 15-day supplemental availability period.

92-10

Not Used

No Resolution

State of California

AIR RESOURCES BOARD

Resolution 92-11
March 12, 1992

Agenda Item No.: 92-3-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an unsolicited research proposal, Number 1944-167, entitled "Impacts of Compressed Workweek on Total Vehicular Trips and Miles Travelled," has been submitted by the School of Urban and Regional Planning of the University of Southern California; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal Number 1944-167, entitled "Impacts of Compressed Workweek on Total Vehicular Trips and Miles Travelled," submitted by the School of Urban and Regional Planning of the University of Southern California, for a total amount not to exceed \$149,681.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1944-167, entitled "Impacts of Compressed Workweek on Total Vehicular Trips and Miles Travelled," submitted by the School of Urban and Regional Planning of the University of Southern California, for a total amount not to exceed \$149,681.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$149,681.

I hereby certify that the above is a true and correct copy of Resolution 92-11, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-12
March 12, 1992

Agenda Item No.: 92-3-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an unsolicited research proposal, Number 1945-167, entitled "1992 Respiratory Symptoms Ascertainment for the AHSMOG Cohort (an Epidemiological Study of Long-Term Effects of Ambient Air Pollutants)," has been submitted by the Loma Linda University Preventive Medicine Medical Group, Inc., and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal No. 1945-167, entitled "1992 Respiratory Symptoms Ascertainment for the AHSMOG Cohort (an Epidemiological Study of Long-Term Effects of Ambient Air Pollutants)," submitted by the Loma Linda University Preventive Medicine Medical Group, Inc., for a total amount not to exceed \$34,623.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal No. 1945-167, entitled "1992 Respiratory Symptoms Ascertainment for the AHSMOG Cohort (an Epidemiological Study of Long-Term Effects of Ambient Air Pollutants)," submitted by the Loma Linda University Preventive Medicine Medical Group, Inc., for a total amount not to exceed \$34,623.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$34,623.

I hereby certify that the above is a true and correct copy of Resolution 92-12, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-13
March 12, 1992

Agenda Item No.: 92-3-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal, Number 1942-167, entitled "The Effect of Ozone on Photosynthesis, Vegetative Growth, and Productivity of Prunus salicina in the San Joaquin Valley of California," has been submitted by University of California, Davis; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal No. 1942-167, entitled "The Effect of Ozone on Photosynthesis, Vegetative Growth, and Productivity of Prunus salicina in the San Joaquin Valley of California," submitted by the University of California, Davis, for a total amount not to exceed \$102,124.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal No. 1929-166, entitled "The Effect of Ozone on Photosynthesis, Vegetative Growth, and Productivity of Prunus salicina in the San Joaquin Valley of California," submitted by the University of California, Davis, for a total amount not to exceed \$102,124.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$102,124.

I hereby certify that the above is a true and correct copy of Resolution 92-13, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-14
March 12, 1992

Agenda Item No.: 92-3-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39900 through 39911; and

WHEREAS, an interagency proposal, Number 237-44, entitled "Effects of Nitric Acid Vapor and Ozone on the Response to Inhaled Antigen in Allergic Subjects," has been submitted by the University of California, San Francisco; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Scientific Advisory Committee on Acid Deposition has reviewed and recommends for funding:

Proposal Number 237-44, entitled "Effects of Nitric Acid Vapor and Ozone on the Response to Inhaled Antigen in Allergic Subjects," submitted by the University of California, San Francisco, for a total amount not to exceed \$346,200.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39904, hereby accepts the recommendation of the Scientific Advisory Committee on Acid Deposition and approves the following:

Proposal Number 237-44, entitled "Effects of Nitric Acid Vapor and Ozone on the Response to Inhaled Antigen in Allergic Subjects," submitted by the University of California, San Francisco, for a total amount not to exceed \$346,200.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$346,200.

I hereby certify that the above is a true and correct copy of Resolution 92-14, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-15
March 12, 1992

Agenda Item No.: 92-3-3

WHEREAS, the Air Resources Board has been directed to design and implement a comprehensive program of research and monitoring of acid deposition in California pursuant to Health and Safety Code Sections 39900 through 39911; and

WHEREAS, a solicited research proposal, Number 232-44, entitled "Regional Estimates of Acid Deposition Fluxes in California," has been submitted by Charles Blanchard; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Scientific Advisory Committee on Acid Deposition has reviewed and recommends for funding:


Proposal Number 232-44, entitled "Regional Estimates of Acid Deposition Fluxes in California," submitted by Charles Blanchard, for a total amount not to exceed \$90,129.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39904, hereby accepts the recommendation of the Scientific Advisory Committee on Acid Deposition and approves the following:

Proposal Number 232-44, entitled "Regional Estimates of Acid Deposition Fluxes in California," submitted by Charles Blanchard, for a total amount not to exceed \$90,129.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$90,129.

I hereby certify that the above is a true and correct copy of Resolution 92-15, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-16

March 12, 1992

WHEREAS, Roberta Howson Hughan, recently Mayor of the City of Gilroy for almost a decade, has served with dedication, enthusiasm, and diligence as a Member of the Air Resources Board since 1984;

WHEREAS, during that time, Roberta has ably represented not only the Bay Area Air Quality Management District, of which she is a Director, but also the interests of all California in achieving healthy air quality;

WHEREAS, Roberta is the quintessential public servant, selflessly giving her time and effort to numerous civic causes and substantially improving both quality of life and quality of air;

WHEREAS, Mayor Hughan has championed the cause of women both by example and by design and has shown that female success does not require a sacrifice of femininity;

WHEREAS, Roberta's softspoken ability to reach the heart of the matter with her incisive comments and impeccable timing have fostered the Board's credibility and furthered its mission;

WHEREAS, Roberta's gracious charm, refined intelligence, and good-humored patience will be sorely missed by the Board and those appearing before it;

NOW, THEREFORE, BE IT RESOLVED, that the Board expresses its heartfelt appreciation to Roberta for her vigorous efforts and thoughtful presence.

BE IT FURTHER RESOLVED, that the Board is delighted that Roberta will remain within the fold and use her many talents to further the cause of clean air.

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Notice of Public Hearing to Consider the Adoption of Permit Fees
Regulations for Nonvehicular Sources Pursuant to the California Clean
Air Act

Agenda Item No.: 92-4-1

Public Hearing Date: April 9, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The staff report
identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: 6/12/92

RECEIVED BY
Office of the Secretary

JAN 21 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-17

April 9, 1992

Agenda Item No.: 92-4-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature in 1988 enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) to address the problem of air pollution in California;

WHEREAS, in the California Clean Air Act the Legislature declared that attainment of the Board's health-based ambient air quality standards is necessary to protect public health, particularly of children, older people, and those with respiratory diseases and directed that these standards be attained at the earliest practicable date;

WHEREAS, the California Clean Air Act directs the Board to perform numerous tasks related to both vehicular and nonvehicular sources of air pollution;

WHEREAS, section 39612 of the Health and Safety Code authorizes the Board to require air pollution control and air quality management districts ("districts"), beginning July 1, 1989, to impose additional permit fees on nonvehicular sources which emit 500 tons per year or more of any nonattainment pollutant or its precursors in order to recover costs of additional state programs related to nonvehicular sources authorized or required by the Act;

WHEREAS, the Board staff has conferred with representatives of local districts and with their assistance has developed a proposed fee program which specifies the amount of fees to be collected by each district for transmission to the Board;

WHEREAS, the proposed fee regulations have been designed to provide the Board with net revenues of three million dollars (\$3,000,000) to cover budgeted expenses for Fiscal Year 1992-93 of implementing nonvehicular source related activities under the Act;

WHEREAS, the proposed fee regulations provide that any excess fees collected shall be carried over and considered when setting fees in future years;

WHEREAS, the proposed fee regulations specify by district the amount to be transmitted to the Board for deposit in the Air Pollution Control Fund in

Fiscal Year 1992-93 and authorize each district to assess additional fees to recover the administrative costs to the district of collecting the fees;

WHEREAS, pursuant to section 39612 of the Health and Safety Code the proposed fee program for Fiscal Year 1992-93 is based on emissions of nonattainment pollutants or their precursors, as provided in the Act, using the most current statewide emission data available from the districts, which are for calendar year 1990;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The funds which would be collected pursuant to the proposed fee regulations are needed to implement the nonvehicular source related programs established pursuant to the California Clean Air Act;

The proposed fee regulations include a 10% adjustment factor to insure collection of net revenues of \$3,000,000 to cover budgeted expenses for Fiscal Year 1992-93 of implementing nonvehicular source related activities under the Act;

The excess fees collected in Fiscal Year 1990-91 have been carried over and considered in the calculation of fees in the proposed regulation;

The proposed fee regulations are based on annual emissions of nonattainment pollutants from facilities that emit 500 tons per year or more of any nonattainment pollutant or its precursors based on the most recent statewide data available;

The proposed fee regulations will not have a significant adverse economic impact on either the affected sources, on other businesses or private persons affected, or on the districts, which are authorized to recover the administrative costs of collecting the fees; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves sections 90800.3 and 90803, Title 17, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt sections 90800.3 and 90803, Title 17, California Code of Regulations, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the attached regulations to the affected districts for appropriate action, and to the Department of Finance, the Legislative Analyst, and the State Controller, for information and for appropriate action.

BE IT FURTHER RESOLVED that the Board gives notice of its intention to review the status of the program to implement the provisions of the California Clean Air Act in 1993, and to reconsider at that time the renewal and modification, as necessary, of the fee program in order to reflect changes in program needs and capabilities, base year emissions, and such other factors as may influence funding requirements of the Act.

I hereby certify that the above is a true and correct copy of Resolution 92-17, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

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State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Notice of Public Hearing to Consider the Adoption of Regulations
Pursuant to the Atmospheric Acidity Protection Act Fees

Agenda Item No.: 92-4-2

Public Hearing Date: April 9, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The staff report
identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: 6/12/92

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Office of the Secretary

JAN 21 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-18

April 9, 1992

Agenda Item No.: 92-4-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in the Atmospheric Acidity Protection Act of 1988 (Stats. 1988, ch. 1518, Health and Safety Code sections 39900-39911), the Legislature declared that the deposition of atmospheric acidity resulting from other than natural sources is occurring in various regions in California, and that the continued deposition of this acidity, alone or in combination with other man-made pollutants and naturally occurring phenomena, could have potentially significant adverse effects on public health, the environment and the economy;

WHEREAS, in section 39904 of the Health and Safety Code, the Legislature directed the Board to adopt and implement the Atmospheric Acidity Protection Act program to determine the nature and extent of potential damage to public health and the State's ecosystems which may be expected to result from atmospheric acidity, and to develop measures which may be needed for the protection of public health and sensitive ecosystems within the state;

WHEREAS, section 39906 of the the Health and Safety Code authorizes the Board to require local air pollution control districts and air quality management districts ("districts") to impose additional permit and variance fees on nonvehicular sources which emit 500 tons per year or more of sulfur oxides or nitrogen oxides to recover the costs of acid deposition research and monitoring program which is required to provide districts and the Board with the necessary basis for evaluating the public health and environmental impact of the emissions of acid deposition precursors from large nonvehicular sources and for determining the feasibility and cost of control measures and air quality management strategies to mitigate the efforts of those emissions;

WHEREAS, the Air Resources Board staff, in consultation with representatives of the local districts and affected industry, has developed the proposed fee regulations for fiscal year 1992-93;

WHEREAS, in accordance with Health and Safety Code section 39909, the proposed fee regulations have been designed to provide the Board net revenues in fiscal year 1992-93 in an amount which is the lesser of one million five hundred thousand dollars (\$1,500,000) or the amount appropriated from state funds for acid deposition research and monitoring program by the Legislature;

WHEREAS, the proposed fee regulations specify by district the amount to be transmitted to the Board for deposit in the Air Pollution Control Fund in fiscal year 1992-93 and authorize each district to assess additional fees to recover the administrative costs of collecting the fees;

WHEREAS, the proposed emissions fee regulations are based on the most current annual emissions data available from the districts, which are for the calendar year 1990;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The funds to be collected pursuant to the proposed fee regulations are needed to implement the acid deposition research and monitoring program established pursuant to the Atmospheric Acidity Protection Act;

The proposed regulations include a 10 percent adjustment factor to assure the collection of net revenues in fiscal year 1992-93 in an amount which is the lesser of one million five hundred thousand dollars (\$1,500,000) or the amount appropriated from state funds for acid deposition research and monitoring program by the Legislature;

The proposed regulations provide that any excess fees collected shall be considered when setting fees in future years;

The proposed regulations are based on the most recent data available for annual emissions of sulfur oxides or nitrogen oxides from permitted sources emitting 500 tons or more of either pollutant;

The proposed fee regulations will not have a significant adverse economic impact on affected sources of sulfur oxides or nitrogen oxides, on other businesses or private persons affected, or on the districts, which are authorized to recover their administrative costs of collecting the fees; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and Air Resources Board regulations, that this regulatory action will have no significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves section 90621.3, Title 17, California Code of Regulations, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt section, 90621.3, Title 17, California Code of Regulations, after making them available to the public for a period of 15 days, provided that the

Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board gives notice of its intention to review the status of the atmospheric acidity research and monitoring program in 1993, and to reconsider at that time the renewal and modification, as necessary, of the fee program in order to reflect changes in program needs and capabilities, base-year emissions, and such other factors as may influence atmospheric acidity research and monitoring program and funding requirements.

I hereby certify that the above is a true and correct copy of Resolution 92-18, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

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AIR RESOURCES BOARD
MAY 14 1992
SACRAMENTO, CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-19

April 9, 1992

Agenda Item No.: 92-4-3

WHEREAS, Senate Bill 351, passed and signed into law in 1991, and codified as Section 43013.5(b) of the Health and Safety Code, requires that the Air Resources Board, on or before May 1, 1992, prepare and submit a report to the Legislature on the nature, types, and extent of unfinished fuels and fuel blending components sold or blended at locations other than refineries;

WHEREAS, that report shall include recommendations concerning the need for appropriate legislation;

WHEREAS, the Air Resources Board staff has prepared and approved a report to the Legislature on the nature, types and extent of unfinished fuels and fuel blending components sold or blended at locations other than refineries, and that report includes recommendations concerning the need for appropriate legislation; and,

WHEREAS, the public has received a notice of the availability of the report for review at least 10 days prior to the public meeting.

NOW THEREFORE, BE IT RESOLVED, that the staff be directed to modify the report as indicated in Attachment 1.

BE IT FURTHER RESOLVED, that the staff be directed to review the report for technical adequacy and consistency, and to make all changes that are found to be necessary to assure such a result.

BE IT FURTHER RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 43013.5(b), hereby approves and adopts, with the modifications resolved above, the report, entitled *Report to the Legislature Concerning the Nature, Types, and Extent of Unfinished Fuels and Fuel Blending Components Sold or Blended at Locations Other Than Refineries*, dated May 1, 1992, and submits this report to the Governor and the Legislature.

I hereby certify that the above is a true and correct copy of Resolution 92-19, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

Attachment 1

Pursuant to the directions of the Air Resources Board, the following changes shall be made to the report:

At p. 1, paragraph 2, line 1, substitute "132" for "157."

At p. 7, paragraph 1, line 1, change "31" to "36."

At p. 7, substitute the following table:

Product	Amount Sold (Gallons)
Unfinished Fuel	80,978,937
Blending Stocks	33,076,482
Transmix	9,322,152
Other	8,786,358
Total*	132,163,929

At p. 9, paragraph 3, line 3, substitute "132" for "157."

At p. 11, paragraph 1, line 3, substitute "132" for "157."

At p. 11, last paragraph, line 1, substitute the phrase "the authority to prepare regulations covering the sale of unfinished fuels and fuel blending components" for "statutory authority to prepare regulations prohibiting the sale of unfinished fuels and fuel blending components except to refineries."

At Appendix A, p. 1, change the figures for Arco Products Co. to read as follows:

Gallons Unfinished Fuels Sold:	20,260,335
Gallons Blending Stocks Sold:	4,602,498
Gallons Transmix Sold:	9,260,328
Gallons Other Sold:	0
Total Gallons Unfinished Fuels Sold:	34,123,161

At Appendix A, p. 1, insert--after "Casey Co."--the following entries for Chevron USA, El Segundo, CA:

Gallons Unfinished Fuels Sold:	0
Gallons Blending Stocks Sold:	3,822,000
Gallons Transmix Sold:	0
Gallons Other Sold:	0
Total Gallons Unfinished Fuels Sold:	3,822,000

State of California
AIR RESOURCES BOARD

Resolution 92-20

April 9, 1992

Agenda Item No. 92-4-4

WHEREAS, section 40925(a) of the Health and Safety Code requires every district which has been designated a nonattainment area for state ambient air quality standards for ozone, carbon monoxide, sulfur dioxide, or nitrogen dioxide to review its nonattainment plan at least once every three years to correct for deficiencies and to incorporate new data or projections into the plan;

WHEREAS, regional, photochemical ozone models are a valuable tool in air resources management programs, enhancing the understanding of air quality problems and facilitating the evaluation of potential control strategies;

WHEREAS, the ARB has been directed by sections 39605(a) and 40916(a) of the Health and Safety Code to make technical assistance available to the districts and by section 40916(b) of the Health and Safety Code to prepare guidelines for the districts to use in the validation of air quality models;

WHEREAS, many of the districts are now developing modeling simulations for evaluating emission control strategies;

WHEREAS, the Board will be called upon to make some far-reaching decisions on emission control plans over the next few years, and air quality models will be involved in many of them;

WHEREAS, in August of 1990 the Board approved the TECHNICAL GUIDANCE DOCUMENT: Photochemical Modeling (TGD);

WHEREAS, the Board directed the staff to refine and update the TGD as the science advances and as new and improved modeling tools become available; and

WHEREAS, the Board's staff proposes refinements to the TGD to keep pace with changes in the science.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board approves the revised TECHNICAL GUIDANCE DOCUMENT: Photochemical Modeling, and directs the Executive Officer to deliver the document to the districts for their use in ozone modeling.

BE IT FURTHER RESOLVED, that the Board requests the staff to refine and update the TGD as the science advances and as new and improved modeling tools become available;

State of California
AIR RESOURCES BOARD

Resolution 92-21

April 30, 1992

Agenda Item No.: 92-5-1

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, Health and Safety Code sections 40911 and 40913 require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan, the district shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40919(b) states a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the Bay Area Air Quality Management District has keyed its control strategy to the more stringent of the two classifications;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe non-attainment area to include the following in its attainment plan:

- (1) Reasonably available transportation control measures,
- (2) Area source and indirect source control programs,
- (3) An emissions inventory system,
- (4) Public education programs to promote actions to reduce emissions from transportation and areawide sources,
- (5) A permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources,
- (6) Transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip,
- (7) Application of the best available retrofit control technology (BARCT) to existing stationary sources,
- (8) Transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997,
- (9) Measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets,

- (10) Measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, since the San Francisco Bay Area Air Basin has been identified as contributing to exceedances of the state ozone standard in the downwind areas of the North Central Coast, San Joaquin Valley Air Basins and the Broader Sacramento Area, transport mitigation measures are required as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basins to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act ("CEQA") requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Metropolitan Transportation Commission (MTC) prepared and adopted pursuant to AB 3791 (Cortese; Stats. 1988, ch. 1569) a transportation control measure plan and transmitted it to the Bay Area Air Quality Management District (the "District") in December 1990 for inclusion into the 1991 Clean Air Plan ("Plan");

WHEREAS, the 1991 Plan was adopted by the District Board on October 30, 1991, in Resolution No. 2051, was officially transmitted by the District to the Board on December 3, 1991, and was received by the Board on December 15, 1991; and

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the environmental impact report (EIR) submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. State health-based ambient air quality standards for carbon monoxide and ozone are exceeded in the San Francisco Bay Area Air Basin;
2. The District has prepared a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
3. The District projects attainment of the carbon monoxide standard by approximately 1995;
4. The District has not identified an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;
5. The inability to define an attainment date for the state ozone standard, and the projected attainment date for the carbon monoxide standard, place the region in the severe and serious categories, respectively, and the Plan keys the control strategy to the most stringent of the two classifications, which is the severe classification;
6. The District adopted amendments to its New Source Review rule on July 17, 1991, designed to achieve no net increase in emissions of carbon monoxide and ozone precursors, thereby satisfying the transport mitigation requirements applicable to the San Francisco Bay Area Air Basin and one element of the Act's severe nonattainment area requirements;
7. The Plan commits the District to retrofitting 17 source categories between 1991 and the year 2000;
8. While the Plan does not explicitly commit to adopt Best Available Retrofit Control Technology at the time of rulemaking, a clarification in support of this commitment has been provided by the District;

9. The Plan commits the District to developing and adopting rules for 28 area source categories including those for the small units of boilers, generators, and heaters;
10. The Plan commits the District to the development of an ordinance for indirect source control which may be implemented by the District or by city and county governments;
11. The Plan contains two mobile source measures: a citizen complaint program for smoking vehicles and a fleet rule requiring fleet owners to use low-emission vehicles, as provided in Health and Safety Code section 40920(a)(3);
12. The Plan addresses all reasonably available transportation control measures;
13. The Plan predicts a significant decline in the regional growth of vehicle miles traveled and trip length;
14. The District estimates that there will be no net increase in vehicle emissions after 1997;
15. The Plan contains two unique intermittent control measures to encourage citizens and industry to postpone discretionary activities during forecasted ozone episodes;
16. To meet an expeditious adoption schedule of rules, the District is proposing to adopt 36 stationary and areawide source rules between 1991 and 1994, representing a doubling of regulatory activity over the last four years;
17. The Plan contains a cost-effectiveness ranking for 67 of the Plan's 90 control measures, with insufficient information available to rank the remaining measures;
18. To meet the Act's requirements for transport mitigation, the District has adopted a no net increase permitting rule, has existing hydrocarbon BARCT rules representing 85 percent of the stationary source inventory, and proposes to adopt BARCT measures for oxides of nitrogen control amounting to 83 percent of the 1987 point source inventory;
19. The District predicts that population exposure within the region will be reduced sufficiently to meet or exceed the Act's requirements;

WHEREAS, consistent with the requirements of the Health and Safety Code, the Board also makes the following findings:

20. The District has initiated an acceptable public education campaign, as required by Health and Safety Code section 40918(a)(6), to teach people about the impacts of single occupancy vehicles and to direct them to transportation alternatives;
21. The Plan contains an acceptable contingency procedure, as required by Health and Safety Code section 40915, which provides that if a proposed control measure is not adopted or implemented, the District will do everything possible to accelerate the adoption and implementation of subsequent rules;
22. An attainment demonstration for ozone is not currently feasible for the District due to the unavailability of a reliable Urban Airshed Model;
23. Although the District is unable to specify an attainment date for ozone, the Plan satisfies the requirements of Health and Safety Code section 41503(d) because it contains every feasible control strategy or measure to ensure that progress toward attainment is maintained;
24. Although the Plan includes all reasonably available transportation control measures, additional factual detail is needed before some of these measures can be approved, as specified in Appendix B of the Staff Report;
25. The measures set forth in the plan, due to inadequate legal authority and no firm commitment to institute pricing strategies, may not result in compliance with the requirement of a 1.5 average vehicle occupancy by the year 2000, as set forth in Health and Safety Code section 40920(a)(2);
26. The District has correctly estimated that there will be no net increase in vehicle emissions after 1997, as required by Health and Safety Code section 40920(a)(2);
27. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions mandated by Health and Safety Code section 40914(a), and the Plan instead indicates an annual reduction of hydrocarbons from 3.1 to 4 percent, of oxides of nitrogen (NO_x) from 2.6 to 3.4 percent, and for carbon monoxide from 3.7 to 4.5 percent;
28. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible controls;

29. The District has included all feasible transportation, stationary and areawide source measures in the Plan;
30. The District has met the Act's requirements for transport mitigation, as set forth in Health and Safety Code section 40912 and Title 17, California Code of Regulations, section 70600, in that the District has adopted a no net increase permitting rule, has existing hydrocarbon BARCT rules representing 85 percent of the stationary source inventory, and proposes to adopt BARCT measures for NOx control amounting to 83 percent of the 1987 point source inventory;
31. Population exposure within the region will be reduced sufficiently to meet or exceed the Act's requirements, as set forth in Health and Safety Code section 40924(a)(4);
32. The Plan includes uniform control measures for the region, as provided in Health and Safety Code section 41503(b), including model ordinances for the proposed employer-based trip reduction and indirect source review;
33. The Final EIR prepared and certified for the Plan meets the requirements of the California Environmental Quality Act, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
34. The adoption of the Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels, that the alternatives and mitigation measures set forth in the EIR have been adequately addressed for purposes of this planning activity, and that the District's findings and supporting statements of fact for each significant effect, as set forth in the District's "Certification of Final Environmental Impact Report, Adoption of Findings, Statement of Overriding Considerations, and Adoption of Mitigation Monitoring Program" dated October 30, 1991, are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081;

NOW, THEREFORE, BE IT RESOLVED that the Board commends the District as well as MTC and the Association of Bay Area Governments, which assisted in the preparation of the Plan, for their considerable efforts to develop a plan to improve the air quality, public health, and quality of life for residents in the San Francisco Bay Area Air Basin;

BE IT FURTHER RESOLVED, that Board approves the 1991 Clean Air Plan as submitted by the District with the conditions and clarification set forth below;

BE IT FURTHER RESOLVED, that the Board approves the emission inventory set forth in the Plan;

BE IT FURTHER RESOLVED, that the Board approves the carbon monoxide assessment, and defers action on the ozone attainment demonstration until a reliable photochemical model is available;

BE IT FURTHER RESOLVED, that the Board approves the "severe" classification designation for ozone attainment planning, and the "serious" classification for carbon monoxide;

BE IT FURTHER RESOLVED, that the Board approves the District's "no net increase" provisions for new and modified permitted stationary sources;

BE IT FURTHER RESOLVED, that the Board conditionally approves the BARCT proposals, based on confirmation from the District that the appropriate level of technology and/or emission limitation will be chosen at the time of rulemaking;

BE IT FURTHER RESOLVED, that the Board approves the selection of area source control measures;

BE IT FURTHER RESOLVED, that the Board approves the Plan's provisions to develop an indirect source control program;

BE IT FURTHER RESOLVED, that the Board approves the smoking vehicle complaint program, and directs the Executive Officer to continue to work with the District on fleet rules, with the objective of resolving implementation issues prior to the District's submission of its first triennial progress report, due to the Board three years from the date of this resolution and to be prepared pursuant to section 40924(b) of the Health and Safety Code;

BE IT FURTHER RESOLVED, that the Board approves those transportation control measures that fully comply with the Act's requirements, and conditionally approves those measures where further actions are needed to comply with the Act, as identified in Appendix B of the Staff Report;

BE IT FURTHER RESOLVED, that the Board approves and incorporates by reference herein the "ARB-BAAQMD-MTC Staff Agreement", which specifies the actions that need to be taken by BAAQMD and MTC in order to revise and improve those transportation control measures that have been conditionally approved;

BE IT FURTHER RESOLVED, that the Board approves the Plan's approach to achieve a reduced rate of growth in trips and trip length;

BE IT FURTHER RESOLVED, that the Board approves the Plan's approach to achieve no net increase in vehicle emissions;

BE IT FURTHER RESOLVED, that the Board approves the investigation of intermittent control strategies in the Plan, while recognizing that further analysis by the District of specific emission reduction claims is needed;

BE IT FURTHER RESOLVED, that the Board approves the District's emission accounting as consistent with state regulations;

BE IT FURTHER RESOLVED, that the Board approves the lessor rates of annual emission reductions expressed in the District's plan as the maximum achievable rate of progress under the specific circumstances which pertain to the Bay Area;

BE IT FURTHER RESOLVED, that the Board approves the Plan's proposed schedule for rulemaking and related activities as "expeditious" within the meaning of the Act and given the particular circumstances facing the District;

BE IT FURTHER RESOLVED, that the Board approves the Plan's population exposure analysis as the best currently available, and directs the Executive Officer to work with the District to revisit this analysis in the next Plan update due three years from the date of this resolution, to be prepared pursuant to section 40924(b) of the Health and Safety Code;

BE IT FURTHER RESOLVED, that the Board approves the Plan as being in compliance with the uniformity requirement for regional pollutants, and directs the Executive Officer to monitor the effectiveness of the District's measures delegated to other government agencies in achieving a uniform degree of emission control;

BE IT FURTHER RESOLVED, that the Board approves the Plan as being in compliance with the public education requirement of the Act;

BE IT FURTHER RESOLVED, that the Board conditionally approves the procedural approach to contingency measures in the Plan, and directs the Executive Officer to obtain further information as to how it will be implemented and to clarify the conditions under which Plan revisions are necessary;

BE IT FURTHER RESOLVED, that the Board approves the Plan's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution;

BE IT FURTHER RESOLVED, that the Board desires to see coordination in the implementation of the Plan among the District, the Association of Bay Area Governments (ABAG), and the Metropolitan Transportation Commission (MTC);

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to prepare additional written findings and analysis which addresses any significant issues raised or written evidence presented by interested persons, to the extent that any of these issues or evidence were not

adequately addressed in the Staff Report or at the Board hearing, and the Board further directs the Executive Officer to incorporate any additional findings or analysis into the record pursuant to section 41502(d) of the Health and Safety Code.

I hereby certify that the above is a true and correct copy of Resolution 92-21, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-22
April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1948-168, entitled "Air Pollution Mitigation Measures for Airport Related Activities," has been submitted by Energy and Environmental Analysis; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:


Proposal Number 1948-168, entitled "Air Pollution Mitigation Measures for Airport Related Activities," submitted by Energy and Environmental Analysis, for a total amount not to exceed \$109,909.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1948-168, entitled "Air Pollution Mitigation Measures for Airport Related Activities," submitted by Energy and Environmental Analysis, for a total amount not to exceed \$109,909.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$109,909.

I hereby certify that the above is a true and correct copy of Resolution 92-22, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-23

April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1958-168, entitled "An Objective Classification Procedure for Bay Area Air Flow Types Representing Ozone-Related Source Receptor Relationships," has been submitted by Systems Applications International; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

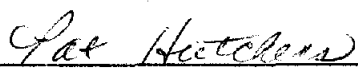
Proposal Number 1958-168, entitled "An Objective Classification Procedure for Bay Area Air Flow Types Representing Ozone-Related Source Receptor Relationships," submitted by Systems Applications International, for a total amount not to exceed \$154,470.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1958-168, entitled "An Objective Classification Procedure for Bay Area Air Flow Types Representing Ozone-Related Source Receptor Relationships," submitted by Systems Applications International, for a total amount not to exceed \$154,470.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$154,470.

I hereby certify that the above is a true and correct copy of Resolution 92-23, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-24
April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1953-168, entitled "The Study of Temporal and Vertical Ozone Patterns at Selected Locations in California," has been submitted by AeroVironment Inc.; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

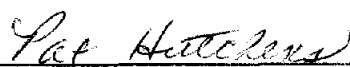
Proposal Number 1953-168, entitled "The Study of Temporal and Vertical Ozone Patterns at Selected Locations in California," submitted by AeroVironment Inc., for a total amount not to exceed \$104,904.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1953-168, entitled "The Study of Temporal and Vertical Ozone Patterns at Selected Locations in California," submitted by AeroVironment Inc., for a total amount not to exceed \$104,904.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$104,904.

I hereby certify that the above is a true and correct copy of Resolution 92-24, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-25
April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1961-168, entitled "Air Quality Monitoring in Support of Transport Assessment," has been submitted by Sonoma Technology, Inc.; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

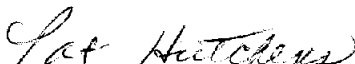
Proposal Number 1961-168, entitled "Air Quality Monitoring in Support of Transport Assessment," submitted by Sonoma Technology, Inc., for a total amount not to exceed \$114,890.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1961-168, entitled "Air Quality Monitoring in Support of Transport Assessment," submitted by Sonoma Technology, Inc., for a total amount not to exceed \$114,890.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$114,890.

I hereby certify that the above is a true and correct copy of Resolution 92-25, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-26
April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1974-168, entitled "Study of Real-Time Vehicle Emissions Over Non-FTP Driving Cycles," has been submitted by California State University, Northridge; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:


Proposal Number 1974-168, entitled "Study of Real-Time Vehicle Emissions Over Non-FTP Driving Cycles," submitted by California State University, Northridge, for a total amount not to exceed \$343,579.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1974-168, entitled "Study of Real-Time Vehicle Emissions Over Non-FTP Driving Cycles," submitted by California State University, Northridge, for a total amount not to exceed \$343,579.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$343,579.

I hereby certify that the above is a true and correct copy of Resolution 92-26, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-27
April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1966-168, entitled "Development of an Off-Highway Mobile Source Emissions Model," has been submitted by Energy and Environmental Analysis, Inc.; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

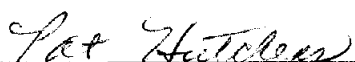
Proposal Number 1966-168, entitled "Development of an Off-Highway Mobile Source Emissions Model," submitted by Energy and Environmental Analysis, Inc., for a total amount not to exceed \$126,773.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1966-168, entitled "Development of an Off-Highway Mobile Source Emissions Model," submitted by Energy and Environmental Analysis, Inc., for a total amount not to exceed \$126,773.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$126,773.

I hereby certify that the above is a true and correct copy of Resolution 92-27, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-28
April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1969-168, entitled "Feasibility and Demonstration of Network Simulation Techniques for Estimation of Emissions in a Large Urban Area," has been submitted by Deakin, Harvey, Skabardonis, Inc.; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal Number 1969-168, entitled "Feasibility and Demonstration of Network Simulation Techniques for Estimation of Emissions in a Large Urban Area," submitted by Deakin, Harvey, Skabardonis, Inc., for a total amount not to exceed \$125,161.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1969-168, entitled "Feasibility and Demonstration of Network Simulation Techniques for Estimation of Emissions in a Large Urban Area," submitted by Deakin, Harvey, Skabardonis, Inc., for a total amount not to exceed \$125,161.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$125,161.

I hereby certify that the above is a true and correct copy of Resolution 92-28, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-29

April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an unsolicited research proposal, Number 1975-168, entitled "Project MOHAVE: Pollution Transport from Southern California," has been submitted by the National Oceanic and Atmospheric Administration; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal Number 1975-168, entitled "Project MOHAVE: Pollution Transport from Southern California," submitted by the National Oceanic and Atmospheric Administration, for a total amount not to exceed \$100,000.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1975-168, entitled "Project MOHAVE: Pollution Transport from Southern California," submitted by the National Oceanic and Atmospheric Administration, for a total amount not to exceed \$100,000.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$100,000.

I hereby certify that the above is a true and correct copy of Resolution 92-29, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-30
April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal, Number 1984-169, entitled "Sierra Cooperative Ozone Impact Assessment Study (Year 3)," has been submitted by the University of California, Davis; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal Number 1984-169, entitled "Sierra Cooperative Ozone Impact Assessment Study (Year 3)," submitted by the University of California, Davis, for a total amount not to exceed \$153,662.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1984-169, entitled "Sierra Cooperative Ozone Impact Assessment Study (Year 3)," submitted by the University of California, Davis, for a total amount not to exceed \$153,662.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$153,662.

I hereby certify that the above is a true and correct copy of Resolution 92-30, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-31
April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a request for adjunct to Contract No. A932-143, entitled "Methods Development for Quantification of Ozone Transport for California" has been submitted by Sonoma Technology, Inc.; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Adjunct to Contract No. A932-143, entitled "Methods Development for Quantification of Ozone Transport in California," submitted by Sonoma Technology Inc., by \$17,998 for a total amount not to exceed \$441,428.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Adjunct to Contract No. A932-143, entitled "Methods Development for Quantification of Ozone Transport in California," submitted by Sonoma Technology Inc., by \$17,998 for a total amount not to exceed \$441,428.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in by \$17,998 for a total amount not to exceed \$441,428.

I hereby certify that the above is a true and correct copy of Resolution 92-31, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution #92-32

April 9, 1992

Agenda Item No.: 92-4-6

WHEREAS, the American Lung Association has designated May 2-8, 1992 as the Association's 20th Annual Clean Air Week, and continues to make clean air a top health priority;

WHEREAS, 30 million people reside in California and operate 22 million motor vehicles whose emissions contribute substantially to diminished air quality;

WHEREAS, air quality in California can be significantly improved by using alternate modes of transportation, ridesharing, and employing other means of reducing automobile usage;

WHEREAS, the reduction of air pollution directly and substantially benefits public health in California; and

WHEREAS, appropriate action to protect our health requires each individual to take personal responsibility for healthful air;

NOW, THEREFORE, BE IT RESOLVED, that the California Air Resources Board supports the American Lung Association's 20th Annual Clean Air Week from May 2-8, 1992;

BE IT FURTHER RESOLVED, that this Board urges all Californians to consider permanent adjustments in their lifestyles, including driving habits, to improve air quality and respiratory health; and

BE IT FURTHER RESOLVED, that this Board urges all motorists in California to support the Clean Air Challenge and to observe the entire week by using alternative modes of transportation or by using a car as little as feasible and sharing it with at least one other person.

I hereby certify that the above
is a true and correct copy of
Resolution 92-32, as adopted by
the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-33
April 30, 1992

Agenda Item No.: 92-5-2

WHEREAS, the Air Resources Board has been directed to design and implement a comprehensive program of research and monitoring of acid deposition in California pursuant to Health and Safety Code Sections 39900 through 39911; and

WHEREAS, an interagency proposal, Number 239-45, entitled "Distribution of Aquatic Animals Relative to Naturally Acidic Waters in the Sierra Nevada," has been submitted by the University of California, Los Angeles; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Scientific Advisory Committee on Acid Deposition has reviewed and recommends for funding:


Proposal Number 239-45, entitled "Distribution of Aquatic Animals Relative to Naturally Acidic Waters in the Sierra Nevada," submitted by the University of California, Los Angeles, for a total amount not to exceed \$58,681.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39904, hereby accepts the recommendation of the Scientific Advisory Committee on Acid Deposition and approves the following:

Proposal Number 239-45, entitled "Distribution of Aquatic Animals Relative to Naturally Acidic Waters in the Sierra Nevada," submitted by the University of California, Los Angeles, for a total amount not to exceed \$58,681.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$58,681.

I hereby certify that the above is a true and correct copy of Resolution 92-33, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

AIR RESOURCES BOARD

2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: PUBLIC HEARING TO CONSIDER ADOPTION OF AMENDMENTS TO THE
CERTIFICATION AND COMPLIANCE TEST PROCEDURES FOR ALTERNATE FUEL
RETROFIT SYSTEMS FOR MOTORS VEHICLES

Agenda Item No.: 92-6-2

Public Hearing Date: May 14, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The staff report
identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens

Pat Hutchens
Board Secretary

Date: 3/11/93

RECEIVED BY
Office of the Secretary

MAR 26 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-34

May 14, 1992

Agenda Item No.: 92-6-2

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board or ARB) to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Section 43004 of the Health and Safety Code provides that the emission standards applicable to gasoline-powered motor vehicles shall also apply to vehicles which have been modified to use fuels other than gasoline or diesel;

WHEREAS, Section 43006 of the Health and Safety Code authorizes the Board to certify the fuel systems of vehicles powered by fuels other than diesel or gasoline which meet the standards specified in Section 43004, and to adopt test procedures for such certification;

WHEREAS, Section 43018(a) of Health and Safety Code directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular sources in order to accomplish the attainment of the state ambient air quality standards at the earliest practicable date; Section 43018(c) provides that in carrying out Section 43018(a), the Board is to adopt standards and regulations which will result in the most cost-effective combination of control measures for motor vehicles and motor vehicle fuels, including controls which will achieve reductions in motor vehicle exhaust and evaporative emissions;

WHEREAS, Sections 27156 and 38391 of the California Vehicle Code prohibit the installation, sale, offering for sale, or advertisement of any motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system, unless found by resolution of the Board either not to reduce the effectiveness of any motor vehicle pollution control device or to result in the modified vehicle's emissions continuing to comply with existing state or federal standards;

WHEREAS, Section 43802(b) of the Health and Safety Code requires the Board to identify those motor vehicle control devices and applications which convert conventional vehicles into low-emission vehicles as identified in Section 39037.05, Health and Safety Code;

WHEREAS, the Board has established procedures for approval of systems designed to convert motor vehicles to use liquefied petroleum gas, natural

gas, alcohol and alcohol/gasoline fuels in the "California Exhaust Emission Standards and Test Procedures for Systems Designed to Convert Motor Vehicles to Use Liquefied Petroleum Gas or Natural Gas Fuels" and the "California Exhaust Emission Standards and Test Procedures for Systems Designed to Convert Motor Vehicles to Use Alcohol or Alcohol/Gasoline Fuels," which are incorporated by reference in Sections 2030 and 2031, Title 13, California Code of Regulations;

WHEREAS, the Board's recently adopted low-emission vehicle standards take into account the differing reactivities of exhaust gases that result from using fuels other than conventional gasoline, by requiring the application of reactivity adjustment factors to the non-methane organic gas (NMOG) mass exhaust emissions from low-emission vehicles operating on such fuels;

WHEREAS, the staff has proposed a regulatory action to establish new certification and installation procedures for alternative fuel retrofit systems for 1994 and subsequent model-year vehicles; these new procedures would include requirements for more extensive emission testing, including durability and in-use compliance testing, interfacing with on-board diagnostic (OBD) systems, warranties by retrofit system manufacturers and installers, and inspection and testing of each converted vehicle at a Bureau of Automotive Repair Smog Check referee station;

WHEREAS, the proposal would be effected by amendments to Title 13, California Code of Regulations, Sections 2030 and 2031, and adoption of and amendments to the Procedures incorporated therein by reference, as set forth in Attachments A through D hereto;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted if feasible alternatives or mitigation measures to the proposed action are available to reduce and avoid such impacts;

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

Surveillance testing of vehicles converted to use gaseous fuels indicates that these vehicles are not achieving in-use compliance with applicable emission standards, and the causes of the excess emissions appear to be both poor installation and insufficient durability of the retrofit systems;

The existing certification provisions for alternative fuel retrofit systems are not sufficiently rigorous to assure that the retrofitted vehicles adequately comply with new vehicle emission standards;

The alternative fuel retrofit certification procedures approved herein contain more stringent certification test requirements, including engine-family-specific certifications, restrictions on the adjustability of fuel system components and calibrations, and durability bench testing; these new requirements are appropriate and necessary to help ensure in-use compliance by retrofitted vehicles;

The provisions in the new procedures approved herein requiring manufacturers of alternative fuel retrofit systems to test specified numbers of in-use certified systems each year are necessary and appropriate to help assure that installed systems do in fact comply with the retrofit requirements;

The provisions in the new procedures approved herein allowing necessary modifications to the OBD systems during the installation of an alternative fuel retrofit system, and requiring that the OBD system remain fully functional following installation of the retrofit system, are necessary and appropriate to assure that the OBD system continue to work effectively with the new fuel;

The new procedures approved herein impose warranty obligations on manufacturers and installers of alternative fuel retrofit systems; these provisions are necessary and appropriate to provide an effective incentive to assure that retrofit systems are correctly designed, manufactured, and installed, and that defects discovered in customer service are corrected;

The provisions in the new procedures approved herein requiring installers of retrofit systems to submit each converted vehicle for inspection and testing at a Bureau of Automotive Repair Smog Check referee station are necessary and appropriate to help assure that the installer has not tampered with the emission control system and will aid in the detection of the installation of noncertified configurations;

The new procedures approved herein incorporate the pertinent provisions of the recently adopted low-emission vehicle standards, including the application of reactivity adjustment factors to mass NMOG exhaust emissions from vehicles operated on fuels other than conventional gasoline; these provisions will accordingly subject all retrofitted low-emission vehicles to a consistent standard based on their potential for forming ozone;

The regulatory action approved herein will enable the ARB to identify pursuant to Section 43802(b) of the Health and Safety Code those systems that convert conventional vehicles,

including 1993 and earlier model-year vehicles, into low-emission vehicles;

The regulatory action approved herein will enable the ARB to identify pursuant to Sections 27156 and 38391 of the Vehicle Code those retrofit devices that either do not reduce the effectiveness of any motor vehicle pollution control device or result in the modified vehicle's emissions continuing to comply with existing state or federal standards;

The modifications to the staff's original proposal, as set forth in Attachments E and F hereto, are necessary and appropriate to make implementation of the new requirements more practical and effective;

The economic impacts of the regulatory action approved herein are justified in light of the public health benefits of the emission reductions associated with the amendments; and

The attached amendments will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Sections 2030 and 2031 of Title 13, California Code of Regulations, and the adoption of and amendments to the procedures incorporated therein, as set forth in Attachments A through D hereto, with the modifications set forth in Attachments E and F hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into the approved regulations and incorporated documents the modifications described in Attachments E and F hereto, with such other conforming modifications as may be appropriate, and to adopt the amendments approved herein, after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications as may be submitted during this period, shall make additional modifications if deemed appropriate after consideration of supplemental comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 92-34, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

RECEIVED BY
Office of the Secretary

MAR 26 1993

RESOURCES AGENCY OF CALIFORNIA

Resolution 92-34

May 14, 1992

Identification of Attachments to the Resolution

Attachment A: Amendments to Title 13, California Code of Regulations, Sections 2030 and 2031, as attached to the Staff Report released March 27, 1992.

Attachment B: "California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and Subsequent Model Years," as attached to the Staff Report released March 27, 1992.

Attachment C: Amendments to "California Exhaust Emission Standards and Test Procedures for Systems Designed to Convert Motor Vehicles to Use Liquefied Petroleum Gas or Natural Gas Fuels," as attached to the Staff Report released March 27, 1992.

Attachment D: Amendments to the "California Exhaust Emission Standards and Test Procedures for Systems Designed to Convert Motor Vehicles to Use Alcohol or Alcohol/Gasoline Fuels," as attached to the Staff Report released March 27, 1992.

Attachment E: Staff's Suggested Changes to the Proposed Regulatory Action on Alternative Fuel Retrofit Systems (Distributed at the hearing on May 14, 1992).

Attachment F: Modifications to the Proposed Regulatory Action on Alternative Fuel Retrofit Systems as Decided at the Board Hearing on May 14, 1992.

Attachment E

PUBLIC HEARING TO CONSIDER ADOPTION OF AMENDMENTS TO THE CERTIFICATION AND COMPLIANCE TEST PROCEDURES FOR ALTERNATIVE FUEL RETROFIT SYSTEMS FOR MOTOR VEHICLES

May 14, 1992

Staff's Suggested Changes to Original Regulatory Proposal

1. Deterioration Factors

Allow the manufacturers to use durability vehicle testing, as well as bench aging of the system, to determine deterioration factors for alternative fuel retrofit systems. This will provide manufacturers with additional flexibility in developing deterioration factors. The modification would be affected by revisions in subsections 5.(b-d) of the "California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and Subsequent Model Years," which is proposed for incorporation by reference in Title 13, California Code of Regulations, Sections 2030 and 2031.

2. Warranty Requirements

Modify the language on required warranties to refer to warranting that the alternative fuel retrofit system conforms with the applicable requirements of the Procedures. This language is parallel to the statutory emission warranty provisions (HSC Sec. 43205(a)(1)&(2)) and references in the new motor vehicle emission warranty regulations (13 CCR Sec. 2037(b)(1)). Add clarifying language stating that costs covered by the warranty include the costs of parts on the retrofitted vehicle that are damaged due to a defect in the alternative fuel retrofit system (manufacturer's warranty) or due to incorrect installation of the retrofit system (installer's warranty). These modifications would be effected by revisions of the "California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and Subsequent Model Years," Sections 9.(a)&(c).

Attachment F

PUBLIC HEARING TO CONSIDER ADOPTION OF AMENDMENTS TO THE CERTIFICATION AND COMPLIANCE TEST PROCEDURES FOR ALTERNATIVE FUEL RETROFIT SYSTEMS FOR MOTOR VEHICLES

May 14, 1992

Modification to the Proposed Regulatory Action on Alternative Fuel Retrofit Systems presented at the Board Hearing on May 14, 1992

1. Phase-In Implementation Schedule

Provide a phase-in implementation schedule for certification of alternative fuel retrofit systems by manufacturers, wherein, a minimum of 15 percent of 1994, 55 percent of 1995, and 100 percent of 1996 and subsequent model year engine family systems shall be certified according to "California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and Subsequent Model Years." Only these certification procedures for 1994 and subsequent model years shall be applied to certify a retrofit system for installation on a transitional low-emission vehicle (TLEV), low-emission vehicle (LEV), or ultra low-emission vehicle (ULEV) or for a retrofit system designed to convert a vehicle to TLEV, LEV, or ULEV emission standards.

State of California

AIR RESOURCES BOARD

Resolution 92-35
May 14, 1992

Agenda Item No.: 92-6-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1977-169, entitled "Monitoring of Personal Driving Habits and Vehicle Activity", has been submitted by Automotive Testing and Development Services, Inc.; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal Number 1977-169, entitled "Monitoring of Personal Driving Habits and Vehicle Activity," submitted by Automotive Testing and Development Services, Inc., for a total amount not to exceed \$199,810.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1977-169, entitled "Monitoring of Personal Driving Habits and Vehicle Activity," submitted by Automotive Testing and Development Services, Inc., for a total amount not to exceed \$199,810.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$199,810.

I hereby certify that the above is a true and correct copy of Resolution 92-35, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-36
May 14, 1992

Agenda Item No.: 92-6-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1987-169, entitled "On-Road Motor Vehicle Activity Data", has been submitted by Valley Research Corporation; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:


Proposal Number 1987-169, entitled "On-Road Motor Vehicle Activity Data," submitted by Valley Research Corporation, for a total amount not to exceed \$149,744.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1987-169, entitled "On-Road Motor Vehicle Activity Data," submitted by Valley Research Corporation, for a total amount not to exceed \$149,744.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$149,744.

I hereby certify that the above is a true and correct copy of Resolution 92-36, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-37
May 14, 1992

Agenda Item No.: 92-6-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an unsolicited research proposal, Number 1995-169 entitled "Effects of Use of Oxygenated Gasoline Blends Upon Evaporative Emissions under Fluctuating Temperature for Extended Periods of Time Using California Vehicles", has been submitted by Automotive Testing Laboratories; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal Number 1995-169, entitled "Effects of Use of Oxygenated Gasoline Blends Upon Evaporative Emissions under Fluctuating Temperature for Extended Periods of Time Using California Vehicles", submitted by Automotive Testing Laboratories, for a total amount not to exceed \$590,757.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1995-169, entitled "Effects of Use of Oxygenated Gasoline Blends Upon Evaporative Emissions under Fluctuating Temperature for Extended Periods of Time Using California Vehicles," submitted by Automotive Testing Laboratories, for a total amount not to exceed \$590,757.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$590,757.

I hereby certify that the above is a true and correct copy of Resolution 92-37, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-38
May 14, 1992

Agenda Item No.: 92-6-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 1982-169 entitled "Development of an Improved Inventory of Emissions from Pleasure Craft in California," has been submitted by Systems Applications International; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

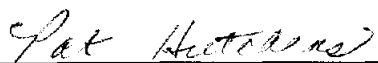
Proposal Number 1982-169, entitled "Development of an Improved Inventory of Emissions from Pleasure Craft in California," submitted by Systems Applications International, for a total amount not to exceed \$119,081.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1982-169, entitled "Development of an Improved Inventory of Emissions from Pleasure Craft in California," submitted by Systems Applications International, for a total amount not to exceed \$119,081.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$119,081.

I hereby certify that the above is a true and correct copy of Resolution 92-38, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-39
May 14, 1992

Agenda Item No.: 92-6-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal, Number 1997-169 entitled "Crop Losses from Air Pollutants - A GIS Based Regional Analysis and Enhanced Field Survey," has been submitted by the University of California, Riverside; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

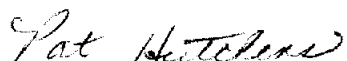
Proposal Number 1997-169, entitled "Crop Losses from Air Pollutants - A GIS Based Regional Analysis and Enhanced Field Survey," submitted by the University of California, Riverside, for a total amount not to exceed \$98,037.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1997-169, entitled "Crop Losses from Air Pollutants - A GIS Based Regional Analysis and Enhanced Field Survey," submitted by the University of California, Riverside, for a total amount not to exceed \$98,037.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$98,037.

I hereby certify that the above is a true and correct copy of Resolution 92-39, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-40
May 14, 1992

Agenda Item No.: 92-6-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal, Number 1993-169 entitled "Toxic Volatile Organic Compounds in Environmental Tobacco Smoke: Emission Factors for Modeling Exposures of California Populations", has been submitted by the University of California, Lawrence Berkeley Laboratory; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

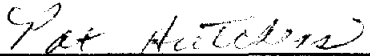
Proposal Number 1993-169, entitled "Toxic Volatile Organic Compounds in Environmental Tobacco Smoke: Emission Factors for Modeling Exposures of California Populations," submitted by the University of California, Lawrence Berkeley Laboratory, for a total amount not to exceed \$193,364.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1993-169, entitled "Toxic Volatile Organic Compounds in Environmental Tobacco Smoke: Emission Factors for Modeling Exposures of California Populations," submitted by the University of California, Lawrence Berkeley Laboratory, for a total amount not to exceed \$193,364.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$193,364.

I hereby certify that the above is a true and correct copy of Resolution 92-40, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-41
May 14, 1992

Agenda Item No.: 92-6-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an unsolicited research proposal, Number 1994-169 entitled "Database Development and Data Analysis for California Indoor Exposure Studies", has been submitted by Research Triangle Institute; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

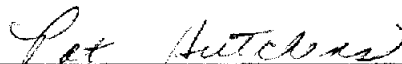
Proposal Number 1994-169, entitled "Database Development and Data Analysis for California Indoor Exposure Studies", submitted by Research Triangle Institute, for a total amount not to exceed \$79,999.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1994-169, entitled "Database Development and Data Analysis for California Indoor Exposure Studies", submitted by Research Triangle Institute, for a total amount not to exceed \$79,999.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$79,999.

I hereby certify that the above is a true and correct copy of Resolution 92-41, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-42
May 14, 1992

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an unsolicited research proposal, Number 1996-169, entitled "Statistical Methods for Epidemiologic Studies of Air Pollution", has been submitted by the University of Southern California; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

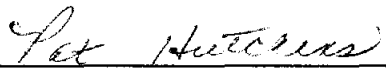
Proposal Number 1996-169, entitled "Statistical Methods for Epidemiologic Studies of Air Pollution," submitted by the University of Southern California, for a total amount not to exceed \$74,780.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1996-169, entitled "Statistical Methods for Epidemiologic Studies of Air Pollution," submitted by the University of Southern California, for a total amount not to exceed \$74,780.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$74,780.

I hereby certify that the above is a true and correct copy of Resolution 92-42, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

AIR RESOURCES BOARD2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812State of California
AIR RESOURCES BOARD**Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF AMENDMENTS TO THE CRITERIA FOR DESIGNATING AREAS OF CALIFORNIA AS NONATTAINMENT, ATTAINMENT, OR UNCLASSIFIED FOR STATE AMBIENT AIR QUALITY STANDARDS

Agenda Item No.: 92-7-1

Public Hearing Date: May 15, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified:

Pat Hutchens
Pat Hutchens
Board Secretary

Date:

3/3/93

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MAR 26 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-43

May 15, 1992

Agenda Item No.: 92-7-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the Act; Stats. 1988, ch. 1568) declaring that it is necessary that the state ambient air quality standards (state standards) be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, the Act directs the Board in section 39607(e) of the Health and Safety Code to establish criteria for designating an air basin as attainment or nonattainment for any state ambient air quality standard set forth in section 70200 of Title 17 of the California Code of Regulations (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, PM10, sulfates, lead, hydrogen sulfide, and visibility reducing particles);

WHEREAS, on June 8, 1989, the Board adopted and on June 15, 1990, the Board amended sections 70300 to 70306 of Title 17 of the California Code of Regulations, and Appendices 1 through 4, thereof, establishing designation criteria (the adopted criteria) consistent with the requirements of the Act;

WHEREAS, on June 15, 1990, the Board also directed the Executive Officer to continue working with the interested parties in an effort to resolve the continued concerns about the adopted criteria;

WHEREAS, as a result of this continued dialogue with the interested parties, the Board staff proposes amending Appendix 2 of the adopted criteria to separate and more specifically define the steps for identifying an exceptional event or an extreme concentration event; and to change the recurrence rate for extreme concentration events, thereby allowing the exclusion of exceedances expected to recur less frequently than 1-in-1 year;

WHEREAS, the Board staff also proposes amending section 70304 of the adopted criteria to provide a general definition of the nonattainment-transitional designation and the planning implications of that designation, change the allowed violations to two or fewer violation days at each site in an area, simplify the required evaluation of related data, limit the designation to areas expected to reach attainment within three years, and require continuous, complete, and representative air quality data;

WHEREAS, the Board staff also proposes amending Appendix 3 of the adopted criteria to provide for changing the required sampling hours for visibility

reducing particles to be consistent with the state standard and to clarify the applicability of Appendix 3 to the nonattainment-transitional designation;

WHEREAS, the Board staff also proposes amending Appendix 4 of the adopted criteria to reduce the emission screening value for lead to 0.5 tons per year;

WHEREAS, the Board staff also proposes amending section 70304 of the adopted criteria to provide for reviewing all available air quality data when an attainment designation is based on historical air quality data;

WHEREAS, the Board staff has provided opportunities for public comment and considered such comments before proposing to the Board amendments to the adopted criteria;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts; and,

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code and the Board has considered the testimony presented by interested persons and the staff;

WHEREAS, the Board finds that:

- 1 The exponential tail method used to compute recurrence rate values for determining attainment was improved by the staff as discussed in the Supplement To The Technical Support Document For Proposed Amendments To The Criteria For Designating Areas Of California As Nonattainment, Attainment, Or Unclassified for State Ambient Air Quality Standards (May 1992) by allowing pollutant-specific calibration of the general method and by incorporating such a calibration for ozone.
- 2 The proposed amendments are necessary for the designation of areas as nonattainment, attainment, or unclassified for the state standards and comply with the specifications described in section 39607(e) of the Health and Safety Code.
- 3 The proposed amendments assure that the area designations will continue to be based on the most appropriate and reliable air quality information.
- 4 This regulatory action will not have a significant economic impact on any public agency, small business, or private persons or businesses other than small businesses.
- 5 This regulatory action is not expected to result in a significant adverse impact on the environment; however, it is possible that the recurrence rate modification may result in some adverse environmental impacts in areas designated as attainment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approved the staff's modifications to the exponential tail method as discussed in the May 1992 supplement to the March 1992 Technical Support Document For Proposed Amendments To The Criteria For Designating Areas Of California As Nonattainment, Attainment, Or Unclassified For State Ambient Air Quality Standards.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board hereby approves subsection (d) and other amended portions of section 70303, subsection (b)(3) of section 70304, and amended Appendices 2, 3, and 4 to sections 70300-70306 of Title 17 of the California Code of Regulations, as set forth in Attachment A, hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt subsection (d) and other amended portions of section 70303, subsection (b)(3) of section 70304, and amended Appendix 2, Appendix 3, and Appendix 4 to sections 70300-70306 of Title 17 of the California Code of Regulations, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to develop planning guidance for the nonattainment-transitional designation consistent with the requirements of the Act to assist the districts in their efforts to attain the state standards in areas so designated.

I hereby certify that the above is a true and correct copy of Resolution 92-43, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

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MAR 26 1993

RESOURCES AGENCY OF CALIFORNIA

ATTACHMENT A

Amend sections 70303, 70304, Appendix 2, Appendix 3, and Appendix 4 of Subchapter 1.5. Air Basins and Air Quality Standards, Article 3. Criteria for Determining Area Designations, Title 17, California Code of Regulations, as follows:

70303. Criteria for Designating an Area as Nonattainment

(a) The state board shall designate an area as nonattainment for a pollutant if:

(1) Data for record meet 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

(2) Limited or no air quality data were collected in the area, but the state board finds, based on meteorology, topography, and air quality data for an adjacent nonattainment area, that there has been at least one violation of a state standard for that pollutant in the area being designated.

(b) An area shall not be designated as nonattainment if the only recorded violation(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.

(c) The state board shall, if requested by 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 with a standard averaging time less than or equal to 24 hours and continuous sampling (continuous sampling means that samples are routinely collected every day) if it finds that:

(1) Data for record for the previous calendar year are consistent with the criteria established in section 70304(a)(2) and show ~~three~~ two or fewer days at any site in the area with violations of a state standard for that pollutant (not including violations found to be affected by a highly irregular or infrequent event under the procedure set forth in Appendix 2);

~~{2} Meteorological conditions for the previous calendar year were representative for the area}~~

(2) Evaluation of multi-year air quality, meteorological, and emission data indicates that ambient air quality either has stabilized or is improving and the area is expected to reach attainment within three years; and

(3) The geographic extent of the area is consistent with the criteria established in section 70302.

(d) An area designated as nonattainment-transitional for a pollutant is close to attaining the standard(s) for that pollutant. The nonattainment-transitional designation provides an opportunity for a district to review and potentially to modify its attainment plan. Any modification to an attainment plan must be consistent with state and federal regulations and statutes.

NOTE: Authority Cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

70304. Criteria for Designating an Area as Attainment

(a) The state board shall designate an area as attainment for a pollutant if:

(1) Data for record show that no state standard for that pollutant was violated at any site in the area; and

(2) Data for record meet representativeness and completeness criteria for a location at which the pollutant concentrations are expected to be high based on the spatial distribution of emission sources in the area and the relationship of emissions to air quality. Data representativeness criteria are set forth in "Criteria for Determining Data Representativeness" contained in Appendix 1 to this article. Data completeness criteria are set forth in "Criteria for Determining Data Completeness" contained in Appendix 3 to this article.

(b) Where there are limited or no air quality data for an area, the state board shall designate the area as attainment for a pollutant if it finds that no state standard for that pollutant has been violated in that area based on:

(1) Air quality data collected in the area during the most recent period since 1980 which meet the conditions in (a) above; and

(2) Emissions of that pollutant or its precursors in the area have not increased since that period to a level at which the standard might be exceeded; and

(3) Air quality data collected in the area since the time period in (1) above do not show a violation of the state standard.

(c) Where an area has limited or no air quality data for nitrogen dioxide, sulfur dioxide, sulfates, and lead (particulate), the state board shall designate that area attainment for a pollutant if it finds that no state standard for that pollutant has been violated in that area based on the state board's "Screening Procedure for Determining Attainment Designations for Areas With Incomplete Air Quality Data" set forth in Appendix 4 to this article.

(d) A nonattainment area shall not be redesignated as attainment for a pollutant if:

(1) Data for record for the monitoring site showing the greatest violation of a state standard for that pollutant no longer are available; and

(2) No other site has been identified as equivalent by the executive officer.

NOTE: Authority Cited: Sections 39600, 39601, 39607, and 39608, Health and Safety Code. Reference: Sections 39607 and 39608, Health and Safety Code.

APPENDIX 2

AIR RESOURCES BOARD PROCEDURE FOR REVIEWING AIR QUALITY DATA POSSIBLY AFFECTED BY A HIGHLY IRREGULAR OR INFREQUENT EVENT

This Appendix describes the procedures that the Air Resources Board (state board) will use for reviewing air quality data possibly affected by a highly irregular or infrequent event with regard to the state ambient air quality standards. All decisions regarding the identification of data as being affected by a highly irregular or infrequent event will be made by the executive officer.

The state board will review air quality data for possible identification as affected by a highly irregular or infrequent event if the data are the only violations of an air quality standard in the area or if such identification would otherwise affect the designation of the area.

Two types of highly irregular or infrequent events may be identified:

1. Exceptional Event.
2. Extreme Concentration Event.

An exceptional event is an event beyond reasonable regulatory control which causes an exceedance of a state standard. An exceptional event must be linked to a specific cause such as an act of nature or unusual human activity. As guidance to the states for determining exceptional events, the federal Environmental Protection Agency (EPA) has published Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events, (EPA-450/4-86-007), July 1986 (the EPA Guideline). The EPA Guideline provides an overall criterion for determining whether an event is exceptional with regard to the national standards. The state board will use the EPA Guideline on a general basis for reviewing ambient data, but will not be bound by the specific definitions in the EPA Guideline for the various types of exceptional events because those definitions are made on a national basis. In addition, since what may be exceptional in one part of the state may be common in another, each possible event will be evaluated on a case-by-case basis.

An extreme concentration event is an event beyond reasonable regulatory control which causes an exceedance of a state standard but which does not qualify as an exceptional event. The causes of an extreme concentration event include but are not limited to unusual meteorology.

The steps for identifying a highly irregular or infrequent an exceptional event are:

1. A district (or the state board) identifies questionable data.
2. If a known exceptional event has occurred, the district gathers relevant data to document the occurrence.

3. If an exceptional event is only suspected, the district investigates available data for the possible event.
4. The district submits to the executive officer a request for identifying the data as affected by a highly irregular infrequent an exceptional event and also provides supporting documentation.
5. If the executive officer concurs with the district, he/she will identify the data as affected by a highly irregular infrequent an exceptional event.
6. If the district's request for identifying data as affected by an exceptional event cannot be supported, the district will be notified of the reasons. The executive officer will consider any additional data to support the request, but in the absence of any new evidence, will disapprove the request.

The steps for identifying an extreme concentration event are:

1. A district (or the state board) identifies questionable data.
2. If the event is not an exceptional event, with an identifiable cause, the state board will evaluate the data as affected by an extreme concentration event.
3. In evaluating a possible extreme concentration event, the state board shall use the data for the site at which the event is suspected to estimate determine a limit for a concentrations that is expected to recur no more frequently than once in seven one years. The limit shall be determined using the "exponential tail method" which is incorporated by reference herein and described in Part I Section B.1. of the "Supplement to the Technical Support Document for Proposed Amendments to the Criteria for Designating Areas of California as Nonattainment, Attainment, or Unclassified for State Ambient Air Quality Standards" (March May 1992). Using estimation technique will use conventional rounding procedures, the limit shall be rounded to be consistent with the level of precision in which the standard is expressed. If the possible extreme concentration exceeds the estimated concentration, the executive officer will consult with the district in identifying the data will be identified as affected by an extreme concentration event.
4. When an extreme concentration event is identified, the state board shall review other information, including but not limited to meteorological data, to determine whether air quality data for other sites in the area were affected by the extreme concentration event.
5. If the district's request cannot be supported, it will be notified of the reasons. The executive officer will consider any additional data to support the request, but in the absence of any new evidence, will disapprove the request.

After data are identified by the executive officer as affected by a highly irregular infrequent event for state standards, the use or nonuse of the data for regulatory purposes will be determined through the public review process.

APPENDIX 3

CRITERIA FOR DETERMINING DATA COMPLETENESS

This Appendix describes the criteria to be used in determining data completeness for the purpose of designating areas as attainment or nonattainment-transitional as described in Article 3, Subchapter 1.5, Chapter 1, Part III, Title 17 (commencing with Section 70300), California Code of Regulations. A designation of attainment or nonattainment-transitional requires a demonstration that there was no violation of any applicable state ambient air quality standard. The purpose of these data completeness criteria is to specify the minimum data deemed necessary to assure that sampling occurred at times when a violation is most likely to occur.

Complete Data

Data for a site will be deemed complete if there are representative data (as determined in accordance with the Representativeness Criteria in Appendix 1) during the required hours (see below) of the day during the required months (see below) for the required years (see below).

Required Hours

The hours of potentially high concentration must be included. Unless a detailed evaluation determines different hours to be appropriate for a specific site, these hours are:

<u>Pollutant</u>	<u>Hours (PST)</u>
Ozone	9 am - 5 pm
Carbon Monoxide	3 pm - 9 am (next day)
Nitrogen Dioxide	8 am - 8 pm
Visibility Reducing Particles	9 10 am - 5 6 pm
Other Pollutants	Throughout day

Required Months

The months of potentially high concentrations must be included. Unless a detailed evaluation determines different months to be appropriate for a specific site, these months are:

<u>Pollutant</u>	<u>Months</u>
Ozone	July - September
Carbon Monoxide	January, November - December
Nitrogen Dioxide	October - December
Sulfur Dioxide	September - December
Sulfates	January, June - December
Lead (Particulate)	January, November - December
Other Pollutants	January - December

Required Years

The number of years to be included is:

- a) Three; or
- b) Two, if during these years the maximum pollutant concentration is less than three-fourths the applicable state ambient air quality standard; or
- c) One, if during this year the maximum pollutant concentration is less than one-half the applicable state ambient air quality standard.

APPENDIX 4

SCREENING PROCEDURE FOR DETERMINING ATTAINMENT DESIGNATIONS FOR AREAS WITH INCOMPLETE AIR QUALITY DATA

This Appendix describes the screening procedure that will serve as the basis for making a pollutant-specific finding under Section 70304(c) that the state ambient air quality standard is being attained for areas with no or an incomplete air quality data record. The procedure is applicable only for nitrogen dioxide, sulfur dioxide, sulfates, and lead (particulate). For those areas with some air quality data for the prior three years, the screening procedure will be applied for a pollutant only if the maximum concentrations of that pollutant in the area did not exceed 75 percent of the state standard(s).

<u>Pollutant</u>	<u>Screening Parameters</u>	<u>Screening Values</u>
Nitrogen Dioxide	a) Basin Population	1,000,000 people
	b) Total Annual NO _x Emissions in Air Basin	25,000 tons/yr
	c) Total Annual Point Source NO _x Emissions in County	2,100 tons/yr
Sulfur Dioxide	a) Total Annual Point Source SO _x Emissions in County	1,700 tons/yr
	b) Maximum Annual SO _x Emissions from Single Facility in County	900 tons/yr
Sulfates	a) Total Annual SO _x Emissions in Air Basin	19,000 tons/yr
	b) Total Annual Point Source SO _x Emissions in County	1,700 tons/yr
	c) Maximum Annual SO _x Emissions from Single Facility in County	900 tons/yr
Lead	a) County Population	600,000 people
	b) Maximum Annual Lead Emissions from Single Facility in County	0.5 tons/yr

For an area to which these values are applied, the local values of the applicable screening parameters will be compared to the respective screening values. The area will be presumed to be attainment if none of the applicable screening parameters for a pollutant exceed the associated screening values.

AIR RESOURCES BOARD

2020 L STREET
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Response to Significant Environmental Issues

Item: Public Hearing to Consider Amendments to the Regulation Identifying the Areas in which Transported Air Pollutants Contribute to Violations of the State Ambient Air Quality Standard for Ozone and the Areas of Origin of the Pollutants.

Agenda Item No.: 92-8-1

Public Hearing Date: May 28, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. However, the staff report does recognize that the regulatory amendment may result in significant, unavoidable, adverse environmental impacts, and is incorporated by reference herein.

Resolution 92-44 is also incorporated herein and attached hereto. In the Resolution, the Board made various findings pertaining to potential environmental impacts of the proposed regulations. The Board found that no alternative would be more effective in carrying out the purpose for which the amendment is proposed nor would be as effective or less burdensome to affected private persons.

Response: N/A

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: 3/26/93

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-44

May 28, 1992

Agenda Item No.: 92-8-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, section 39610(a) of the Health and Safety Code directs the state Board to identify each district in which transported air pollutants from upwind areas outside the district cause or contribute to a violation of the state ambient air quality standard for ozone and to identify the district(s) of origin based upon the preponderance of available evidence;

WHEREAS, on December 14, 1989, the Board adopted section 70500, Title 17, California Code of Regulations ("CCR"), identifying districts impacted by transported air pollutants from upwind areas and identifying the areas of origin of the transported pollutants consistent with the requirements of the Act;

WHEREAS, section 70500(c) of Title 17, CCR, identifies the Broader Sacramento Area as an area of origin of transport and the Upper Sacramento Valley as an area impacted by this transport;

WHEREAS, section 70500(c) of Title 17, CCR, identifies the Broader Sacramento Area as a source of significant transport to the San Joaquin Valley and the San Francisco Bay Area;

WHEREAS, section 70500(c) also identifies the Broader Sacramento Area as the receptor of transport from the San Francisco Bay Area and the San Joaquin Valley;

WHEREAS, section 70500(b)(3) of Title 17, CCR, defines the Broader Sacramento Area as including Nevada County; the Sacramento, Yolo-Solano, Sutter, and Yuba County Air Pollution Control Districts (APCDs); and the El Dorado and Placer County Air Pollution Control Districts (excluding the portions which are located within the Lake Tahoe Air Basin);

WHEREAS, the Sacramento County Air Pollution Control District has been renamed the Sacramento Metropolitan Air Quality Management District and the Yuba and Sutter County APCDs have been unified as the Feather River Air Quality Management District;

WHEREAS, the boundary for the "Broader Sacramento Area" was intended to contain all significant existing and planned development in the Sacramento metropolitan area, including adjacent communities that are or will become the origin of commuter vehicle trips into Sacramento County;

WHEREAS, the boundary of the "Broader Sacramento Area" was also intended to describe the communities having a regional ozone problem in common, and therefore required to coordinate their emission control efforts and to implement uniform control measures under other provisions of the Act;

WHEREAS, section 39610(b) of the Health and Safety Code, directs the Board, in cooperation with the districts, to assess the relative contribution of upwind emissions to downwind ambient pollutant levels to the extent permitted by available data and to establish mitigation requirements commensurate with the level of contribution;

WHEREAS, on August 10, 1990, the Board adopted sections 70600 and 70601, Title 17, CCR, establishing transport mitigation requirements for upwind districts that are the source of overwhelming or significant transport, as determined by the Board in the same proceeding;

WHEREAS, the transport mitigation requirements established by the Board required upwind districts to adopt and implement, by July 1, 1991, a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified stationary sources subject to permits, and further required the adoption of best available retrofit control technology for all existing sources of ozone precursor emissions as expeditiously as possible, with a specified percentage of retrofit measures to be adopted by January 1, 1994;

WHEREAS, all districts within the Broader Sacramento Area are subject to the transport mitigation requirements set forth in sections 70600 and 70601, Title 17, CCR;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that the Board may delegate any duty to the Executive Officer which the Board deems appropriate and that any power, duty, purpose, function, or jurisdiction which the Board may lawfully delegate shall be conclusively presumed to have been delegated to the Executive Officer unless the Board has expressly reserved such authority to itself;

WHEREAS, to achieve a more accurate identification of areas impacted by transport in the Broader Sacramento Area and Upper Sacramento Valley, staff has proposed amendments to the definitions of "Broader Sacramento Area" and "Upper Sacramento Valley";

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

1. The Feather River Air Quality Management District (AQMD), Nevada County, and the El Dorado and Placer County Air Pollution Control Districts have an emissions offset shortage which will inhibit and may prevent them from attracting and legally permitting new industrial development;
2. The Yuba County portion of the Feather River AQMD has the highest welfare rate in the state (29%), the second lowest per capita income in the state (\$11,800), and an unemployment rate of 16% which is exactly twice the state average;
3. The Sutter County portion of the Feather River AQMD has an unemployment rate of 25%, which is more than three times the state average, and a per capita income of \$15,200 (welfare rate information is not available);
4. Sutter County's 1991 General Plan Amendment provides for the intensive development of 25,000 acres in the southeast portion of the County along Highway 99. The 40-year build out projections are: 57,500 new households, an increase in population of 142,000, and 97,000 new jobs;
5. Southern Sutter County, if developed as planned, will be integrally linked to the greater metropolitan area; including all major transportation corridors and major transportation facilities such as the Sacramento Metro Airport;
6. Including the northern two-thirds of the Feather River AQMD in the "Upper Sacramento Valley" would substantially alleviate the District's offset shortage while retaining significant planned development within the Sacramento metropolitan area boundary;
7. Including the northern two-thirds of Feather River AQMD in the "Upper Sacramento Valley" will not significantly lessen the degree of transport mitigation afforded to northern Sacramento Valley

communities, the San Joaquin Valley, or the San Francisco Bay Area;

8. Nevada County, governed by the Northern Sierra Unified Air Pollution Control District, is the most remote mountain county within the current boundary of the Broader Sacramento Area;
9. The frequency of commute trips from Nevada County to Sacramento County is substantially lower than the frequency of trips from other adjacent counties. The 1990 average weekday number of vehicle trips from Nevada County was 1,256 per day, as compared to 4,325 trips from the Feather River AQMD; 28,732 trips from El Dorado County; 37,402 trips from the Yolo-Solano Unified air district; and 38,060 trips from Placer County;
10. The urbanized portions of El Dorado and Placer Counties do not extend to the Lake Tahoe Basin Rim;
11. The remoteness and relatively less developed nature of Nevada County and the mountainous portions of El Dorado and Placer County warrant a lesser degree of emission control stringency;
12. Removing Nevada County and parts of the El Dorado and Placer County Air Pollution Control Districts from the Broader Sacramento Area will not significantly reduce the effectiveness of regional air quality planning or regional emission control strategies in the Sacramento metropolitan area;
13. Removing Nevada County and parts of the El Dorado and Placer County Air Pollution Control Districts from the Broader Sacramento Area will not significantly lessen the degree of transport mitigation afforded to northern Sacramento Valley communities, the San Joaquin Valley, or the San Francisco Bay Area;

WHEREAS, the Board further finds that:

14. The proposed amendment to section 70500, Title 17, CCR, may result in significant adverse environmental impacts in Nevada County, parts of the El Dorado and Placer County Air Pollution Control Districts, and portions of the Feather River AQMD;

15. The degree of adverse impacts will depend on the extent of minor stationary source growth in Nevada County, parts of the El Dorado and Placer County Air Pollution Control Districts, and the northern two-thirds of the Feather River AQMD;
16. No feasible alternative or mitigation measure exists which will achieve the objective of the proposed change, without simultaneously causing or allowing to occur the significant adverse environmental effects described above;
17. The need for economic development in the Feather River AQMD overrides any potential significant adverse environmental impacts that may result from changing the boundary between the Broader Sacramento Area and the Upper Sacramento Area;
18. Adoption of the proposed amended boundary will not have a significant adverse economic impact on small businesses because in Nevada County, parts of El Dorado and Placer County Air Pollution Control District, and the northern two thirds of the Feather River AQMD, the cost of certain permitting requirements and of implementing Best Available Retrofit Control Technology would be eliminated;
19. No alternative would be more effective in carrying out the purpose for which the amendment is proposed nor would be as effective or less burdensome to affected private persons.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to section 70500, Title 17, California Code of Regulations, removing the northern two-thirds of the Feather River AQMD from the Broader Sacramento Area and including it in the Upper Sacramento Valley and removing Nevada County and parts of the El Dorado and Placer County Air Pollution Control Districts from the Broader Sacramento Area.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to adopt section 70500, Title 17, California Code of Regulations, "Amendment to Transport Identification", after making it available to the public for a period of 15 days provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

State of California
AIR RESOURCES BOARD

STAFF REPORT: INITIAL STATEMENT OF REASONS FOR RULEMAKING

PUBLIC HEARING TO CONSIDER AMENDMENTS
TO THE REGULATION IDENTIFYING THE AREAS IN WHICH
TRANSPORTED AIR POLLUTANTS CONTRIBUTE TO VIOLATIONS OF THE
STATE AMBIENT AIR QUALITY STANDARD FOR OZONE AND
THE AREAS OF ORIGIN OF THE POLLUTANTS

Date of Release: April 13, 1992
Scheduled for Consideration: May 28, 1992

This report has been reviewed by the staff of the California Air Resources Board and approved for publication. Approval does not signify that the contents necessarily reflect the views and policies of the Air Resources Board, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

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2. Proposed Boundary of the Broader Sacramento Area (page 5)
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APPENDIX

Text of Proposed Amendments to Regulation

EXECUTIVE SUMMARY

In 1989, the Air Resources Board (ARB or Board) identified known "transport couples" by regulation (see section 70500(c), Title 17, California Code of Regulations). In this regulation, both the areas receiving transport and the upwind contributing areas were identified.

In most cases, transport receptors and transport contributors were defined at the air basin level. For example, the regulation identified the San Francisco Bay Area as a source of transport into the San Joaquin Valley.

In some cases, special boundaries had to be created. The Sacramento Valley had such stark variations from south to north that a midbasin division was indicated. Also, the easterly expansion of the Sacramento metropolitan area had to be addressed, even though it crossed into the Mountain Counties Air Basin.

After due consideration, the Board arrived at the following transport receptor/contributor boundaries for the Sacramento Valley and Mountain Counties Air Basins. The receptor area, "Upper Sacramento Valley" was defined as Butte, Colusa, Glenn, Tehama and Shasta County air pollution control districts. The contributing area, the "Broader Sacramento Area" was defined as the Sacramento, Sutter, Yuba, Nevada, Yolo-Solano, El Dorado, and Placer County districts--excluding the Lake Tahoe Air Basin portions of Placer and El Dorado counties.

Several of the affected districts disagreed with ARB's boundary decision at the time, and continued to express concerns after the decision had been made. Placer and El Dorado urged ARB to isolate district-to-district transport and to identify them solely as receptors of Sacramento County transport. Those concerns were thoroughly addressed in the Board's 1989 rulemaking. Sutter and Yuba Counties (later unified as the Feather River district) raised similar concerns. However, Feather River also noted that the Board had discretion in setting the mid-Sacramento Valley boundary, that transport mitigation requirements were unduly burdensome in its case, and that a subcounty division for its jurisdiction was manageable (an option that was not considered during the initial rulemaking).

Upon further analysis, staff believes that a modest adjustment to the definitions of the Broader Sacramento Area (BSA) and the Upper Sacramento Valley (USV) is appropriate. Specifically, staff is proposing to shift all of Yuba County and the northern portion of Sutter County from the BSA to the USV. Staff is also proposing to remove Nevada County from the BSA. These adjustments would slightly limit the scope of ARB's transport mitigation requirements in the greater Sacramento metropolitan area.

A thorough discussion of the background, need for the regulatory change, rationale, potential environmental and economic impacts, and alternatives to the staff's proposal are provided in this staff report.

I. BACKGROUND AND INTRODUCTION

The California Clean Air Act (Act) requires the Air Resources Board (ARB or Board) to identify each air district in which transported air pollutants cause or contribute to a violation of the state ozone standard (Health and Safety Code [H&SC] section 39610(a)). This section also requires that the Board identify the origin of the transported pollutants. All identifications are to be based upon the preponderance of available evidence.

Accordingly, in December 1989, the Board adopted a regulation (section 70500, Title 17, [CCR]) which identified areas affected by transport (receptors) and the areas of transport origin (contributors). A total of 10 receptor areas and six contributing areas were identified.

Although H&SC section 39610(a) requires ARB to identify each district affected by transport and the district of origin, there were three major constraints on the Board. The first was technical: existing modeling studies and available data were not, and as of this writing are still not, sophisticated enough to allow for district-to-district analysis. The second was policy-based: ARB did not wish to subdivide ozone nonattainment areas any more than necessary. To do so would have obscured the fact that ozone is a regional pollutant and that counties within the same airshed are generally contributing to a common problem. The last was legal: competing provisions of the Act require ARB to assign attainment and nonattainment designations by air basins (H&SC section 39607(e)), and to ensure uniform controls within those basins for the same emission sources (H&SC section 41503(b)).

The solution endorsed by the Board was to base transport determinations on basin-to-basin impacts, with some adjustment for metropolitan area boundaries and topographical barriers. Thus, the Broader Sacramento Area was treated as a single entity which receives transport from some areas and which exports transport to others.

In defining the Broader Sacramento Area (BSA), ARB's intent was to encompass the developed and developing areas within and adjacent to the Sacramento metropolitan area. This approach ensured that all urbanized and urbanizing areas would be subject to similar treatment as air quality plans and regulations developed. Air districts were fully incorporated or fully excluded wherever possible to avoid confusion, inequities and enforcement problems. The resulting area contains the following: Nevada County, the Sacramento County Air Pollution Control District (APCD) (a misnomer; the correct title is the Sacramento Metropolitan Air Quality Management District [AQMD]); the Yolo-Solano APCD; the Yuba and Sutter County APCDs (later unified as the Feather River AQMD); and the Placer County, and El Dorado County APCDs (excluding the portions which are located within the Lake Tahoe air basin. This approach took into consideration both the growing communities in the foothills and the planned communities in Feather River AQMD.

I. BACKGROUND AND INTRODUCTION

The California Clean Air Act (Act) requires the Air Resources Board (ARB or Board) to identify each air district in which transported air pollutants cause or contribute to a violation of the state ozone standard (Health and Safety Code [H&SC] section 39610(a)). This section also requires that the Board identify the origin of the transported pollutants. All identifications are to be based upon the preponderance of available evidence.

Accordingly, in December 1989, the Board adopted a regulation (section 70500, Title 17, [CCR]) which identified areas affected by transport (receptors) and the areas of transport origin (contributors). A total of 10 receptor areas and six contributing areas were identified.

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EXECUTIVE SUMMARY

In 1989, the Air Resources Board (ARB or Board) identified known "transport couples" by regulation (see section 70500(c), Title 17, California Code of Regulations). In this regulation, both the areas receiving transport and the upwind contributing areas were identified.

In most cases, transport receptors and transport contributors were defined at the air basin level. For example, the regulation identified the San Francisco Bay Area as a source of transport into the San Joaquin Valley.

In some cases, special boundaries had to be created. The Sacramento Valley had such stark variations from south to north that a midbasin division was indicated. Also, the easterly expansion of the Sacramento metropolitan area had to be addressed, even though it crossed into the Mountain Counties Air Basin.

After due consideration, the Board arrived at the following transport receptor/contributor boundaries for the Sacramento Valley and Mountain Counties Air Basins. The receptor area, "Upper Sacramento Valley" was defined as Butte, Colusa, Glenn, Tehama and Shasta County air pollution control districts. The contributing area, the "Broader Sacramento Area" was defined as the Sacramento, Sutter, Yuba, Nevada, Yolo-Solano, El Dorado, and Placer County districts--excluding the Lake Tahoe Air Basin portions of Placer and El Dorado counties.

Several of the affected districts disagreed with ARB's boundary decision at the time, and continued to express concerns after the decision had been made. Placer and El Dorado urged ARB to isolate district-to-district transport and to identify them solely as receptors of Sacramento County transport. Those concerns were thoroughly addressed in the Board's 1989 rulemaking. Sutter and Yuba Counties (later unified as the Feather River district) raised similar concerns. However, Feather River also noted that the Board had discretion in setting the mid-Sacramento Valley boundary, that transport mitigation requirements were unduly burdensome in its case, and that a subcounty division for its jurisdiction was manageable (an option that was not considered during the initial rulemaking).

Upon further analysis, staff believes that a modest adjustment to the definitions of the Broader Sacramento Area (BSA) and the Upper Sacramento Valley (USV) is appropriate. Specifically, staff is proposing to shift all of Yuba County and the northern portion of Sutter County from the BSA to the USV. Staff is also proposing to remove Nevada County from the BSA. These adjustments would slightly limit the scope of ARB's transport mitigation requirements in the greater Sacramento metropolitan area.

A thorough discussion of the background, need for the regulatory change, rationale, potential environmental and economic impacts, and alternatives to the staff's proposal are provided in this staff report.

The remaining districts in the Sacramento Valley Air Basin were grouped together and defined as the Upper Sacramento Valley (USV). This area consists of Butte, Colusa, Glenn, Tehama, and Shasta County air pollution control districts. The USV was then identified as a receptor of transport from the Broader Sacramento Area.

Following the identification of transport couples, the Board adopted regulations to mitigate the impact of transported pollutants. This action was also required under the Act (see H&SC section 39610(b)). The mitigation regulations imposed specific control requirements and deadlines on each identified contributor area, including the Broader Sacramento Area (sections 70600 and 70601, Title 17, CCR).

As is readily apparent, the boundaries of transport receptor and contributor areas have a direct, regulatory consequence. The areas which transport pollutants downwind must comply with mitigation requirements set by the Board. Those areas which receive, but do not also export, transported pollutants are not subject to mitigation requirements.

The actual consequence of this distinction depends on what the receptor/contributor areas are otherwise required to do under the Act. The mitigation requirements parallel the minimum control measures required for serious and severe nonattainment areas (see H&SC sections 40919 and 40920). Thus, upwind areas (which are all severe) face no additional mandates. Downwind areas, by contrast, may be moderate and thus subject to less stringent minimum controls (H&SC section 40918).

The receptor/contributor boundaries have another subtle, yet extremely important, implication. Each boundary is meant to encompass the district or districts sharing a common air mass, and which, by virtue of local emission sources and regional development patterns, are adding to a common ozone problem. The transport boundaries thus connote the appropriate boundaries for air quality planning and control strategy development.

II. RECOMMENDATION

Staff recommends that the Board amend the definitions of the Broader Sacramento Area (BSA) and the Upper Sacramento Valley (USV) to shift all of Yuba County and most of Sutter County (approximately two-thirds) from the BSA to the USV. Staff further recommends that Nevada County be removed from the BSA. The text of the proposed amendments to the transport identification regulation (section 70500, Title 17, CCR) are set forth in the appendix to this staff report. Illustrations of the current and proposed boundaries are presented in Figures 1 and 2, respectively.

III. NEED FOR MODIFICATIONS TO EXISTING REGULATION

Identifying an area as the source of transport ultimately leads to mitigation requirements. All districts within the contributing area must comply with these requirements. The transport mitigation requirements

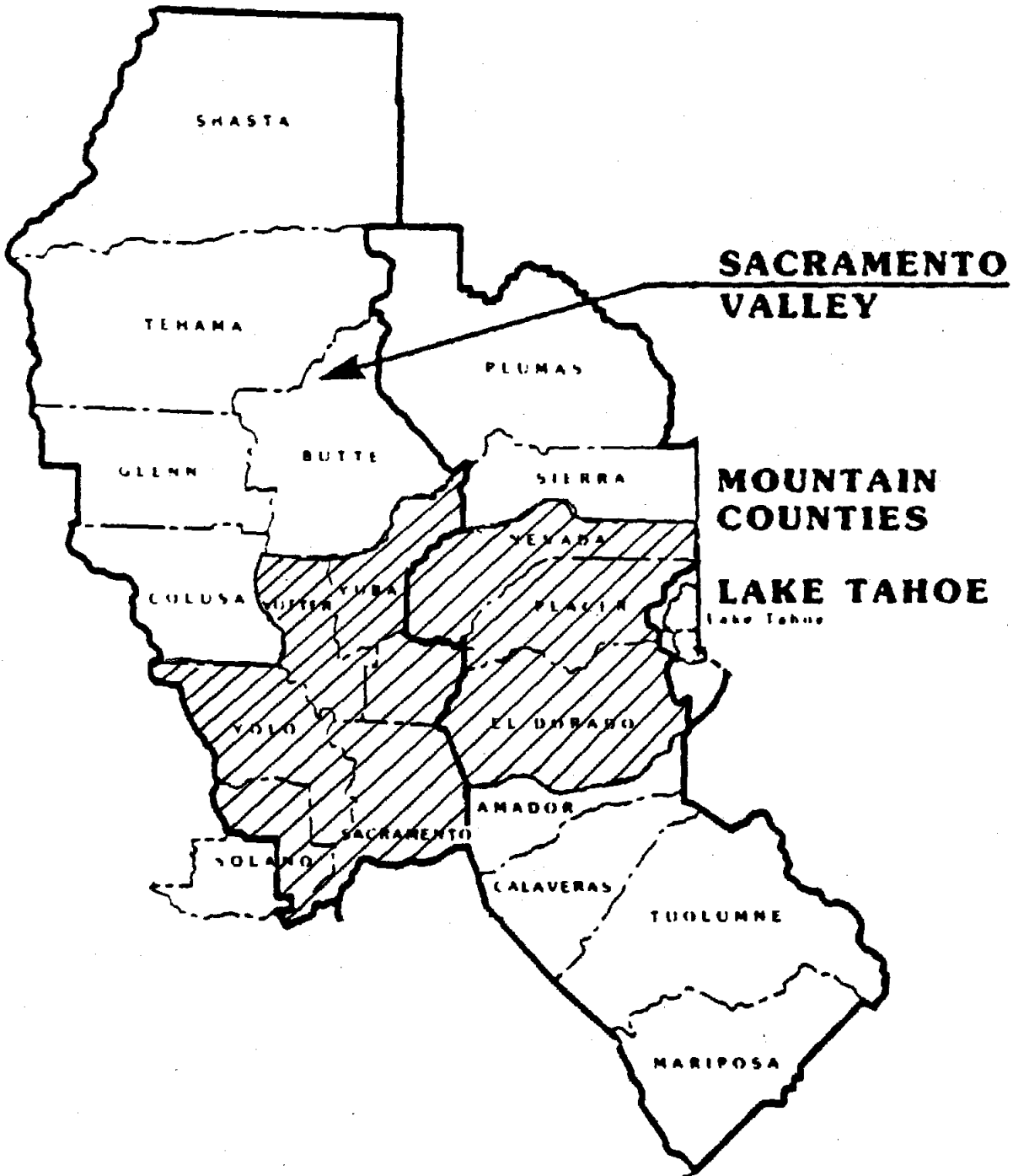
Figure 1

Boundary of the Current
Broader Sacramento Area



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Figure 2

Proposed Boundary for the
Broader Sacramento Area



adopted by the Board include: 1) application of best available retrofit control technology to all existing sources; and 2) implementation of a permitting program which achieves no net increase in emissions from all new or modified sources (sections 70600 and 70601, Title 17, CCR).

As noted in the background section above, the mitigation requirements may impose little, if any, additional burden. Generally, the same controls must be applied in order to reduce the contributing area's own ozone problem (as opposed to imported or exported). This is not the case, however, in districts at the outer fringe of the Sacramento metropolitan area. But for the contributor area boundary, these areas would be subject to less stringent requirements.

One of the mitigation requirements -- the "no net increase" permitting rule -- imposes significant burdens on less industrialized areas. This rule requires that emissions from every new and modified stationary source, regardless of size, be fully mitigated. The "no net increase" requirement raises the demand for emission offsets. ("Offsets" are surplus emission reductions used to balance, or *offset*, the emission increases resulting from industrial development or expansion.) Where few older, higher polluting sources exist, the opportunities to create offsets for new sources are limited.

Most rural areas face an acute offset shortage. This is decidedly true in the Feather River AQMD and Nevada County APCD. Feather River, in addition, is suffering from high unemployment and is trying to attract industrial development in order to spur economic growth. The offset shortage makes this difficult.

The offset problems in Feather River and Nevada could be partially alleviated by merging with the Sacramento Metropolitan AQMD. Alternatively, the districts in the southern Sacramento Valley could make agreements to transfer and enforce offset transactions across district boundaries (H&SC section 40709.6). However, none of the affected districts is interested in these remedies at the current time. Thus some other solution must be found.

The proposed amendments to the transport identification regulation would minimize the impact of the "no net increase" permitting requirement in Feather River AQMD. Nevada County would be exempted entirely. If the proposed amendments are approved, industrial sources in Nevada County, Yuba County and northern Sutter County would be subject to less stringent permitting requirements.

IV. DISCUSSION OF PROPOSED AMENDMENTS

A. Staff Analysis

The current boundaries of the BSA and USV were established after careful analysis and consideration of public testimony. The Board's original decision remains valid, but other boundaries are also possible and

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can be reasonably justified within the parameters of the statute. The question before the Board, therefore, is whether a modest adjustment should be made. In staff's view it should, and it can be accomplished without compromising the Board's mandate to ensure effective mitigation of transported pollution.

The transport receptor/contributor boundary within the Sacramento Valley Air Basin is subject to Board discretion and judgment. No topographical barrier divides the Valley in two. Instead, there is a meteorological pattern of northeasterly flows, with recirculation in the southern Valley.

From a purely meteorological standpoint, the entire Valley is a single air shed. The greatest concentration of emission sources is in the southern Valley, but there are emission sources scattered throughout. Thus, the ARB could have used the basin as its boundary for transport identifications with some justification.

However, the differences between the highly urbanized south versus the predominantly rural north indicated that a mid-basin division was appropriate. There is no question that pollution sources in the greater Sacramento metropolitan area dwarf those of the northern Valley. Therefore, the Board decided to draw a line between the southern and northern regions of the Sacramento Valley.

The Board took the opposite tack with districts to the east of Sacramento County. In this case, the official air basin boundary created an artificial division between closely integrated portions of the Sacramento metropolitan area. Placer County is in fact partly contained within the Sacramento Valley floor, and foothill communities in Nevada and El Dorado are within the same airshed. ARB remedied this situation by erasing part of the line between the Sacramento Valley and Mountain Counties air basins.

The final boundary for the Broader Sacramento Area contained: Sacramento Metropolitan AQMD, Yolo-Solano APCD, Feather River AQMD (previously Sutter and Yuba County APCDs), Nevada APCD, and the El Dorado and Placer County APCD's (excepting the Lake Tahoe portion of both areas). These areas comprised all the developed and developing areas adjacent to Sacramento proper.

There was significant precedent for this approach. The 1990 U.S. Census categorizes four of these districts (Sacramento, Yolo-Solano, Placer and El Dorado) as a "consolidated statistical metropolitan area" (CSMA). In addition, the U.S. Environmental Protection Agency (EPA) has grouped three of the districts together since 1978 for air quality planning purposes (see "Other Considerations" below).

In addition to these designations, the Board considered the pattern and pace of development. The Feather River AQMD was incorporated in the BSA for two reasons. First, Yuba City and Marysville are home to a small portion of the Sacramento Area workforce. These workers commute back and forth each

day. Second, and more importantly, intensive development has been planned for South Sutter County over the next 10-20 years. Four new cities, of approximately 40,000 persons each, are envisioned. These cities would be located immediately north of the Sacramento Metro Airport on highway 99, and would be closely linked to the central Sacramento area. Nevada County was incorporated in the BSA because of the similarity between its foothill communities and those of Placer and El Dorado Counties. All three are current or potential bedroom communities, are tied to the broader Sacramento area economy, and are a significant factor in regional transportation patterns (the heart of the ozone problem).

Thus, the resulting BSA boundary included all areas that are, or will soon be, integrally linked to Sacramento. It is a reasonable template for air quality planning, regional coordination, and parallel emission control strategies. It has been somewhat less successful, however, as a basis for the specific transport mitigation requirements adopted by the Board in 1990.

The transport mitigation regulations were designed to address sources under district control, specifically new and existing stationary sources. In more industrialized areas, these sources comprise approximately 40% of upwind areas' emissions inventories. In the Broader Sacramento Area's case, however, these sources amount to just 25% of ozone precursors. Motor vehicles are a larger source of emissions in the BSA, on a percentage basis, than in all other nonattainment areas in California.

Paradoxically, the low percentage of industrial sources in the Broader Sacramento Area makes the stationary source permitting requirement harder to meet. This is because the "no net increase" standard for new industrial sources is usually achieved through accelerated control of existing industrial sources. Satisfying the permitting requirement is difficult for Sacramento and Yolo-Solano. The remaining BSA districts have even greater difficulties. As a result, these districts face the prospect of a rule that could severely limit their ability to attract even relatively clean industries.

None of the BSA districts have complied with the "no net increase" permitting requirement to date, though Sacramento County's rule is pending. The no net increase rule was to have been adopted by July 1, 1991.

The proposed adjustment to the BSA and USV boundaries would significantly lessen the burden of the no net increase requirement in Feather River AQMD, and would eliminate it entirely in Nevada County.

Staff believes this adjustment is scientifically and legally supportable. Sacramento Valley transport is a macroscale phenomenon. Generally speaking, pollutants are generated in the southern part of the valley and transported to the east and north. However, the entire Valley is one air shed, pollutants are emitted throughout, and there is no obvious demarcation zone. Therefore, the Board must apply judgment and discretion when identifying transport relationships.

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The Feather River AQMD would prefer that the entire District be shifted to the USV. However, this request has to be balanced against a reasonable assessment of what the contours of the Sacramento metropolitan area are, and what they are likely to become within the foreseeable future. Staff's proposal would leave the targeted development area in Sutter County within the BSA.

B. Other Considerations

1. Federal Air Quality Maintenance Area Boundary

The federal Air Quality Maintenance Area (AQMA) is the area within which specified federal air pollution controls are mandatory. The AQMA is primarily based on the U.S. Census Bureau's definition of a "consolidated metropolitan statistical area" (CMSA). As population growth and sprawl occur, the CMSA for a given area expands. This, in turn, causes the AQMA to expand.

Since 1978, the AQMA for the Sacramento area has included Sacramento County, Yolo County, the portion of Solano County contained in the Yolo-Solano APCD, and the Sacramento Valley Air Basin portion of Placer County.

On December 6, 1991, the U.S. EPA expanded the Sacramento AQMA boundary to include the southern portion of Sutter County, and all but the Lake Tahoe portion of Placer and El Dorado. This action was based on amendments to the federal Clean Air Act, changes to the CMSA made in 1990, recommendations from the State, and EPA's own policy analysis.

Under federal law, the entire Sacramento AQMA is designated "serious" for ozone. Districts within the AQMA must work together to satisfy numerous mandates, including attainment of the federal ozone standard by 1999. Federal conformity provisions also apply throughout. This makes regionally coordinated air quality and transportation planning essential.

Staff's proposal would align the Broader Sacramento Area with the federal AQMA.

2. Proposed Changes to the Act's Permitting Requirements

The California Clean Air Act requires all serious and severe nonattainment areas to include a no net increase permitting rule in their air quality plans (H&SC sections 40919 and 40920). The Act does not specify a date for implementation, but implies that the rule was to have been in place by the time the initial air quality plans were due to ARB for review (July 1, 1991).

The availability of offsets is limited in all nonattainment areas. The stricter permitting rules required by the Act, paired with the mandate that all existing sources be retrofitted, is constraining offset availability even further. Small sources and newcomer industries bear the greatest brunt of this situation. Neither have existing sources of their own to control for credit.

The author of the original Act, Assemblyman Byron Sher, has been apprised of these pressures and has introduced legislation in response (Assembly Bill 2783). As currently proposed, the bill would relax the net increase permitting requirement in all but "extreme" nonattainment areas (a new category that would be added by the same bill). Support for this amendment is high, but the fate of the bill depends on several other provisions as well. The likelihood of passage is thus hard to predict.

V. OPTIONS

Staff is attempting to minimize the burden created by the transport mitigation regulations in particular portions of the Broader Sacramento Area. There are two basic methods to accomplish this objective. The first is to amend the transport receptor/contributor boundaries within which the regulations are applied. The other is to amend the mitigation requirements themselves. Three possible variations of the first approach, starting with staff's recommendation, are discussed below. The second approach is also discussed. The final option is to leave the current definitions of the BSA and USV unchanged.

Option #1(a): Align BSA Boundary with Federal AQMA.

Aligning the BSA boundary with the federal AQMA would remove Yuba County, the northern two thirds of Sutter County, and all of Nevada County from the BSA (see Figure 2). The affected portions of the Feather River District would be added to the Upper Sacramento Valley. Nevada County would be outside of both areas and, thus, neither a transport receptor nor a transport contributor.

The chief arguments in favor of this option are: it grants significant relief to Feather River AQMD and Nevada County; it retains all truly significant developed and developing areas within the BSA; and it creates consistency between state and federal planning areas.

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B. Other Considerations

1. Federal Air Quality Maintenance Area Boundary

The federal Air Quality Maintenance Area (AQMA) is the area within which specified federal air pollution controls are mandatory. The AQMA is primarily based on the U.S. Census Bureau's definition of a "consolidated metropolitan statistical area" (CMSA). As population growth and sprawl occur, the CMSA for a given area expands. This, in turn, causes the AQMA to expand.

Since 1978, the AQMA for the Sacramento area has included Sacramento County, Yolo County, the portion of Solano County contained in the Yolo-Solano APCD, and the Sacramento Valley Air Basin portion of Placer County.

On December 6, 1991, the U.S. EPA expanded the Sacramento AQMA boundary to include the southern portion of Sutter County, and all but the Lake Tahoe portion of Placer and El Dorado. This action was based on amendments to the federal Clean Air Act, changes to the CMSA made in 1990, recommendations from the State, and EPA's own policy analysis.

Under federal law, the entire Sacramento AQMA is designated "serious" for ozone. Districts within the AQMA must work together to satisfy numerous mandates, including attainment of the federal ozone standard by 1999. Federal conformity provisions also apply throughout. This makes regionally coordinated air quality and transportation planning essential.

Staff's proposal would align the Broader Sacramento Area with the federal AQMA.

The primary opposing argument, which affects Feather River AQMD only, is that districts should not be split in two. Subcounty divisions create equity and enforceability problems. Feather River believes these concerns are surmountable. Staff notes that the federal AQMA has already made the division, and that other districts have successfully managed bifurcated regulations in the past.

Staff recommends this approach.

Option #1(b): Remove Mountain Counties Air Districts from the BSA.

Removing the Mountain Counties air districts from the BSA would take Nevada and El Dorado, and a portion of Placer County out of the BSA (see Figure 3). It would do nothing for Feather River AQMD.

The sole argument in favor of this option is that Mountain Counties is a separate air basin, and, on that basis alone, should be treated differently. As discussed at length above, there are no significant meteorological or topographical barriers between the Sacramento Valley and the foothill communities of the Mountain Counties Air Basin. Therefore, one must look instead at the extent of the common airshed, the pattern of development on the ground, and the degree to which uniform emission control strategies are indicated.

Staff believes this option would substantially diminish the effectiveness of air quality programs in the larger Metropolitan area. It would reverse the trend toward larger planning areas (particularly as defined under federal law), and sends the wrong message to the foothill communities. These areas are integrally linked to the Sacramento region and economy, and the airshed is clearly shared. It is inappropriate and inadvisable to separate these counties out as "receptors." The emission sources of these counties, particularly the vehicles driven throughout the region, are part of the broader Sacramento area's ozone problem and should be part of a closely coordinated solution.

Staff recommends that the Board reject this option.

Option #1(c): Construct New BSA Boundary Based on Development and Transportation Patterns, Emissions Density, or, (for the eastern boundary only) elevation.

Constructing a new BSA boundary based on development and transportation patterns, emissions density, or (for the eastern boundary only) elevation could take several forms. One possibility would be to follow significant highways (e.g., highway 49 to the east), making some provision to encompass towns and roadside development. This is effectively equivalent to an emissions density approach. Another possibility would be to use townships or a fixed elevation (e.g., 1,500 feet) to define outer boundaries.

However constructed, this boundary would undoubtedly meander. It would probably subdivide every district except Sacramento Metropolitan AQMD into

Figure 3

Option #1(b)



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two or more zones. Most of Feather River would probably stay in the BSA; some of Nevada County would stay in; and more of Placer and El Dorado would be removed. The effect on Yolo-Solano is hard to gauge.

There is a limited amount of precedent for such an approach. Agricultural burning regulations are applied in this fashion to the Mountain Counties Air Basin. In addition, individual counties have previously adopted rules with special exemptions for the remote areas of their jurisdictions. However, neither of these examples is as broad in scope, or import, as the boundary of a common planning area.

Staff recommends that the Board reject this alternative unless a compelling case is made at the public hearing, or through written comments, that a new BSA boundary can be adequately defined and successfully applied based on development and transportation patterns, emissions density, or (for the eastern boundary only) elevation.

Option #2: Amend Transport Mitigation Regulations to Reduce Burden of the No Net Increase Permitting Requirement

This option would require the ARB to re-open its transport mitigation rulemaking and to relax the "no net increase" requirement.

The permitting requirements have already been fully satisfied by four upwind areas (Bay Area, South Coast, San Joaquin Valley, and Ventura), and rules are pending in several more. In addition, amending the mitigation requirements to address the BSA's problem is more difficult, and potentially less justifiable, than simply modifying the BSA boundary.

By law, the ARB must revisit its transport mitigation regulations at least once every three years. The first triennial review is scheduled for August 1993. Staff suggests that any necessary amendments to the mitigation regulation be considered at that time. In the meantime staff recommends a more limited solution, working from the transport identification regulation.

Staff recommends that the Board reject this option for the time being.

Option #3: No Change

This option would not amend the definitions of the Broader Sacramento Area and Upper Sacramento Valley. The transport receptor/contributor boundaries would remain unchanged, and all of Nevada County APCD and Feather River AQMD would be required to comply with the ARB's transport mitigation regulations.

This option is undesirable because it fails to address the problems resulting from the original boundaries; namely, the imposition of transport mitigation requirements that are disproportionately burdensome on the less industrialized portions of the BSA.

Staff recommends that this option be rejected by the Board.

VI. IMPACT OF PROPOSED AMENDMENTS

A. Environmental Impacts

Adoption of the proposed amendments to ARB's transport identification regulation (section 70500, Title 17, CCR) may result in significant, adverse environmental impacts.

The redefinition of the Broader Sacramento Area and Upper Sacramento Valley transfers counties or portions of counties from one planning area to another. This will in turn affect the applicability of transport mitigation requirements in Nevada County, Yuba County, and the northern two-thirds of Sutter County. It could also affect which control measures these areas need to adopt and implement in accordance with Division 26, Part 3, Chapter 10 of the Health & Safety Code.

The most immediate change will be the suspension of any effort to adopt a no net increase permitting rule for Nevada County, and for most of Feather River AQMD. Instead, both districts are expected to adopt a permitting rule that requires offsets for sources over 25 tons per year, applicable to the portions of their jurisdictions that are removed from the BSA. That level of control is required by the California Clean Air Act, at a minimum, in all nonattainment areas.

The actual impact of this change will depend on the extent of minor, stationary source growth in the affected districts. Sources that have to be offset under the current ARB transport mitigation regulation (i.e., those emitting between zero and 25 tons per year) would no longer face that requirement in Nevada County, Yuba County, and the northern portion of Sutter County. This could result in local, adverse environmental impacts.

Staff does not expect the proposed amendments to significantly affect the degree of transport mitigation currently afforded to the USV. As noted above, transport in the Sacramento Valley is a macroscale phenomenon. The bulk (75%) of contributing emission sources in the southern Valley are vehicular. Stationary and nonpoint sources comprise the rest of the contributing emission sources. Minor stationary sources are only a fraction of that remainder, and minor stationary sources in Nevada County, Yuba County, and the northern two-thirds of Sutter County are an even smaller fraction still.

There are overriding considerations which outweigh and make acceptable the unavoidable significant adverse impacts associated with the proposed amendments. As described above, these are primarily social and economic. Feather River AQMD and Nevada County APCD have been unduly burdened by the original construction of the BSA and USV boundaries, and the consequent imposition of transport mitigation requirements within the BSA. Adjusting these boundaries is technically and legally defensible, and would substantially lessen or eliminate that burden.

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This option is undesirable because it fails to address the problems resulting from the original boundaries; namely, the imposition of transport mitigation requirements that are disproportionately burdensome on the less industrialized portions of the BSA.

Staff recommends that this option be rejected by the Board.

Staff recommends that the Board recognize that the proposed amendments may result in significant, unavoidable, adverse environmental impacts and make a finding of overriding considerations.

B. Economic Impacts

The Board's Executive Officer has determined that 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 result in other nondiscretionary costs or savings to local agencies.

The air pollution control and air quality management districts responsible for areas designated nonattainment for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide are required to develop and prepare plans pursuant to H&SC section 40910 et seq. The costs incurred by the districts in connection with the planning process are not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code because the statute does not mandate a new program or higher level of service of an existing program within the meaning of section 6 of Article XIII B of the California Constitution. In addition, districts have the authority to levy fees sufficient to cover their costs for planning, enforcement, and other district programs. See H&SC sections 42311 and 41512.5.

The adoption of amendments to this regulation is not expected in itself to result in any adverse economic effects. On the contrary, the amendments are expected to be economically beneficial to small businesses since they will ultimately reduce the permitting requirements for small stationary sources of pollution in some portions of the BSA. The proposed action would also eliminate the cost of implementing the best available retrofit control technologies on existing stationary sources in the same areas.

For these reasons, the Executive Officer has determined that the proposed amendments will not have a significant adverse economic impact on small businesses. The Executive Officer has also determined that there will be no, or an insignificant, potential cost impact on private persons or businesses (other than small businesses) directly affected resulting from the proposed action.

No alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed, nor would be as effective or less burdensome to affected private persons than the proposed action.

VII. REFERENCES

Air Resources Board, October 1989. Identification of Districts Affected by Transported Air Pollutants Which Contribute to Violations of the State Ambient Air Quality Standards for Ozone.

Air Resources Board, March 1990. Interbasin Transport in California: An Annotated Bibliography.

Air Resources Board, June 1990. Assessment and Mitigation of the Impacts of Transported Pollutants on Ozone Concentrations in California.

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Amend Subchapter 1.5, Air Basins and Air Quality Standards, Title 17, California Code of Regulations, as follows:

Article 5. Transported Air Pollutants

70500. Transport Identification

(a) Purpose.

This regulation identifies the areas in which transported air pollutants from upwind areas cause or contribute to a violation of the state ambient air quality standard for ozone and the areas of origin of the transported pollutants. All areas identified in the table are air basins except as otherwise specifically described and defined.

(b) Definitions.

(1) "California Coastal Waters" includes the area between the California coastline and a line starting at the California-Oregon border at the Pacific Ocean; thence to 42.0 degrees North, 125.5 degrees West; thence to 41.0 degrees North, 125.5 degrees West; thence to 40.0 degrees North, 125.5 degrees West; thence to 39.0 degrees North, 125.0 degrees West; thence to 38.0 degrees North, 124.5 degrees West; thence to 37.0 degrees North, 123.5 degrees West; thence to 36.0 degrees North, 122.5 degrees West; thence to 35.0 degrees North, 121.5 degrees West; thence to 34.0 degrees North, 120.5 degrees West; thence to 33.0 degrees North, 119.5 degrees West; thence to 32.5 degrees North, 118.5 degrees West; and ending at the California-Mexican border at the Pacific Ocean.

(2) "Upper Sacramento Valley" includes the Colusa, Butte, Glenn, Tehama, and Shasta County Air Pollution Control Districts, and that area of the Feather River Air Quality Management District which is north of a line connecting the northern border of Yolo County to the southwestern tip of Yuba County, and continuing along the southern Yuba County border to Placer County.

(3) "Broader Sacramento Area" includes ~~Nevada County~~ the Sacramento Metropolitan Air Quality Management District; the Yolo-Solano, ~~Sutter, and Yuba County~~ Air Pollution Control Districts; ~~and~~ the El Dorado and Placer County Air Pollution Control Districts (excluding the portions which are located within the Lake Tahoe Air Basin); and that area of the Feather River Air Quality Management District which is south of a line connecting the northern border of Yolo County to the southwestern tip of Yuba County, and continuing along the southern Yuba County border to Placer County.

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(c) Transport Identification Table

<u>OZONE IMPACTED BY TRANSPORT:</u>	<u>AREAS OF ORIGIN OF TRANSPORT:</u>
1. North Central Coast	San Francisco Bay Area
2. South Central Coast	South Coast California Coastal Waters
3. South Coast	South Central Coast
4. San Diego	South Coast
5. Upper Sacramento Valley	Broader Sacramento Area
6. Broader Sacramento Area	San Francisco Bay Area San Joaquin Valley
7. San Joaquin Valley	San Francisco Bay Area Broader Sacramento Area
8. Great Basin Valleys	Undetermined
9. Southeast Desert	South Coast San Joaquin Valley
10. San Francisco Bay Area	Broader Sacramento Area

NOTE:

Authority cited: Sections 39600, 39601, and 39610(a) of the Health and Safety Code.

Reference: Section 39610(a) of the Health and Safety Code.

State of California
AIR RESOURCES BOARD

Resolution 92-45

May 28, 1992

Agenda Item No.: 92-8-2

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety code requires that each year following the Board's approval of a district's attainment plan the districts shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the Sacramento Metropolitan Air Quality Management District (the "District") has classified itself as severe non-attainment for ozone, and moderate non-attainment for carbon monoxide;

WHEREAS, section 40918(a) of the Health and Safety Code requires each district classified as a moderate non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from new or modified stationary sources which emit or have the potential to emit 25 tons per year or more of non-attainment pollutants or their precursors;
- (2) reasonably available control technology for all existing sources;
- (3) reasonably available transportation control measures;
- (4) provisions to develop area source and indirect source control programs;
- (5) provisions to develop and maintain an emissions inventory system;
- (6) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions to develop area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;
- (8) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (9) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (10) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, all districts within the Broader Sacramento Area, including the Sacramento Metropolitan Air Quality Management District have been identified as contributing to exceedances of the state ozone standard in the downwind areas of the San Francisco Bay Area, the San Joaquin Valley Air Basin, and the Upper Sacramento Valley, and therefore transport mitigation measures are required as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective,

and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basins to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Sacramento 1991 Air Quality Attainment Plan (the "Plan") was adopted by the District Board on July 24, 1991, in Resolution No. AMD-91-0020, and was officially transmitted by the District to the Board on August 1, 1991;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the environmental impact report (EIR) submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt measures requiring the retrofitting of 13 stationary source categories with control equipment between 1991 and the year 1994;
3. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
4. a commitment to develop and adopt rules for 15 area source categories between 1991 and 1994;

5. a commitment to develop 20 different indirect source control measures between 1991 and the year 1994;
6. fourteen mobile source measures to be adopted between 1991 and the year 1994;
7. a cost-effectiveness ranking for transportation, indirect source control, stationary and area source control measures;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. State health-based ambient air quality standards for carbon monoxide and ozone are exceeded in the Sacramento Metropolitan Air Quality Management District;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;
3. The Plan contains all reasonably available transportation control measures;
4. The District's proposal to adopt 28 stationary and area source rules between 1991 and 1994, a 250% increase in regulatory activity over the last four years, represents an expeditious adoption schedule;
5. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is developed;
6. Although the District is unable to specify an attainment date for ozone, the Plan satisfies the requirements of section 41503(d) of the Health and Safety Code because it contains every feasible control strategy or measure to ensure that progress toward attainment is maintained;
7. The Board concurs with the District's methodology and its estimates that there will be no net increase in vehicle emissions after 1997;
8. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for all non-attainment pollutants and their precursors, and the Plan instead indicates an annual reduction of hydrocarbons of from 6.3 to 3.2 percent,

of oxides of nitrogen (NO_x) of from 3.8 to 2.4 percent, and for carbon monoxide of from 4.2 to 2.2 percent from the year 1987 through 2010;

9. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures given the circumstances which prevail in the District;
10. The District has included all feasible transportation, stationary and area source measures in the Plan;
11. The District has initiated an acceptable public education campaign to teach people about the impacts of single occupancy vehicles and to direct them to transportation alternatives;
12. The Plan includes uniform control measures for the Broader Sacramento Area and the District's rules, regulations, and control measures shall be the general reference point for uniformity determinations in the Broader Sacramento Area to the extent that they address emission sources held in common, and to the extent that those rules, regulations, and measures continue to be the most stringent in the Broader Sacramento Area;
13. The contingency procedure for transportation and indirect source control measures meets the Act's requirements, as required by Health and Safety Code section 40915, but the District does not fully comply with this section because the Plan does not include a contingency procedure for stationary and area source control measures;
14. Although the Plan includes all reasonably available transportation control measures, additional factual detail is needed before most of these measures can be approved, as specified in the Staff Report;
15. The measures set forth in the plan may not result in compliance with the requirement of a 1.5 person average vehicle occupancy by the year 2000 because additional time is needed to identify and implement the appropriate strategies;
16. There is no analysis to support the District's projections that the carbon monoxide standard will be attained by approximately 1994;
17. The District has not yet adopted the required amendments to its New Source Review rule designed to achieve no net increase in emissions of carbon monoxide and ozone precursors;

18. The District is unable to demonstrate that the Plan will result in a significant decline in the regional growth of vehicle miles travelled and trip length;
19. That the District does not meet the Act's requirements for transport mitigation because the District has not yet adopted a "no net increase" permitting rule, and has not sufficiently demonstrated compliance with BARCT transport mitigation requirements;
20. The Final EIR prepared and certified by the District Board for the Plan meets the requirements of CEQA, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
21. The Board is a responsible agency for the purposes of CEQA and the adoption of the Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels, that the alternatives and mitigation measures set forth in the EIR have been adequately addressed for purposes of this planning activity, and that the District's findings and supporting statements of fact for each significant effect, as set forth in the District's "Certification of Final Environmental Impact Report, Adoption of Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program" dated July 24, 1991, are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the Sacramento 1991 Air Quality Attainment Plan submitted by the District as complying with the requirements of the Act, with the conditions and clarification set forth below;

BE IT FURTHER RESOLVED, that the Board directs the District to provide its roll back analysis for carbon monoxide in June, and defers approval of the carbon monoxide assessment until a satisfactory analysis is provided, and defers action on the ozone attainment demonstration until a reliable photochemical model is available as determined by the Executive Officer;

BE IT FURTHER RESOLVED, that the Board defers approval of the moderate classification designation for carbon monoxide planning until the carbon monoxide assessment is provided in June 1992;

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the no net increase provisions for new and modified permitted stationary sources, and directs the District to adopt a no net increase rule no later than November 28, 1992, which mitigates all future emission increases and those occurring between July 1, 1991 and the rule implementation date;

BE IT FURTHER RESOLVED, that the Board finds that the CAF/LEV program contained in the Plan is unique, untested, and not subject to the "all feasible measures" or "uniform control" determinations; endorses the first three elements of the District's gross emitter program; and endorses the District's efforts to develop experimental measures related to heavy duty truck operations, and defers credit for projected emission reductions for light duty vehicles until the next plan;

BE IT FURTHER RESOLVED, that the Board conditionally approves those measures where further actions are needed to comply with the Act and directs the District to take such actions as identified in the Staff Report;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a reduced rate of growth in trips and trip length to allow the District additional time to obtain the necessary commitments and funding;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a 1.5 average vehicle occupancy by the year 2000, and directs the District to develop better information on baseline travel conditions, establish a monitoring network, and to develop an analytical framework for assessing District AVO levels and to submit this information to the Board by April, 1993;

BE IT FURTHER RESOLVED, that the Board approves the lesser rates of annual emission reductions expressed in the District's plan as the maximum achievable rate of progress under the specific circumstances which prevail in the Sacramento Metropolitan Air Quality Management District;

BE IT FURTHER RESOLVED, that the Plan is not in compliance with the Act's cost-effectiveness requirements and that the Board directs the District Board to determine by July 28, 1992 that the Plan is a cost-effective strategy for attaining California ambient air quality standards at the earliest practical date;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as necessary to comply with the Act's transport mitigation requirements;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to develop a population exposure model;

BE IT FURTHER RESOLVED, that the Board directs the District to develop and submit to the Board by July 28, 1992 a procedural approach to contingency requirements to be applied to stationary and area source control measures;

BE IT FURTHER RESOLVED, that the Board directs the District to work with Board staff to develop an agreement which specifies a schedule and milestones for securing the commitments needed from SACOG and other state and local agencies in order to ensure implementation of the unsecured transportation control measures;

BE IT FURTHER RESOLVED, that the Board approves the District's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution.

I hereby certify that the above is a true and correct copy of Resolution 92-45, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-46

June 11, 1992

Agenda Item No.: 92-9-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in section 43000 of the Health and Safety Code the Legislature has declared that the emission of air contaminants from motor vehicles is the primary cause of air pollution in many parts of the state, and that the control and elimination of those air contaminants is of prime importance for the protection and preservation of the public health and well-being, and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property;

WHEREAS, section 43018(a) of the Health and Safety Code, enacted by the California Clean Air Act of 1988, directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of the state ambient air quality standards at the earliest practicable date;

WHEREAS, section 43018(b) of the Health and Safety Code directs the Board no later than January 1, 1992, to take whatever actions are necessary, cost-effective, and technologically feasible in order to achieve, by December 31, 2000, a reduction of reactive organic gases (ROG) of at least 55 percent and a 15 percent reduction in the emissions of oxides of nitrogen (NOx) from motor vehicles, and the maximum feasible reductions in particulates (PM), carbon monoxide (CO), and toxic air contaminants from vehicular sources;

WHEREAS, section 43018(c) of the Health and Safety Code provides that in carrying out section 43018, the Board shall adopt standards and regulations which will result in the most cost-effective combination of control measures on all classes of motor vehicles and motor vehicle fuels, including but not limited to reductions in motor vehicle exhaust and evaporative emissions, reductions in in-use vehicular emissions through durability and performance improvements, requiring the purchase of low-emission vehicles by state fleet operators, and specification of vehicular fuel composition;

WHEREAS, section 43101 of the Health and Safety Code directs the Board to adopt and implement emission standards for new motor vehicles which the Board has found to be necessary and technologically feasible to carry out the purposes of Division 26 of the Health and Safety Code;

WHEREAS, following a hearing on September 27-28, 1990, the Board in Resolution 90-58 approved the Low-Emission Vehicles and Clean Fuels regulations which require the production of low-emission light- and medium-duty vehicles and require that alternative fuels used by these vehicles be made reasonably available to motorists; at the direction of the Board these regulations were subsequently adopted by the Executive Officer in Executive Order G-604;

WHEREAS, the vehicle elements of the Low-Emission Vehicles and Clean Fuels regulations include:

Four new levels of exhaust emission standards for light-duty vehicles which, in order of increasing stringency, are called transitional low-emission vehicles (TLEVs), low-emission vehicles (LEVs), ultra-low-emission vehicles (ULEVs), and zero-emission vehicles (ZEVs);

Non-methane organic gas standards which, for fuels other than conventional gasoline, are adjusted by reactivity adjustment factors that account for ozone-forming potential;

Annually descending fleet average requirements for light-duty vehicles which begin with the 1994 model year, with provisions for marketable credits and carry-forward of credits and deficits;

Requirements that, starting with the 1998 model year, two percent of a manufacturer's production of passenger cars and light-duty trucks from 0 to 3750 lbs. loaded vehicle weight shall be ZEVs, with the percentage increasing to five percent in 2001, and ten percent in 2003; and

Two new categories of standards, LEV and ULEV, for medium-duty vehicles, with emission standards of equivalent stringency to those for light-duty vehicles, taking into account the greater load requirements of medium-duty vehicles, and with an implementation schedule starting with the 1998 model year under which each manufacturer would have to certify an increasing percentage of each model year's fleet to LEV and ULEV standards;

WHEREAS, the amendments made by the Low-Emission Vehicles and Clean Fuels regulations are contained in Title 13, California Code of Regulations, sections 1900, 1904, 1956.8, 1960.1, 1960.1.5, 1960.5, 1965, 2061, 2111, 2112, 2125, 2139, 2300 through 2317, and the documents incorporated by reference therein;

WHEREAS, one of the fundamental premises of the Low-Emission Vehicles and Clean Fuels program is that the vehicle and its fuel are considered part of a single system, and the emission benefits of cleaner fuels are recognized when the vehicle/fuel system is evaluated for certification to the low-emission vehicle standards;

WHEREAS, when the Board approved the Low-Emission Vehicles and Clean Fuels regulations in 1990 it anticipated that regulations requiring that gasoline sold in California meet stringent "Phase 2" reformulated gasoline specifications would be approved the following year, and that the low-emission vehicle regulations would then be revised to allow low-emission vehicles to be certified using a certification fuel reflecting the specifications for Phase 2 gasoline; such Phase 2 certification fuel specifications were not included in the original low-emission vehicles regulations because insufficient data then existed to identify the most appropriate specifications for commercial Phase 2 gasoline;

WHEREAS, on November 22, 1991, the Board approved regulations establishing stringent specifications for commercial Phase 2 gasoline, applicable starting March 1, 1996;

WHEREAS, the Executive Officer plans to notice a public hearing for August 13, 1992, at which the Board will consider amending its motor vehicle emission test procedures to establish specifications for Phase 2 gasoline certification fuel;

WHEREAS, in determining the in-use compliance of low-emission vehicles, a fuel reflecting the fuel on which the vehicles were certified is used in any testing;

WHEREAS, as a result of cooperative programs between the ARB, California Energy Commission, South Coast Air Quality Management District, Sacramento Metropolitan Air Quality Management District, and auto manufacturers, significant advancements have occurred in the development of alternative fuel vehicles (e.g. compressed natural gas and methanol) which provide manufacturers with additional options for meeting the low-emission vehicle standards;

WHEREAS, the Board in Resolution 90-58 directed the Executive Officer to report to the Board by the Spring of 1992, and thereafter at least biennially, on the status of implementation of the Low-Emission Vehicles and Clean Fuels regulations;

WHEREAS, the Board has conducted a public meeting to consider the Executive Officer's report on the status of implementation of the Low-Emission Vehicles and Clean Fuels regulations, and has received oral and written comment from interested members of the public on the report and implementation status; and

WHEREAS, the Board finds that:

The 1993 Ford Escort/Mercury Tracer has been certified to the TLEV standards nearly two years earlier than the expected introduction date for TLEVs, and approximately ten other engine families are expected to be certified to the TLEV emission standards for the 1993 model year;

The certification emission levels of the 1993 Ford Escort/Mercury Tracer were at or below the 50,000 and 100,000 mile certification standards for LEVs using conventional vehicle technology which is widely available to vehicle manufacturers;

The LEV standards and phase-in requirements can be achieved by the 1997 model year by improving the fuel control and catalyst systems of conventional vehicles with small to medium displacement engines, and Phase 2 certification gasoline can provide an additional margin for compliance; for vehicles whose emissions are more difficult to control, electrically heated catalysts can be used to attain compliance with the LEV standards;

In consideration of the state of development of electrically heated catalyst systems, the results of current test programs and durability studies, and the efforts being made to resolve any remaining questions concerning the feasibility of electrically heated catalysts, electrically heated catalysts are a technologically feasible strategy for meeting the LEV and ULEV emission standards and phase-in requirements within the applicable timeframes;

The TLEV, LEV, and ULEV standards are technologically feasible within the applicable timeframes for vehicles certifying on conventional gasoline, although the use of Phase 2 gasoline certification fuel is expected to be an important element in the compliance strategy of manufacturers, enhancing the margin of safety and in some cases eliminating the need for some other emission control mechanisms; the option of using alternative fuels with appropriate emission controls provides another technologically feasible means of meeting the standards; and

It is technologically feasible to meet the ZEV phase-in requirements with battery-powered electric vehicles; however, infrastructure improvements are needed to support large-scale implementation of electric vehicles.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby finds that the Low-Emission Vehicles and Clean Fuels regulations remain technologically feasible within the given timeframes and that no changes to the emission standards or implementation schedule are needed at the present time.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to evaluate infrastructure improvements needed to support the large-scale introduction of electric vehicles and other ZEV technologies, including battery recycling facilities, and to coordinate activities with the appropriate organizations to facilitate the implementation of such infrastructure improvements.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to continue monitoring the status of implementation of the Low-Emission

Vehicles and Clean Fuels regulations and to report to the Board on the status of the program thereof, identifying any significant problems and proposing any appropriate regulatory modifications; the regulated public and other interested parties shall be provided an opportunity to make oral and written comments to the Board in conjunction with the reports.

BE IT FURTHER RESOLVED that the Board reaffirms its intent that the low-emission vehicles regulations consider the vehicle and fuel as part of a single system.

I hereby certify that the above is a true and correct copy of Resolution 92-46 as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-47
June 11, 1992

Agenda Item No.: 92-9-2

WHEREAS, the Legislature has declared that an effective research program is an integral part of the broad-based statewide effort to combat air pollution in California, pursuant to Health and Safety Code Section 39700;

WHEREAS, the Air Resources Board has been directed to administer and coordinate all air pollution research funded, in whole or in part, with state funds, pursuant to Health and Safety Code Section 39703;

WHEREAS, the Air Resources Board has been directed to establish objectives for air pollution research in California, pursuant to Health and Safety Code Section 39703;

WHEREAS, the Air Resources Board has been directed to appoint a Research Screening Committee to give advice and recommendations with respect to all air pollution research projects funded by the state, pursuant to Health and Safety Code Section 39705;

WHEREAS, the Research Screening Committee has reviewed and approved a report titled Planned Air Pollution Research: 1992 Update, dated April 1992, for air pollution research in California; and

WHEREAS, The Air Resources Board has met with the Research Screening Committee and discussed the report.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703 and 39705, hereby concurs in the recommendation of the Research Screening Committee and approves the report Planned Air Pollution Research: 1992 Update, dated April 1992.

I hereby certify that the above is a true and correct copy of Resolution 92-47, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-48

May 28, 1992

Agenda Item No.: 92-8-2

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety code requires that each year following the Board's approval of a district's attainment plan, the district shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the Yolo-Solano Unified Air Pollution Control District (the "District") has classified itself as severe non-attainment for ozone;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions for area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;

- (8) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (9) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (10) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, all districts within the Broader Sacramento Area, including the Yolo-Solano Unified Air Pollution Control District, have been identified as contributing to exceedances of the state ozone standard in the downwind areas of the San Francisco Bay Area, the San Joaquin Valley Air Basin, and the Upper Sacramento Valley, and therefore transport mitigation measures are required as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basins to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Yolo-Solano 1991 Air Quality Attainment Plan (the "Plan") was adopted by the District Board on February 19, 1991 in Resolution No. 92-02 and was officially transmitted by the District to the Board on March 5, 1992;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and Initial Study and Negative Declaration on the Plan, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt measures requiring the retrofitting of 10 stationary source categories with control equipment between 1991 and the year 1994;
3. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
4. a commitment to develop and adopt rules for 17 area source categories between 1991 and the year 1994;
5. a commitment to develop 11 different indirect source control measures between 1991 and the year 1994;
6. eight mobile source measures to be adopted between 1991 and the year 1994;
7. a cost-effectiveness ranking for transportation, indirect source control and stationary and area source control measures;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, and the Initial Study and Negative Declaration and the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The state health-based ambient air quality standard for ozone is exceeded in the Yolo-Solano Unified Air Pollution Control District;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;

3. The Plan contains all reasonably available transportation control measures;
4. The District's proposal to adopt 27 stationary and area source rules between 1991 and 1994 represents a significant increase in regulatory activity over the last four years;
5. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is developed;
6. Although the District is unable to specify an attainment date for ozone, the Plan satisfies the requirements of section 41503(d) of the Health and Safety Code because it contains every feasible control strategy or measure to ensure that progress toward attainment is maintained;
7. The Board concurs with the District's methodology and its estimates that there will be no net increase in vehicle emissions after 1997;
8. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for all non-attainment pollutants and their precursors, and the Plan instead indicates an annual reduction of hydrocarbons of from 4.4 to 6.6 percent, of oxides of nitrogen (NOx) of from 4.1 to 4.8 percent from the year 1987 through 1994;
9. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan substantially satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures for the years 1992 and 1993 given the circumstances which prevail in the District;
10. The District has included all feasible transportation, stationary and area source measures in the Plan;
11. The District has initiated an acceptable public education campaign to teach people about the impacts of single occupancy vehicles and to direct them to transportation alternatives;
12. The Plan does not include provisions for the application of uniform control measures within the Broader Sacramento Area;
13. The Plan does not contain any provisions for a contingency procedure or contingency measures as required by Health and Safety Code section 40915;
14. Although the Plan includes all reasonably available transportation control measures, additional factual detail is

needed before most of these measures can be approved, as specified in the Staff Report;

15. The measures set forth in the plan may not result in compliance with the requirement of a 1.5 person average vehicle occupancy by the year 2000 and additional time is needed to identify and implement the appropriate strategies;
16. The District has not yet adopted the required amendments to its New Source Review rule designed to achieve no net increase in emissions of ozone precursors;
17. The District is unable to demonstrate that the Plan will result in a significant decline in the regional growth of vehicle miles travelled and trip length;
18. The District does not meet the Act's requirements for transport mitigation because the District has not yet adopted a "no net increase" permitting rule, and has not sufficiently demonstrated compliance with BARCT transport mitigation requirements;
19. The Initial Study and Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of CEQA, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;

NOW, THEREFORE, BE IT RESOLVED, that Board approves the Yolo-Solano 1991 Air Quality Attainment Plan submitted by the District as complying with the requirements of the Act, with the conditions and clarification set forth below;

BE IT FURTHER RESOLVED, that the Board defers action on the ozone attainment demonstration until a reliable photochemical model is available as determined by the Executive Officer;

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the no net increase provisions for new and modified permitted stationary sources, and directs the District to adopt a no net increase rule no later than November 28, 1992, which mitigates all future emission increases and those occurring between July 1, 1991 and the rule implementation date;

BE IT FURTHER RESOLVED, that the Board finds that the CAF/LEV program contained in the Plan is unique, untested, and not subject to the "all feasible measures" or "uniform control" determinations;

BE IT FURTHER RESOLVED, that the Board conditionally approves those measures where further actions are needed to comply with the Act and directs the District to take such actions as identified in the Staff Report;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a reduced rate of growth in trips and trip length to allow the District additional time to obtain the necessary commitments and funding;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a 1.5 average vehicle occupancy by the year 2000, and directs the District to develop better information on baseline travel conditions, to establish a monitoring network, to develop an analytical framework for assessing District AVO levels, and to submit this information to the Board by April, 1993;

BE IT FURTHER RESOLVED, that the Board approves the lesser rates of annual emission reductions expressed in the District's plan as the maximum achievable rate of progress under the specific circumstances which prevail in the Yolo-Solano Unified Air Pollution Control District;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as necessary to comply with the Act's transport mitigation requirements;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to develop a population exposure model;

BE IT FURTHER RESOLVED, that the Board directs the District to develop and submit to the Board by July 28, 1992 a procedural approach to contingency requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions that are necessary to comply with the Act's uniformity requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to work with Board staff to develop an agreement which specifies a schedule and milestones for securing the commitments needed from SACOG and other state and local agencies in order to ensure implementation of the unsecured transportation control measures;

BE IT FURTHER RESOLVED, that the Board approves the District's compliance with the California Environmental Quality Act.

I hereby certify that the above
is a true and correct copy of
Resolution 92-48, as adopted
by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-49

May 28, 1992

Agenda Item No.: 92-8-2

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan the district shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the El Dorado County Air Pollution Control District (the "District") believes that it should be classified as serious non-attainment for ozone, and Board staff is recommending that a non-attainment classification of severe be applied;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions for area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;

- (8) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (9) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (10) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, all districts within the Broader Sacramento Area, including the El Dorado County Air Pollution Control District, have been identified as contributing to exceedances of the state ozone standard in the downwind areas of the San Francisco Bay Area, the San Joaquin Valley Air Basin, and the Upper Sacramento Valley, and therefore transport mitigation measures are required as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basins to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the El Dorado County California Clean Air Act Plan (the "Plan") was adopted by the District Board on February 10, 1992 as stated in the official minutes of the District Board, and was officially transmitted by the District to the Board on February 21, 1992;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and Initial Study and Negative Declaration on the Plan as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. an acceptable emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. a commitment to develop and adopt rules for 12 stationary and area source categories between 1991 and 1994;
3. a commitment to develop and adopt 7 transportation control measures;
4. a commitment to eventually adopt all feasible stationary and area source control measures;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, and the Initial Study and Negative Declaration and the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The state health-based ambient air quality standard for ozone is exceeded in the El Dorado County Air Pollution Control District;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;
3. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is developed;
4. The Board concurs with the District's methodology and its estimates that there will be no net increase in vehicle emissions after 1997;
5. The District has initiated an acceptable public education program regarding alternatives to single occupancy vehicles;

6. The District's proposal to adopt 12 stationary and area source rules between 1991 and 1994 does not represent an expeditious adoption schedule;
7. The Plan does not satisfy the requirements of section 41503(d) of the Health and Safety Code because the District is unable to specify an attainment date for ozone and the plan does not contain every feasible control strategy or measure to ensure that progress toward attainment is maintained;
8. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for all non-attainment pollutants and their precursors;
9. The Plan does not satisfy the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it does not provide for the expeditious adoption of all feasible control measures and achieves emission reductions of less than 5 percent per year;
10. The District has not included all feasible transportation, stationary, and area source measures in the Plan;
11. The Plan does not include provisions for the application of uniform control measures within the Broader Sacramento Area;
12. The Plan does not contain any provisions for a contingency procedure or contingency measures as required by Health and Safety Code section 40915;
13. The Plan does not include all reasonably available transportation control measures;
14. The Plan does not address District compliance with the requirement of a 1.5 person average vehicle occupancy by the year 2000 because the Plan was written under the assumption that the District has a serious rather than severe ozone classification;
15. The District has not yet adopted the required amendments to its New Source Review rule designed to achieve no net increase in emissions of ozone precursors;
16. The District is unable to demonstrate that the Plan will result in a significant decline in the regional growth of vehicle miles traveled and trip length;
17. The District does not meet the Act's requirements for transport mitigation because the District has not yet adopted a "no net increase" permitting rule, and has not sufficiently demonstrated compliance with BARCT transport mitigation requirements;

18. The Initial Study and Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of CEQA, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;

NOW, THEREFORE, BE IT RESOLVED, that the Board finds that the El Dorado County California Clean Air Act Plan as submitted by the District is substantially deficient and directs the district to amend and resubmit the plan to the Board by November 28, 1992, consistent with the conditions and clarification set forth below;

BE IT FURTHER RESOLVED, that the Board defers action on the ozone attainment demonstration until a reliable photochemical model is available as determined by the Executive Officer;

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the no net increase provisions for new and modified permitted stationary sources, and directs the District to adopt a no net increase rule no later than November 28, 1992, which mitigates all future emission increases and those occurring between July 1 1991 and the rule implementation date;

BE IT FURTHER RESOLVED, that the Board directs the District to take all necessary actions to comply with BARCT requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to include all feasible control measures, and a expeditious adoption schedule for stationary and area source control measures in its Plan, or to present the Executive Officer with a demonstration that such measures are not feasible, given the particular circumstances affecting El Dorado County;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as are necessary to comply with the Act's cost-effectiveness requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to submit a workplan in three months indicating how the necessary resources to carry out the Plan will be obtained;

BE IT FURTHER RESOLVED, that the Board directs the District to take all actions to ensure that the El Dorado district achieves a rate of progress comparable to other districts in the Broader Sacramento Area, by the next planning cycle;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a reduced rate of growth in trips and trip length to allow the District additional time to obtain the necessary commitments and funding;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as necessary to comply with the Act's transport mitigation requirements;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to develop a population exposure model;

BE IT FURTHER RESOLVED, that the Board directs the District to develop a procedural approach to contingency requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions that are necessary to comply with the uniformity requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to develop approaches that will be used in an indirect source control program.

I hereby certify that the above
is a true and correct copy of
Resolution 92-49, as adopted
by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-50

June 11, 1992

Agenda Item No.: 92-9-5

WHEREAS, at a public meeting on October 10, 1991, the Air Resources Board (the "Board"), as authorized by sections 39600, 39601, and 39662 of the Health and Safety Code, and in accordance with the provisions and procedures set forth in sections 39650-39662 of the Health and Safety Code, identified perchloroethylene as a toxic air contaminant with no identifiable threshold exposure level below which no significant adverse health effects are anticipated;

WHEREAS, in identifying perchloroethylene as a toxic air contaminant, the Board found, as recommended by the Office of Environmental Health Hazard Assessment (OEHHA) and the Scientific Review Panel (established pursuant to section 39670 of the Health and Safety Code and also known as the SRP), that based on the upper 95 percent confidence limit of potency, the estimated range of lifetime (70 year) excess cancer risk from continuous exposure to one part per billion by volume (ppbv) of atmospheric perchloroethylene is from 2 to 72×10^{-6} , but did not endorse the recommended best value cancer risk of 54×10^{-6} per ppbv; rather, the Board requested that the OEHHA staff conduct a public workshop, with the participation of at least one SRP member, in order to determine whether any additional information or interpretation regarding perchloroethylene risk was available which would warrant changes to the best value of cancer risk, and that the OEHHA staff report its conclusions back to the Board;

WHEREAS, the Board further resolved that if the OEHHA staff determined that changes to the risk values were justified or that there was new scientific evidence regarding risk, the staff's conclusions would be presented to the SRP for a revised determination prior to reporting the matter back to the Board;

WHEREAS, a public workshop was held on February 4, 1992, as requested by the Board, and, as a result of additional scientific evidence, the OEHHA staff revised the recommended best value of cancer risk from 54×10^{-6} to 40×10^{-6} per ppbv based on an 18.5 percent estimate of human metabolism as opposed to the previous estimate of 25 percent;

WHEREAS, the SRP reviewed the OEHHA staff's April, 1992 report ("Revisions to the Technical Support Document, Part B, Proposed Identification of Perchloroethylene as a Toxic Air Contaminant") including the scientific procedures and methods used to support the data in the report, the data itself, and the conclusions and assessments on which the report was based; considered the public comments received regarding the report; and on

May 21, 1992, adopted "Findings of the Scientific Review Panel on Additional Information Pertaining to the Best Value of Risk for Perchloroethylene", for submittal to the Board, which included the following:

1. Additional scientific information on determining the best upper bound value for perchloroethylene cancer risk was presented at the February 4, 1992 workshop. The information included preliminary perchloroethylene in vitro human metabolism data (Dr. Richard Reitz of Dow Chemical) and a recent pharmacokinetic reanalysis of perchloroethylene metabolism (Dr. Dale Hattis of Clark University).
2. A revision to OEHHA's original "best value" of risk is warranted based on the data reanalysis by Dr. Dale Hattis.
3. An 18.5 percent estimate on metabolism best incorporates the variability of human metabolism at environmental levels. The SRP concurs with OEHHA's recommendation to lower the best value₃ for human unit cancer to 40×10^{-6} per ppb (5.9×10^{-6} per ug/m³). The range of unit risk, $2 - 72 \times 10^{-6}$ per ppb, remains unchanged. The range incorporates lower and higher metabolism rates and other model assumptions. This estimate represents the upper range of plausible excess cancer risk; the actual risk may be significantly lower.

WHEREAS, in consideration of the OEHHA staff's report, including its conclusions and recommendations, the available scientific evidence, the findings of the SRP, and the written comments and testimony received, the Board finds that:

1. The OEHHA staff has fulfilled the Board's request to hold a public workshop to review perchloroethylene cancer risk;
2. Based on available scientific evidence, the OEHHA staff and the SRP have determined that the recommended best value of perchloroethylene cancer risk should be revised from 54×10^{-6} to 40×10^{-6} per ppbv.

NOW, THEREFORE BE IT RESOLVED, that the Board hereby endorses the best value of perchloroethylene cancer risk recommended by the OEHHA and the SRP.

I hereby certify that the above is a true and correct copy of Resolution 92-50, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-51
July 9, 1992

Agenda Item No. 92-11-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal, Number 1999-170 entitled "Determination of Variability in Leaf Biomass Densities of Conifers and Mixed Conifers Under Different Environmental Conditions in California's San Joaquin Valley Air Basin," has been submitted by the University of California, Riverside; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal Number 1999-170, entitled "Determination of Variability in Leaf Biomass Densities of Conifers and Mixed Conifers Under Different Environmental Conditions in California's San Joaquin Valley Air Basin," submitted by the University of California, Riverside, for a total amount not to exceed \$116,015.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1999-170, entitled "Determination of Variability in Leaf Biomass Densities of Conifers and Mixed Conifers Under Different Environmental Conditions in California's San Joaquin Valley Air Basin," submitted by the University of California, Riverside, for a total amount not to exceed \$116,015.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$116,015.

I hereby certify that the above is a true and correct copy of Resolution 92-51, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-52
July 9, 1992

Agenda Item No. 92-11-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal, Number 2000-170 entitled "Biodegradation Technology for Removal of VOCs and Toxic Air Contaminants from Low-Concentration Emissions; Phase II: Determination of Process Design Parameters and Constraints," has been submitted by the University of California, Davis; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal No. 2000-170, entitled "Biodegradation Technology for Removal of VOCs and Toxic Air Contaminants from Low-Concentration Emissions; Phase II: Determination of Process Design Parameters and Constraints," submitted by the University of California, Davis, for a total amount not to exceed \$134,222.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal No. 2000-170, entitled "Biodegradation Technology for Removal of VOCs and Toxic Air Contaminants from Low-Concentration Emissions; Phase II: Determination of Process Design Parameters and Constraints," submitted by the University of California, Davis, for a total amount not to exceed \$134,222.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$134,222.

I hereby certify that the above is a true and correct copy of Resolution 92-52, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-53
July 9, 1992

Agenda Item No. 92-11-3

WHEREAS, the Air Resources Board has been directed to design and implement a comprehensive program of research and monitoring of acid deposition in California pursuant to Health and Safety Code Sections 39900 through 39911; and

WHEREAS, a solicited research proposal, Number 241-46 entitled "Development of an Acid Deposition Model for the South Coast Air Basin in California," has been submitted by the California Institute of Technology; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Scientific Advisory Committee on Acid Deposition has reviewed and recommends for funding:

Proposal Number 241-46 entitled "Development of an Acid Deposition Model for the South Coast Air Basin in California," submitted by the California Institute of Technology, for a total amount not to exceed \$559,713.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39904, hereby accepts the recommendation of the Scientific Advisory Committee on Acid Deposition and approves the following:

Proposal Number 241-46 entitled "Development of an Acid Deposition Model for the South Coast Air Basin in California," submitted by the California Institute of Technology, for a total amount not to exceed \$559,713.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$559,713.

I hereby certify that the above is a true and correct copy of Resolution 92-53, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of A Regulatory Amendment
Identifying 1,3-Butadiene as a Toxic Air Contaminant

Agenda Item No.: 92-10-1

Public Hearing Date: July 9, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The staff report
identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: 3/2/93

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MAR 15 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-54

July 9, 1992

Agenda Item No.: 92-10-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to do such acts and to adopt such regulations as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the Board by law;

WHEREAS, Chapter 3.5 (commencing with section 39650) of Part 2 of Division 26 of the Health and Safety Code establishes procedures for the identification of toxic air contaminants by the Board;

WHEREAS, section 39655 of the Health and Safety Code defines a "toxic air contaminant" as an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health;

WHEREAS, section 39662 of the Health and Safety Code directs the Board to list, by regulation, substances determined to be toxic air contaminants, and to specify for each substance listed a threshold exposure level, if any, below which no significant adverse health effects are anticipated;

WHEREAS, 1,3-butadiene is a potential toxic air contaminant which has been monitored in the ambient air in California;

WHEREAS, in California, the major identified sources of ambient 1,3-butadiene are direct emissions from mobile sources due to incomplete combustion of gasoline and diesel fuels;

WHEREAS, 1,3-butadiene is not naturally removed or detoxified in the atmosphere at a rate that would significantly reduce public exposure;

WHEREAS, pursuant to the request of the Board, the Office of Environmental Health Hazard Assessment (OEHHA) evaluated the health effects of 1,3-butadiene in accordance with section 39660 of the Health and Safety Code;

WHEREAS, the OEHHA concluded that 1,3-butadiene is an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health because it is a suspected human carcinogen;

WHEREAS, the OEHHA concluded that noncancer health effects are not expected to occur at existing statewide ambient levels of 1,3-butadiene;

WHEREAS, based on the upper 95 percent confidence limit of potency, the estimated range of lifetime (70-year) excess cancer risk from continuous exposure to 1 ppbv of atmospheric 1,3-butadiene is from 9.8×10^{-6} to 8×10^{-4} ; and that the OEHHA best value for the upper 95⁴ percent confidence limit of cancer unit risk for 1,3-butadiene is 3.7×10^{-4} ppb⁻¹;

WHEREAS, based on the OEHHA's best value cancer unit risk factor of 3.7×10^{-4} per ppb and the corresponding concentration for ambient exposure, the number of potential excess cancer cases due to ambient exposure to 1,3-butadiene is estimated to be 140 per million people for a 70-year lifetime which corresponds to a potential excess cancer burden of 4,200 for a California population of 30 million over a 70 year period;

WHEREAS, for the reasons set forth in its evaluation, the OEHHA treats 1,3-butadiene-induced carcinogenesis as a nonthreshold phenomenon because the OEHHA found no evidence that there is a carcinogenic threshold level for 1,3-butadiene;

WHEREAS, upon receipt of the OEHHA evaluation, the staff of the Board prepared a report including, and in consideration of, the OEHHA evaluation and recommendations and in the form required by section 39661 of the Health and Safety Code and, in accordance with the provisions of that section, made the report available to the public and submitted it for review to the Scientific Review Panel (SRP) established pursuant to section 39670 of the Health and Safety Code;

WHEREAS, in accordance with section 39661 of the Health and Safety Code, the SRP reviewed the staff report, including the scientific procedures and methods used to support the data in the report, the data itself, and the conclusions and assessments on which the report was based; considered the public comments received regarding the report; and on March 19, 1992, adopted, for submittal to the Board, findings which include the following quoted material:

1. There is evidence that exposure to 1,3-butadiene produces cancer. The International Agency for Research on Cancer (IARC), the United States Environmental Protection Agency (US EPA), and the U.S. Occupational Safety and Health Administration (OSHA) have found that 1,3-butadiene causes cancer in animals. The IARC and the US EPA have classified 1,3-butadiene as a possible (Group 2B) and probable (Group B2) human carcinogen, respectively, on the basis of sufficient evidence for carcinogenicity in animals and inadequate evidence in humans. However, it is our understanding that the IARC will upgrade its human evidence evaluation to "limited" this year, and categorize 1,3-butadiene as a probable (Group 2A) human carcinogen. The OSHA has found that exposure to 1,3-butadiene is associated with an increased risk of death from

cancer of the lymphohematopoietic system, and has classified 1,3-butadiene as a potential occupational carcinogen.

2. Because 1,3-butadiene is listed as a hazardous air pollutant under Section 112 of the United States Clean Air Act of 1990, identification of 1,3-butadiene as a toxic air contaminant is required by the California Health and Safety Code Section 39655.
3. Based on available scientific information, a level of 1,3-butadiene exposure below which no carcinogenic effects are anticipated cannot be identified.
4. Based on a health protective interpretation of the available scientific evidence, the upper bound of the lifetime excess cancer risk resulting from 1,3-butadiene exposure ranges from 9.8×10^{-6} to 8×10^{-4} per ppb [4.4×10^{-6} to 3.6×10^{-4} per microgram per cubic meter ($\mu\text{g}/\text{m}^3$)]. This range of risk is based on data from studies in rats and mice. The best value of the upper bound of risk is 3.7×10^{-4} per ppb (1.7×10^{-4} per $\mu\text{g}/\text{m}^3$). This value is based on data from a recent bioassay in mice. Appendix I compares the best value of the upper bound 1,3-butadiene cancer unit risk with those of other compounds reviewed by the SRP. These 95 percent upper bound lifetime risk estimates are health-protective estimates; the actual risk may be much lower.
5. Mobile sources (both on- and off-road) are responsible for the majority of the identified emissions of 1,3-butadiene. Mobile sources that do not have a functioning exhaust catalyst emit far greater amounts of 1,3-butadiene than do mobile sources with functioning catalysts. Stationary sources contribute to ambient concentrations of 1,3-butadiene during petroleum refining, fuel combustion, production of certain chemicals, and the manufacturing of styrene-butadiene copolymer products.
6. Based on data collected by the ARB's ambient toxic air contaminant monitoring network from 1988 through 1989, the estimated mean annual population-weighted outdoor ambient exposure for California is 0.37 ppbv ($0.82 \mu\text{g}/\text{m}^3$).
7. Based on the ARB emission inventory, areas that may be expected to have 1,3-butadiene levels higher than the mean statewide concentration are near facilities using 1,3-butadiene for the production of resins and polymers, synthetic rubber manufacturing facilities, chemical production facilities, petroleum refineries, stationary fuel combustion sources, and congested freeways. New data from the AB2588 Air Toxics "Hot Spots" emissions reporting program should be used to evaluate "hot spot" exposures if 1,3-butadiene is identified as a toxic air contaminant.

8. Based on its gas-phase reactivity with the hydroxyl radical, ozone, and the nitrate radical, 1,3-butadiene's estimated tropospheric lifetime ranges from a few hours to about 12 hours.
9. Limited indoor monitoring for 1,3-butadiene indicates that individuals exposed to indoor environmental tobacco smoke (ETS) are almost certainly exposed to higher concentrations of 1,3-butadiene indoors than outdoors. The measured concentrations of 1,3-butadiene indoors ranges from 1.5 to 8.6 ppbv (3.3 to 19 $\mu\text{g}/\text{m}^3$). This range of indoor concentrations compares to the outdoor statewide average 1,3-butadiene concentration of 0.37 ppbv (0.82 $\mu\text{g}/\text{m}^3$).
10. Studies of mice exposed to ppm concentrations of 1,3-butadiene indicate that 1,3-butadiene is taken up rapidly by the body and metabolized. Cancer results in multiple sites, including the heart, lung, mammary gland, ovaries, forestomach, liver, pancreas, thyroid, testes, and hematopoietic system. Exposure to 1,3-butadiene at higher concentrations ($\geq 1,000$ ppm) is associated with tumors in the rat. Although it is not included in the calculations for the risk assessment, it is important to note that 1,3-butadiene is one of only two chemicals (the other being the fungicide Captafol) known to induce cancer in the heart of laboratory animals.
11. Epidemiological studies of production workers exposed to 1,3-butadiene provide limited evidence of an increased risk of death from hematologic neoplasms, especially leukemia and other lymphomas. Adverse health effects other than cancer are not expected to occur at mean statewide outdoor ambient concentrations.
12. Based on the OEHHA staff's best value cancer unit risk of 3.7×10^{-4} per ppb (1.7×10^{-4} per $\mu\text{g}/\text{m}^3$), and the ARB staff's population-weighted outdoor ambient exposure of 0.37 ppbv (0.82 $\mu\text{g}/\text{m}^3$), up to 140 potential excess cancers per million are predicted if exposed to this level over a 70 year lifetime. This corresponds to an excess cancer burden of up to 4,200 cancers statewide (based on a population of 30 million people).
13. Based on the available scientific evidence, we conclude that 1,3-butadiene should be identified as a toxic air contaminant.

WHEREAS, Appendix I to the SRP findings, which compares the best value of upper-bound 1,3-butadiene cancer unit risk with those of other compounds, is set forth as Attachment B to this resolution and incorporated by reference herein;

WHEREAS, the SRP found the staff report to be without serious deficiency, agreed with the staff recommendation that 1,3-butadiene should be listed by the Air Resources Board as a toxic air contaminant, and found that, based on available scientific information, a 1,3-butadiene exposure level below which carcinogenic effects are not expected to occur cannot be identified;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, in consideration of the staff report, including the OEHHA's evaluation and recommendations, the available evidence, the findings of the SRP, and the written comments and public testimony it has received, the Board finds that:

1. there is evidence that exposure to 1,3-butadiene produces cancer.
2. adverse health effects other than cancer are not expected to occur at statewide outdoor average ambient concentrations.
3. the OEHHA and the SRP agree, and the Board concurs, that the best value of the upper bound of the overall 1,3-butadiene cancer unit risk is 3.7×10^{-4} ppbv⁻¹.
4. 1,3-butadiene is an air pollutant which, because of its carcinogenicity, may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.
5. there is not sufficient available scientific evidence to support the identification of a threshold exposure level for 1,3-butadiene.
6. this regulatory action does not impose any control measures or reporting requirements on any person or business and will not result in any costs of compliance for California small businesses or for private persons or other businesses.
7. at such time as control measures are proposed for emissions of 1,3-butadiene, information regarding the cost of compliance with the proposed regulations will be developed and made available for review and comment by interested persons and businesses prior to consideration by the Board at a public hearing.
8. given the scientific basis of the Board's action, no alternative to identifying 1,3-butadiene as a TAC would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.
9. this regulatory action will have no significant adverse impact on the environment.

NOW, THEREFORE BE IT RESOLVED, that the Board hereby identifies 1,3-butadiene as a toxic air contaminant and adopts the proposed regulatory amendment to section 93000, Titles 17 and 26, California Code of Regulations, as set forth in Attachment A.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to forward all available data on indoor exposure to 1,3-butadiene to the Department of Health Services, Division of Occupational Safety and Health of the Department of Industrial Relations, the State Energy Resources Conservation and Development Commission, the Department of Housing and Community Development, the Department of Education, and the Department of Consumer Affairs.

I hereby certify that the above is a true and correct copy of Resolution 92-54, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

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MAR 15 1993

RESOURCES AGENCY OF CALIFORNIA

92-55

Not Used

No Resolution

State of California
AIR RESOURCES BOARD

Resolution 92-56

July 9, 1992

Agenda Item No.: 92-10-3

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board" or "ARB") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety code requires that each year following the Board's approval of a district's attainment plan the district shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the districts of the Upper Sacramento Valley (Butte, Colusa, Feather River (part), Glenn, Tehama, and Shasta) have classified themselves as moderate non-attainment for ozone and in the Chico Urban Area of Butte County only, moderate non-attainment for carbon monoxide;

WHEREAS, section 40918(a) of the Health and Safety Code requires each district classified as a moderate non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from new or modified stationary sources which emit or have the potential to emit 25 tons per year or more of non-attainment pollutants or their precursors;
- (2) reasonably available control technology for all existing sources;
- (3) reasonably available transportation control measures;
- (4) provisions to develop area source and indirect source control programs;

- (5) provisions to develop and maintain an emissions inventory system;
- (6) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;

WHEREAS, all districts within the Upper Sacramento Valley have been identified as downwind recipients of ozone transport from the Broader Sacramento Area and therefore are not subject to the transport mitigation requirements specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basins to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Upper Sacramento Valley 1991 Air Quality Attainment Plan (the "Plan") was individually adopted by each district board within the Upper Sacramento Valley between July and November of 1991, and the Plan was transmitted to the Air Resources Board on September 16, 1991;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the Negative Declarations submitted by the districts, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. an emission inventory for each district which includes both stationary and mobile source categories;
2. commitments to adopt measures requiring the retrofitting of 21 stationary source categories with control equipment by July of 1994;
3. a commitment to develop an area source control program;
4. a commitment to develop an indirect source control program as appropriate for each district;
5. a cost-effectiveness ranking for stationary and area source control measures;

WHEREAS, the Plan does not contain a component addressing attainment of the state standard for carbon monoxide for the Chico Urban Area of Butte County, as required by the Act;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the Negative Declarations, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The state health-based ambient air quality standard for ozone is exceeded in the Upper Sacramento Valley and the standard for carbon monoxide is exceeded in the Chico Urban Area;
2. The districts cannot use a photochemical model to project an attainment date for ozone due to the unavailability of a reliable model; as an alternative, however, a proportional rollback analysis can be used to project an attainment date;
3. It is appropriate to presume a "moderate" ozone classification for the Upper Sacramento Valley pending completion of a proportional rollback analysis due to the likelihood that such an analysis will project attainment by December 31, 1994;
4. The local measures proposed in the Plan fall short of the 5 percent per year reductions for all non-attainment pollutants and their precursors, and the Plan instead indicates an annual reduction of hydrocarbons of 2.3 percent, and of oxides of nitrogen of 1.5 percent;

5. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures given the circumstances which prevail in the Upper Sacramento Valley;
6. The Plan includes all reasonably available transportation control measures (TCMs), as warranted by present conditions in each respective jurisdiction, although a final TCM report is needed before the Feather River measures can be fully approved;
7. The districts have included all feasible transportation, stationary and area source measures in the Plan;
8. The districts' proposal to adopt 22 rules covering both stationary and area sources between 1992 and 1994, represents an expeditious adoption schedule;
9. The Plan includes provisions to develop a public education program to promote actions which reduce emissions from transportation and area sources;
10. The Plan includes uniform control measures for the districts within the Upper Sacramento Valley to the extent that they address emission sources held in common;
11. The contingency procedure in the plan meets the Act's requirements, as specified in Health and Safety Code section 40915;
12. The Plan contains a cost-effectiveness ranking for 23 of the plans' 43 proposed control measures, with insufficient information available to rank the remaining measures;
13. The District Boards of Glenn, Feather River, Shasta, and Tehama have made the required finding that the plan is a cost-effective strategy for attaining the state ambient air quality standards by the earliest practicable date;
14. The District Boards of Butte and Colusa have not made the required cost-effectiveness finding that the plan is a cost-effective strategy for attaining the state ambient air quality standards by the earliest practicable date;
15. The districts of Tehama and Shasta have adopted the required amendments to their New Source Review rules designed to achieve a no net increase in emissions of ozone precursors from new and modified stationary sources that have the potential to emit 25 tons or more per year;

16. The districts of Butte, Colusa, Feather River, and Glenn have not adopted the required amendments to their New Source Review rules designed to achieve a no net increase in emissions of ozone precursors from new and modified stationary sources that have the potential to emit 25 tons or more per year;
17. The Negative Declarations prepared and certified by each district Board for the Plan meet the requirements of CEQA;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Upper Sacramento Valley plan which, as identified in the Staff Report, meet the requirements of the Act;

BE IT FURTHER RESOLVED, that the Board directs the Butte County Air Pollution Control District to adopt and submit to the Board, a carbon monoxide attainment plan for the Chico Urban Area by October 9, 1992;

BE IT FURTHER RESOLVED, that the Board directs the Upper Sacramento Valley districts, with the assistance of Board staff, to perform by October 9, 1992, a proportional rollback analysis to project the likely date by which the local contribution to ozone violations will be abated;

BE IT FURTHER RESOLVED, that the Board conditionally approves the emissions accounting in the plan and directs ARB staff to work with the districts to incorporate the additional emission reductions not accounted for in the plan, and to use the revised estimates in the proportional rollback analysis;

BE IT FURTHER RESOLVED, that the Board conditionally approves the moderate classification for ozone pending completion of a proportional rollback analysis;

BE IT FURTHER RESOLVED, that the Board directs the districts of Butte, Colusa, Feather River, and Glenn to adopt by January 9, 1993, rule amendments designed to achieve no net increase in emissions of ozone precursors from new and modified permitted stationary sources with the potential to emit 25 tons or more per year;

BE IT FURTHER RESOLVED, that the Board directs the districts of Butte, Colusa, and Glenn to determine by October 9, 1992, whether the Plan is a cost-effective strategy for attaining the state ambient air quality standards by the earliest practicable date;

AIR RESOURCES BOARD2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812**Response to Significant Environmental Issues**

Item: NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE AIR TOXICS
"HOT SPOTS" FEE REGULATION.

Agenda Item Nos.: 92-11-2
92-13-1

Public Hearing Date: July 10, 1992
Continued to: August 14, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The staff report
identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens

Pat Hutchens
Board Secretary

Date: 5/7/93

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MAY 20 1993

RESOURCES AGENCY OF CALIFORNIA

STATE OF CALIFORNIA
Air Resources Board

Resolution 92-57

August 14, 1992

Agenda Item No.: 92-11-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board ("ARB" or the "Board") to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature found in the Air Toxics "Hot Spots" Information and Assessment Act of 1987 ("the Act", Health and Safety Code section 44300 et seq.) that facilities manufacturing or using hazardous substances may be exposing nearby populations to toxic air releases on a routine basis and that it is in the public interest to ascertain the nature and quantity of hazardous releases from specific sources which may create air toxics "hot spots";

WHEREAS, the Act sets forth a program to develop air toxics emission inventories and to assess the risk to public health from exposure to these emissions;

WHEREAS, On November 14, 1988, effective December 15, 1988, the Board adopted the Fee Regulation set forth in section 90700 et seq. of Title 17 of the California Code of Regulations pursuant to Health and Safety Code section 44380(a), which assessed a fee upon the operator of every facility subject to the Act in order to recover the costs to the Board, local air pollution control districts ("districts"), and the Department of Health Services (hereinafter the Office of Environmental Health Hazard Assessment, or the "Office") to implement and administer the Act;

WHEREAS, the Board has amended the Fee Regulation each year since 1988 to reflect changes in the emission inventory, the sources subject to the Act's requirements, and the state and district costs of implementing the Act;

WHEREAS, Health and Safety Code section 44380(a) was amended in 1990 to require that the Board adopt a regulation which requires all districts, except for districts that have submitted specified information to the Board prior to April 1 of each year, to adopt rules which assess a fee upon the operator of every facility subject to the Act in order to recover the costs to the Districts, the Board and the Office to implement and administer the Act, and this Fee Regulation was amended accordingly on December 31, 1991, effective January 30, 1992;

WHEREAS, the amendments to the fee schedule adopted by the Board on December 31, 1991, set forth in section 90700 et seq. of Title 17 of the California Code of Regulations pursuant to Health and Safety Code section 44380(a), provided for the assessment of a fee upon the operator of every facility subject to the Act in order to recover the costs to the Board, local air pollution control districts, and the Office to implement and administer the Act in fiscal year 1991-92;

WHEREAS, Board staff, in consultation with the districts and the fee regulation committee originally convened pursuant to the 1987 Act, has developed amendments to the fee regulation for fiscal year 1992-93 which have been discussed with the public at three consultation meetings;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, changes have been proposed to the originally noticed text of the regulations based on information presented by the Districts regarding costs of implementing the Act and emission inventories, among other things;

WHEREAS, based upon the information presented by the staff and the written and oral comments received prior to and at the hearing, the Board finds that:

1. The proposed amendments would allocate state costs among the districts based on an approved ARB statewide criteria pollutant emission inventory for total organic gases, particulate matter, nitrogen oxides, and sulfur oxides designated by the Executive Officer for this purpose;
2. The Kern, Lassen, Mendocino, San Bernardino, Santa Barbara, Shasta, and Tehama Air Pollution Control Districts (APCDs), the Great Basin and San Joaquin Valley Unified APCDs, and the South Coast Air Quality Management District (AQMD) have requested that the Board adopt a fee schedule for them, and have submitted to the Air Resources Board the districts' program costs, approved by the district boards, prior to April 1, 1992, and that for these districts, the proposed amendments to the fees in the regulation are based on program costs approved by the district boards and on an approved ARB statewide criteria pollutant emissions inventory for total organic gases, particulate matter, nitrogen oxides, and sulfur oxides designated by the Executive Officer for this purpose; or on fees otherwise determined by the district to be reasonable for facilities that emit less than ten tons per year or 10-25 tons per year of these pollutants, or facilities that are listed on a district toxic inventory or report;

3. The Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Imperial, Lake, Mariposa, Modoc, Northern Sonoma, Placer, San Diego, San Luis Obispo, Siskiyou, Tuolumne and Ventura County APCDs, the Feather River, Monterey Bay Unified, and Yolo-Solano APCDs, and the Bay Area, North Coast Unified, Northern Sierra, and Sacramento Metropolitan AQMDs will be adopting district Air Toxics "Hot Spots" Program fee rules for fiscal year 1992-93;
4. A statewide air toxics inventory has not yet been compiled, but as soon as such an inventory becomes available, the Board staff will propose changes to the regulation so that fees are, to the extent practicable, assessed on a basis that better reflects toxic emissions;
5. The revenues to be assessed pursuant to the proposed fee regulation are reasonably necessary to recover the anticipated program costs which will be incurred by the Board, the districts, and the Office to implement and administer the Act's provisions in fiscal year 1992-1993;
6. On the basis of a financial analysis conducted to indicate the economic impacts on affected facilities resulting from the fees proposed in this regulation, the staff has determined that the proposed amendments may have a significant adverse economic impact on small businesses, or on private persons or other businesses directly affected by the regulation; and
7. Because current economic conditions are adverse, the originally proposed contingency adjustment factors of five percent of state costs and ten percent of district costs for those districts for which the Fee Regulation would establish fees may not be appropriate; and
8. The state budget for fiscal year 1992-93, which has not yet been approved, may require a reduction in the state's proposed expenditures from the Air Toxics Inventory and Assessment Account; and
9. This regulatory action will not have a significant adverse impact on the environment and may indirectly benefit air quality by stimulating a reduction in emissions of both toxic and criteria pollutants.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves sections 90700-90705, Title 17, California Code of Regulations including the appendices referenced therein, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to adopt sections 90700-90705, Title 17, California Code of Regulations after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate

in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to revise the emission inventory used to calculate fees as necessary to reflect needed revisions brought to the Board's attention through July 10 only, and to accept no further revisions after that date.


BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to revise the contingency adjustment factors used to calculate fees to 2.5 percent for state costs, and five percent for district costs for those districts for which the Fee Regulation will establish fees.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to credit the reduction in the contingency adjustment factor towards any reduction in the state's proposed expenditures for the Air Toxics Inventory and Assessment Account required by the approved state budget for fiscal year 1992-93.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to provide a 15-day period in which the public may review and comment on the modifications which the Board has approved to the original proposal.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to present annually to the Board appropriate amendments to the fee schedule, utilizing toxic inventory information generated pursuant to the Act's requirements to the extent practicable for the fiscal year 1993-94 amendments and thereafter.

I hereby certify that the above is
a true and correct copy of
Resolution 92-57, as adopted by the
Air Resources Board.



Pat Hutchens, Board Secretary

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MAY 20 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-58

August 13, 1992

Agenda Item No.: 92-12-2

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan the districts shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the Santa Barbara County Air Pollution Control District (the "District") has classified itself as severe non-attainment for ozone;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions to develop area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;

- (8) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (9) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (10) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, the Santa Barbara County portion of the South Central Coast Air Basin has been identified as contributing to exceedances of the state ozone standard in the downwind area of the South Coast Air Basin, and therefore, transport mitigation measures are required as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basins to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Santa Barbara 1991 Air Quality Attainment Plan (the "Plan") was adopted by the District Board on December 17, 1991, in Resolution No. 91-741, and was officially transmitted by the District to the Air Resources Board on December 17, 1991;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the environmental impact report (EIR) submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt measures requiring the retrofiting of 14 stationary source categories with control equipment between 1991 and the year 1994;
3. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
4. a commitment to develop and adopt rules for 15 area source categories between 1991 and 1994;
5. a commitment to develop 1 indirect source control measure between 1991 and the year 1994;
6. a commitment to develop 1 transportation control measure to be adopted between 1991 and the year 1994;
7. a cost-effectiveness ranking for transportation, indirect source control, stationary and area source control measures;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The State health-based ambient air quality standard for ozone is exceeded in the Santa Barbara County Air Pollution Control District;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;
3. The District is not in compliance with the "no net increase" requirement for new and modified permitted stationary sources;

4. The District's proposal to adopt 25 stationary and area source rules between 1991 and 1994 is a significant increase of regulatory activity and represents an expeditious adoption schedule;
5. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for ozone and its precursors, and the Plan instead indicates an annual reduction of hydrocarbons of from 4.1 to 0.9 percent and of oxides of nitrogen (NOx) of from 3.0 to 1.2 percent from the year 1987 through 2000;
6. The District has included all feasible transportation, stationary and area source measures in the Plan;
7. Although the District is unable to specify an attainment date for ozone, the Plan satisfies the requirements of section 41503(d) of the Health and Safety Code because it contains every feasible control strategy or measure to ensure that progress toward attainment is maintained;
8. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures given the circumstances which prevail in the District;
9. Although the Plan contains all reasonably available transportation control measures, additional factual detail in the form of a workplan and schedule for trip reduction measures for non-commute sources, and other details as specified in the Staff Report, are needed before the transportation control measures can be unconditionally approved;
10. The District is not in compliance with the "no net increase" transport mitigation requirement, but the District Plan provides assurances that the BARCT transport mitigation requirement will be satisfied by January 1, 1994;
11. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is developed;
12. The Plan includes uniform control measures for the South Central Coast Air Basin to the extent that the uniformity requirement is most applicable to Ventura and Santa Barbara Counties, which are both classified as severe and which have similar geographical and population distribution characteristics;
13. The District has an acceptable public education campaign about air quality issues;

14. The District's accelerated adoption and measure evaluation contingency procedure meets the Act's requirements, as required by Health and Safety Code section 40915;
15. The Plan does not currently demonstrate compliance with the requirement that the regional growth of vehicle miles traveled and trips show a significant decline, and additional analysis is required to confirm the current forecasts and to conclude that the Plan's measures are sufficient;
16. The Plan does not currently satisfy the requirement of a 1.5 person average vehicle occupancy by the year 1999 because additional time is needed to develop baseline data and an analytical framework;
17. The Board concurs with the District's methodology and its estimates that there will be no net increase in vehicle emissions after 1997;
18. The Final EIR prepared and certified by the District Board for the Plan meets the requirements of CEQA, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
19. The Board is a responsible agency for the purposes of CEQA and the adoption of the Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels, that the alternatives and mitigation measures set forth in the EIR have been adequately addressed for purposes of this planning activity, and that the District's findings and supporting statements of fact for each significant effect, as set forth in the District's Resolution No. 91-741, dated December 17, 1991, are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Santa Barbara 1991 Air Quality Attainment Plan which, as identified in the Staff Report, meet the requirements of the Act;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report for those plan provisions where further actions are needed to comply with the act;

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the no net increase requirements for new and modified permitted stationary sources, and directs the District to adopt a no net increase rule no later than February 13, 1993, which mitigates all future emission increases and those occurring between July 1, 1991 and the rule implementation date;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the district to develop workable fleet rules;

BE IT FURTHER RESOLVED, that the Board directs the District to submit a workplan and schedule to address an evaluation of trip reduction measures for non-commute sources, and to submit other details as specified in the Staff Report, by May 13, 1993;

BE IT FURTHER RESOLVED, that the Board directs the District to clarify the current level of financial and policy commitment to each transportation control measure by the responsible implementing agency, and to submit a workplan and schedule to obtain the outstanding commitments by February 13, 1993;

BE IT FURTHER RESOLVED, that the Board defers action on the Plan's approach to achieve a reduced rate of growth in trips and trip length to allow the District additional time to obtain the necessary data to be submitted to the Board by August 13, 1993;

BE IT FURTHER RESOLVED, that the Board defers action on the Plan's approach to achieve a 1.5 average vehicle occupancy by the year 1999, and directs the District to develop better information on baseline travel conditions, establish a monitoring network, and to develop an analytical framework for assessing District AV0 levels and to submit this information to the Board by August 13, 1993;

BE IT FURTHER RESOLVED, that the Board approves the lesser rates of annual emission reductions expressed in the District's plan as the maximum achievable rate of progress under the specific circumstances which prevail in the Santa Barbara County Air Pollution Control District;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to develop a population exposure model;

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the no net increase transport mitigation requirement, and directs the District to adopt a no net increase rule by February 13, 1993, which mitigates all future emission increases and those occurring between July 1, 1991 and the rule implementation date;

BE IT FURTHER RESOLVED, that the Board directs the District to evaluate, with the Ventura District, the degree to which uniformity of transportation and indirect source control measures is appropriate and necessary and to evaluate the effectiveness of delegated measures in achieving uniformity;

BE IT FURTHER RESOLVED, that the Board approves the District's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution.

State of California
AIR RESOURCES BOARD

Resolution 92-59

August 13, 1992

Agenda Item No.: 92-12-2

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan the districts shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the San Luis Obispo County Air Pollution Control District (the "District") has classified itself as serious non-attainment for ozone;

WHEREAS, section 40919(a) of the Health and Safety Code requires each district classified as a serious non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions to develop area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basins to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the San Luis Obispo 1991 Clean Air Plan (the "Plan") was adopted by the District Board on January 21, 1992, in Resolution No. 92-59, and was officially transmitted by the District to the Air Resources Board on February 18, 1992;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the environmental impact report (EIR) submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt measures requiring the retrofiting of 16 stationary source categories with control equipment between 1991 and the year 1994;
3. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;

4. a commitment to develop and adopt rules for 16 area source categories between 1991 and 1994;
5. a commitment to develop 5 indirect source control measures between 1991 and the year 1994;
6. a commitment to develop 8 transportation control measures to be adopted between 1991 and the year 1994;
7. a cost-effectiveness ranking for transportation, indirect source control, stationary and area source control measures;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The State health-based ambient air quality standard for ozone is exceeded in the San Luis Obispo County Air Pollution Control District;
2. The Board concurs with the District's 1997 attainment demonstration and the classification of "serious" for the San Luis Obispo District;
3. The District is in compliance with the "no net increase" permitting program;
4. The District's proposal to adopt 30 stationary and area source rules between 1991 and 1994 is a significant increase of regulatory activity and represents an expeditious adoption schedule;
5. The Plan contains all reasonably available transportation control measures; however, additional factual detail as specified in the Staff Report is needed before the transportation control measures can be unconditionally approved;
6. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for ozone and its precursors, and the Plan instead indicates an annual reduction of hydrocarbons of from 3.9 to 1.2 percent and of oxides of nitrogen (NOx) of from 7.0 to 1.7 percent from the year 1987 through 2000;
7. The Plan demonstrates compliance with the requirement that the regional growth of vehicle miles travelled and trips show a significant decline;

8. The District has included all feasible transportation, stationary and area source measures in the Plan;
9. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures given the circumstances which prevail in the District;
10. Given the geographical and population distribution characteristics within the South Central Coast Air Basin, and the difference in air quality severity, it is not appropriate to require control measures in San Luis Obispo County to be uniform with control measures in Santa Barbara and Ventura Counties;
11. The District has an acceptable public education campaign about air quality issues;
12. The District's accelerated adoption and measure evaluation contingency procedure meets the Act's requirements, as required by Health and Safety Code section 40915;
13. The Final EIR prepared and certified by the District Board for the Plan meets the requirements of CEQA, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
14. The Board is a responsible agency for the purposes of CEQA and the adoption of the Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels; the alternatives and mitigation measures set forth in the EIR have been adequately addressed for purposes of this planning activity, and the District's findings and supporting statements of fact for each significant effect, as set forth in the District's Resolution No. 92-59, dated January 21, 1992, are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the San Luis Obispo 1991 Clean Air Plan submitted by the District as complying with the requirements of the Act, with the conditions and clarification set forth below;

BE IT FURTHER RESOLVED, that the Board directs the District to submit a workplan and schedule for obtaining outstanding financial and policy commitments from the responsible implementing agencies and other details as specified in the Staff Report by October 13, 1992;

BE IT FURTHER RESOLVED, that the Board approves the lesser rates of annual emission reductions expressed in the District's plan as the maximum achievable rate of progress under the specific circumstances which prevail in the San Luis Obispo County Air Pollution Control District;

BE IT FURTHER RESOLVED, that the Board approves the District's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution.

I hereby certify that the above is a true and correct copy of Resolution 92-59, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-60

August 13, 1992

Agenda Item No.: 92-12-2

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan the districts shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the Ventura County Air Pollution Control District (the "District") has classified itself as severe non-attainment for ozone;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions to develop area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;

- (8) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (9) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (10) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, the Ventura County portion of the South Central Coast Air Basin has been identified as contributing to exceedances of the state ozone standard in the downwind area of the South Coast Air Basin, and therefore, transport mitigation measures are required as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basins to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Ventura 1991 Air Quality Management Plan (the "Plan") was adopted by the District Board on October 8, 1991, and was officially transmitted by the District to the Air Resources Board on January 9, 1992;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the environmental impact report (EIR) submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt measures requiring the retrofiting of 18 stationary source categories with control equipment between 1991 and the year 1994;
3. a commitment to develop and adopt rules for 16 area source categories between 1991 and 1994;
4. a commitment to develop 3 indirect source control measures between 1991 and the year 1994;
5. a commitment to develop 13 transportation control measures to be adopted between 1991 and the year 1994;
6. a cost-effectiveness ranking for transportation, indirect source control, stationary and area source control measures;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The State health-based ambient air quality standard for ozone is exceeded in the Ventura County Air Pollution Control District;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;
3. The District is in compliance with the "no net increase" requirement for new and modified permitted stationary sources;
4. The District's proposal to adopt 27 stationary and area source rules between 1991 and 1994 is a significant increase of regulatory activity and represents an expeditious adoption schedule;

5. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for ozone and its precursors, and the Plan instead indicates an annual reduction of hydrocarbons of from 3.0 to 1.0 percent and of oxides of nitrogen (NOx) of from 4.5 to 1.3 percent from the year 1987 through 2000;
6. The District has included all feasible transportation, stationary and area source measures in the Plan;
7. Although the District is unable to specify an attainment date for ozone, the Plan satisfies the requirements of section 41503(d) of the Health and Safety Code because it contains every feasible control strategy or measure to ensure that progress toward attainment is maintained;
8. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures given the circumstances which prevail in the District;
9. Although the Plan contains all reasonably available transportation control measures, additional factual details in the form of a workplan and schedule for trip reduction measures for non-commute sources, and other details as specified in the Staff Report, are needed before the transportation control measures can be unconditionally approved;
10. The District is in compliance with the "no net increase" permitting transportation mitigation requirement, and the Plan provides assurances that the BARCT transport mitigation requirement will be satisfied by January 1, 1994;
11. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is developed;
12. The Plan includes uniform control measures for the South Central Coast Air Basin to the extent that the uniformity requirement is most applicable to Ventura and Santa Barbara Counties, which are both classified as severe, and which have similar geographical and population distribution characteristics;
13. The District has initiated an acceptable public education campaign about air quality issues including an elementary and middle school air quality curriculum;
14. The District's accelerated adoption and measure evaluation contingency procedure meets the Act's requirements, as required by Health and Safety Code section 40915;

15. The Plan does not currently demonstrate compliance with the requirement that the regional growth of vehicle miles travelled and trips show a significant decline, and additional analysis is required to confirm the current forecasts and to conclude that the Plan's measures are sufficient;
16. The Plan does not currently satisfy the requirement of a 1.5 person average vehicle occupancy by the year 1999 because additional time is needed to develop baseline data and an analytical framework;
17. The Board concurs with the District's methodology and its estimates that there will be no net increase in vehicle emissions after 1997;
18. The Final EIR prepared and certified by the District Board for the Plan meets the requirements of CEQA, and environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
19. The Board is a responsible agency for the purposes of CEQA and the adoption of the Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels; the alternatives and mitigation measures set forth in the EIR have been adequately addressed for purposes of this planning activity, and the District's findings and supporting statements of fact for each significant effect, as set forth in the District's "Resolution Adopting a Statement of Overriding Considerations for the Potential Adverse Environmental Impacts Associated with Adoption of the 1991 Air Quality Management Plan" dated October 8, 1991, are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Ventura 1991 Air Quality Management Plan, which, as identified in the Staff Report, meet the requirements of the Act;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report, for those Plan provisions where further actions are needed to comply with the Act;

BE IT FURTHER RESOLVED, that the Board directs the district to proceed with BARCT determinations, making its best independent judgement, where necessary, as to the degree of control that represents BARCT;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the district to develop workable fleet rules;

BE IT FURTHER RESOLVED, that the Board directs the District to submit a workplan and schedule to address an evaluation of trip reduction measures for non-commute sources, and to submit other details as specified in the Staff Report, by February 13, 1993;

BE IT FURTHER RESOLVED, that the Board directs the District to clarify the current level of financial and policy commitment to each transportation control measure by the responsible implementing agency, and to submit a workplan and schedule to obtain the outstanding commitments by November 13, 1992;

BE IT FURTHER RESOLVED, that the Board defers action on the Plan's approach to achieve a reduced rate of growth in trips and trip length to allow the District additional time to obtain the necessary data to be submitted to the Board by May 13, 1993;

BE IT FURTHER RESOLVED, that the Board defers action on the Plan's approach to achieve a 1.5 average vehicle occupancy by the year 1999, and directs the District to develop better information on baseline travel conditions, establish a monitoring network, and to develop an analytical framework for assessing District AV0 levels and to submit this information to the Board by May 13, 1993.

BE IT FURTHER RESOLVED, that the Board approves the lesser rates of annual emission reductions expressed in the District's plan as the maximum achievable rate of progress under the specific circumstances which prevail in the Ventura County Air Pollution Control District;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to develop a population exposure model;

BE IT FURTHER RESOLVED, that the Board directs the District to evaluate, with the Santa Barbara District, the degree to which uniformity of transportation and indirect source control measures is appropriate and necessary and to evaluate the effectiveness of delegated measures in achieving uniformity;

BE IT FURTHER RESOLVED, that the Board approves the District's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution.

92-61
Missing
No Resolution

AIR RESOURCES BOARD2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812State of California
AIR RESOURCES BOARD**Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF NEW SPECIFICATIONS FOR
GASOLINE CERTIFICATION FUEL FOR MOTOR VEHICLES

Agenda Item No.: 92-13-2

Public Hearing Date: August 14, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The staff report
identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens

Pat Hutchens
Board Secretary

Date: 5/25/93

State of California
AIR RESOURCES BOARD

Resolution 92-61

August 14, 1992

Agenda Item No.: 92-13-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in section 43000 of the Health and Safety Code the Legislature has declared that the emission of air contaminants from motor vehicles is the primary cause of air pollution in many parts of the state, and that the control and elimination of those air contaminants is of prime importance for the protection and preservation of the public health and well-being, and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property;

WHEREAS, section 43018(a) of the Health and Safety Code, enacted by the California Clean Air Act of 1988, directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of the state ambient air quality standards at the earliest practicable date;

WHEREAS, section 43018(b) of the Health and Safety Code directs the Board no later than January 1, 1992 to take whatever actions are necessary, cost-effective, and technologically feasible in order to achieve, by December 31, 2000, a reduction in motor vehicle emissions of reactive organic gases (ROG) of at least 55 percent and a reduction of motor vehicle emissions of oxides of nitrogen (NOx), and the maximum feasible reductions in particulates (PM), carbon monoxide (CO), and toxic air contaminants from vehicular sources;

WHEREAS, section 43018(c) of the Health and Safety Code provides that in carrying out section 43018, the Board shall adopt standards and regulations which will result in the most cost-effective combination of control measures on all classes of motor vehicles and motor vehicle fuel, including but not limited to reductions in motor vehicle exhaust and evaporative emissions, reductions in in-use vehicular emissions through durability and performance improvements, requiring the purchase of low-emission vehicles by state fleet operators, and specification of vehicular fuel composition;

WHEREAS, section 43104 of the Health and Safety Code directs the Board to adopt test procedures for determining whether new motor vehicles are in compliance with the emission standards established by the Board;

WHEREAS, following a hearing on August 9, 1990, the Board adopted amendments to its evaporative emission requirements and test procedures; these amendments establish more stringent standards for evaporative hydrocarbon emissions during vehicle operation and associated requirements, to be phased in over a four year period beginning with 1995 model year vehicles;

WHEREAS, following a hearing on September 27-28, 1990, the Board adopted Low-Emission Vehicles and Clean Fuels regulations which require the production of low-emission light- and medium-duty vehicles and require that alternative fuels used by these vehicles be made reasonably available to motorists;

WHEREAS, the exhaust emission test procedures for certifying new gasoline-powered motor vehicles and engines (other than motorcycles) are contained in the California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles, which is incorporated by reference in Title 13, California Code of Regulations, section 1960.1(k), and in the California Exhaust Emission Standards and Test Procedures for 1987 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles, which is incorporated by reference in Title 13, California Code of Regulations, section 1956(d);

WHEREAS, the Board's exhaust emission test procedures identify the specifications of gasoline to be used in certification testing to determine compliance with the applicable exhaust and evaporative emission standards;

WHEREAS, following a public hearing on November 21-22, 1991, the Board approved regulations for Phase 2 reformulated gasoline, applicable to gasoline sold in California for use in motor vehicles beginning March 1, 1996; these regulations include a comprehensive set of specifications affecting eight different gasoline properties and are designed to ensure that in-use gasoline is a significantly cleaner-burning fuel;

WHEREAS, in Resolution 90-58 approving the Low-Emission Vehicles and Clean Fuels Regulations, the Board found that it is necessary and appropriate to treat the vehicle and its fuel as a system, in order to achieve the maximum feasible reductions in emissions from new motor vehicles and to encourage the vehicle and fuel industries to work together to develop the least polluting and most cost-effective vehicle and fuel technologies;

WHEREAS, the staff has proposed amendments to the motor vehicle emission test procedures which, as initially proposed, would allow the use of a certification gasoline based on Phase 2 reformulated gasoline in addition to the existing certification gasolines; as initially proposed this Phase 2 gasoline certification fuel would be allowed in certification testing of 1993 and later model year low-emission vehicles, 1995 and later model year vehicles which must meet the evaporative emission requirements approved in August 1990, and 1996 and later model year conventional gasoline-powered motor vehicles;

WHEREAS, the California Environmental Quality Act and Board regulations require that an action not be adopted as proposed where it will have significant adverse environmental impacts if feasible alternatives or mitigation measures are available which would substantially reduce or avoid such impacts;

WHEREAS, the Board has considered the impact of the proposed amendments on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

The regulatory amendments approved herein further the goal of the Low-Emission Vehicles and Clean Fuels program to treat the vehicle and the fuel as part of a single system, by allowing use of a cleaner certification gasoline reflecting the cleaner commercial gasoline that will be introduced by March 1996;

The regulatory amendments approved herein will provide vehicle manufacturers with more flexibility and an additional margin of safety in complying with the low-emission vehicle standards;

It is necessary and appropriate to allow the use of a Phase 2 gasoline certification fuel for 1993 and subsequent model year low-emission vehicles to encourage the development of such vehicles and to assure that the 1993-1995 model year standards are consistent with the later model-year low-emission vehicle standards;

Since 1995 model year vehicles certified to the conventional emission standards will operate on Phase 2 reformulated gasoline for most of their useful lives, and since not allowing the use of such certification gasoline until the 1996 model year could be disruptive of certification testing plans, it is necessary and appropriate to allow the use of a Phase 2 gasoline certification fuel for 1995 model year conventional vehicles;

The Phase 2 gasoline certification specifications appropriately reflect the expected parameters of commercial Phase 2 reformulated gasoline in ranges sufficiently narrow to enhance the consistency of testing; the specification for multi-substituted alkyl aromatic compounds is designed to reflect the expected typical content of multi-substituted alkyl aromatic compounds in commercial Phase 2 reformulated

gasoline and does not signify any intent of the Board to impose a specification for this characteristic applicable to commercial gasoline;

The amendments approved herein, when viewed as part of the Board's overall regulatory program for low-emission vehicles and for commercial Phase 2 reformulated gasoline, will not have a significant adverse emission or other environmental impact;

The amendments approved herein will not have any adverse impact on the economy of the state.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to sections 1960.1(k) and 1956.8(d), Title 13, California Code of Regulations, as set forth in Attachment A hereto, the amendments to the California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-duty Vehicles as set forth in Attachment B hereto, and the amendments to the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles as set forth in Attachment C hereto, with the modifications to the above incorporated documents described in Attachment D hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into the approved regulations and incorporated documents the modifications described in Attachment D hereto, and either to adopt the modified regulations, amendments, and new documents after making them available to the public for a supplemental written comment period of 15 days, with such additional modifications as may be appropriate in light of supplemental comments received, or to present the regulations, amendments, and documents to the Board for further considerations if he determines that this is warranted in light of supplemental written comments received.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments approved herein will not cause the California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

BE IT FURTHER RESOLVED that the Board hereby finds that separate California emission standards and test procedures are necessary to meet compelling and extraordinary conditions.

BE IT FURTHER RESOLVED that the Board finds that the California emission standards and test procedures as amended herein will not cause the California requirements to be inconsistent with section 202(a) of the Clean Air Act and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the amendments pertaining to the motor vehicle emission standards and test procedures to the U.S. Environmental Protection Agency with a request for a waiver or confirmation that the amendments are within the scope of an existing waiver of federal preemption pursuant to section 209(b) of the Clean Air Act, as appropriate.

I hereby certify that the above is a true and correct copy of Resolution 92-61 as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

RECEIVED BY
Office of the Secretary

JUN 15 1993

REGULATORY AGENCY OF CALIFORNIA

Resolution 92-61

August 14, 1992

Identification of Attachments to the Resolution

Attachment A: Proposed amendments to Title 13, California Code of Regulations, sections 1960.1(k) and 1956.8(d), as set forth in Appendix A to the Staff Report.

Attachment B: Amendments to the California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles, as set forth in Appendix B to the Staff Report.

Attachment C: Amendments to the California Exhaust Emission Standards and Test Procedures for 1987 and Subsequent Model Heavy-duty Otto-cycle Engines and Vehicles, as set forth in Appendix C to the Staff Report.

Attachment D: Staff's Suggested Changes to the Proposed Specifications for Phase 2 Certification Fuel (distributed at the hearing on August 14, 1992).

Attachment D

State of California
AIR RESOURCES BOARD

Staff's Suggested Changes to the Proposed Specifications
for Phase 2 Certification Fuel

August 14, 1992

1. The staff is proposing a modification to its original proposal to allow all 1995 model-year vehicles to use Phase 2 certification gasoline. The staff's original proposal would allow the use of Phase 2 certification gasoline only for those 1995 model-year vehicles that are certified to the new evaporative emission standards. However, since 1995 model-year vehicles will be operating on Phase 2 commercial gasoline for nearly all of their useful lives, this change is consistent with the Board's policy of requiring the certification fuel to be as similar as possible to the fuel that will actually be used by California drivers. This change will also minimize potential disruption to some manufacturer's certification testing plans.

To effect this revision, in the California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles, the language in section 9.a.1. would be modified as follows (slashes indicate new deletions and bold italics indicates new additions):

(i) For ~~1992-1995~~ **1994** and subsequent model-year Otto-cycle vehicles, gasoline having the specifications listed below may be used in exhaust and evaporative emission testing as an option to the specifications referred to in subparagraph (a)

(ii) For ~~1993-1995~~ **1994** model-year Otto-cycle TLEVs, LEVs, and ULEVs and for all ~~1994~~ **1995** and subsequent model-year Otto-cycle vehicles, gasoline having the specifications listed below may be used in exhaust and evaporative emission testing as an option to the specifications referred to in subparagraph (a)

2. The staff is also proposing modifications to allow the use of equivalent test methods in determining the specifications of Phase 2 certification gasoline.

To effect this change, in the California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles, footnote b/ in the table in section 9.a.1.(ii) would be modified as follows

b/ **ASTM specifications unless otherwise noted. A test method other than that specified may be used following a determination by the**

State of California

AIR RESOURCES BOARD

Resolution 92-62

August 27, 1992

Agenda Item No.: 92-14-1

WHEREAS, the Atmospheric Acidity Protection Act of 1988 (Stats. 1988, ch. 1518, Health and Safety Code Sections 39900-39911) directs the Board to implement the Atmospheric Acidity Protection Program to determine the nature and extent of potential damage to public health and the State's ecosystems which may be expected to result from atmospheric acidity, and to develop measures which may be needed for the protection of public health and sensitive ecosystems within the State;

WHEREAS, the Air Resources Board has been directed to implement the Atmospheric Acidity Protection Program using funds from the Motor Vehicle Account in the State Transportation Fund and from fees on nonvehicular sources of sulfur and nitrogen oxides collected by local districts (Sections 39906-39909);

WHEREAS, the Air Resources Board has been directed to prepare and submit a report to the Legislature and Governor annually on the progress of the Atmospheric Acidity Protection Program (Section 39910);

WHEREAS, the Air Resources Board is to prepare this report with the advice and participation of the Scientific Advisory Committee on Acid Deposition pursuant to Health and Safety Code Section 39910;

WHEREAS, the Scientific Advisory Committee on Acid Deposition has reviewed and approved a report titled Atmospheric Acidity Protection Program: Annual Report to the Governor and the Legislature, 1991, dated August 1992, which reports the recent progress of the Air Resources Board towards implementing the Atmospheric Acidity Protection Program;

WHEREAS, Health and Safety Code Section 39912 (Stats. 1989, ch. 991) directs the Air Resources Board to conduct a study of the effects of acidic deposition on crops in the San Joaquin Valley;

WHEREAS, the Air Resources Board staff has conducted a study of the effects of acidic deposition on crops in the San Joaquin Valley and reports the results in Appendix D to the Atmospheric Acidity Protection Program: Annual Report to the Governor and the Legislature, 1991; and,

WHEREAS, the public has received a 30-day notice of the availability of the report for review prior to the public meeting (Section 39910(b)).

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39910, hereby concurs in the recommendation of the Scientific Advisory Committee on Acid

State of California
AIR RESOURCES BOARD

Resolution 92-63

August 27, 1992

Agenda Item No.: 92-14-2

WHEREAS, since 1972 there existed in the San Joaquin Valley Air Basin a county air pollution control district for each of the eight counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare;

WHEREAS, each of the county air pollution control districts was governed by the respective county Board of Supervisors acting as the air pollution control board;

WHEREAS, the San Joaquin Valley Basinwide Control Council, comprised of one supervisor from each county, was created in 1971 to coordinate air pollution control efforts in the San Joaquin Valley;

WHEREAS, in 1988 the Air Resources Board ("ARB" or "Board") held a public meeting on growth and air quality impacts in the San Joaquin Valley and concluded that stronger valleywide coordination was needed;

WHEREAS, in January 1990, the San Joaquin Valley Basinwide Control Council became the Unified San Joaquin Valley Air Basin Authority by execution of a joint powers agreement;

WHEREAS, on March 20, 1991, the eight counties in the San Joaquin Valley Air Basin officially unified by executing an agreement pursuant to section 40150 et seq. of the Health and Safety Code, thereby creating the San Joaquin Valley Unified Air Pollution Control District ("District");

WHEREAS, in October 1991, Senate Bill 124 (McCorquodale, Stats. 1991, chapter 1201) was enacted, creating a San Joaquin Valley Unified Air Quality Management District as of July 1, 1992, unless, prior to that date, the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, had formed a regional or unified air pollution control district meeting specified criteria beyond those set forth in the Health and Safety Code;

WHEREAS, Senate Bill 124 requires the ARB to determine whether the criteria set forth therein for a unified district have been met;

WHEREAS, the Board has held a noticed public hearing in accordance with section 41502 of the Health and Safety Code, and has considered the staff report, the statutory criteria, the testimony provided by the District, and the public comments received;

WHEREAS, consistent with the requirements set forth in Senate Bill 124, the Board makes the following findings:

1. The San Joaquin Valley Unified Air Pollution Control District is a single integrated air pollution control agency able to implement programs on a valleywide basis;
2. District staff report through a single management structure to the Air Pollution Control Officer (APCO) appointed on December 19, 1991;
3. The March 1991 formation agreement gave the District the authority to develop and adopt regulations which are binding on all counties within the agency;
4. The May 19, 1992, amendment to the formation agreement places direct responsibility for issuing, enforcing, renewing, and administering all permits with the District by specifying that the District is responsible for all future permitting, and for all existing permits issued by the individual county air pollution control districts prior to May 19, 1992;
5. The merger of the governing boards of the eight county air pollution control districts in March 1991 gave the District full authority over the development, review, revision, and adoption of air pollution control plans;
6. The District created a 24-member Citizen's Advisory Committee in March 1991, comprised of three members from each county;
7. On May 21, 1992, the District board adopted a fee schedule which applies uniformly to emission sources throughout the San Joaquin Valley;
8. On June 18, 1992, the District Board adopted the first annual budget reflecting consolidated District operations, which allocates resources on a programmatic basis;
9. On June 18, 1992, the District board appointed members to a single, valleywide hearing board;
10. On November 7, 1991, the District adopted a plan for attaining the federal standard for PM10 (particulate matter less than ten microns in diameter, i.e. breathable particles) as required by the Federal Clean Air Act;
11. On January 30, 1992, the District adopted a valleywide plan for attaining the state ozone and carbon monoxide standards, as required by the California Clean Air Act.

NOW, THEREFORE, BE IT RESOLVED, that the Board finds the San Joaquin Valley Unified Air Pollution Control District has met the criteria for a unified district as specified by Senate Bill 124;

BE IT FURTHER RESOLVED, that the Board commends the District for its considerable efforts to successfully unify and develop an integrated valleywide air quality management organization.

I hereby certify that the above is a true and correct copy of Resolution 92-63, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-64

August 27, 1992

Agenda Item No.: 92-14-3

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the health and Safety Code requires the Air Resources Board (the "Board" or "ARB") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan, the

district shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40919(b) states a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (the "District") has classified itself as severe for both ozone and carbon monoxide, and Board staff is recommending that a serious rather than severe classification be applied for carbon monoxide;

WHEREAS, section 40919(a) of the Health and Safety Code requires each district classified as a serious nonattainment area to include the following in its attainment plan:

- (1) provisions to develop and maintain an emissions inventory system;
- (2) a requirement for the application of the best available retrofit control technology to existing stationary sources;
- (3) provisions to develop area source and indirect source control programs;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) reasonably available transportation control measures;
- (7) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip; and

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe nonattainment area to include in its attainment plan all measures required for serious areas and, in addition, the following:

- (1) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (2) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (3) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, the San Joaquin Valley Air Basin has been identified as contributing to exceedances of the state ozone standard in the downwind areas of the Southeast Desert and Great Basin Valley Air Basins and the Broader Sacramento Area, and therefore transport mitigation measures are required pursuant to section 39610 of the Health and Safety Code as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for the same emission sources shall be uniform throughout the air basin to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act ("CEQA") requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the San Joaquin Valley 1991 Air Quality Attainment Plan (the "Plan") was adopted by the District Board on January 30, 1992, and was officially transmitted by the District to ARB on March 9, 1992;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the environmental impact report (EIR) submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. amendments to the District's New Source Review Rule, which is designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
3. commitments to adopt measures for 27 area and stationary source categories between 1991 and the year 1994;
4. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
5. a commitment to develop three indirect source control measures between 1991 and the year 1994;
6. a commitment to adopt two mobile source measures between 1991 and the year 1994, and a request for early participation in the state's clean fuels program;
7. a commitment to adopt seven transportation control measures between 1991 and the year 1994;
8. a cost-effectiveness ranking for transportation, indirect source control, stationary and area source control measures;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The state health-based ambient air quality standards for carbon monoxide and ozone are exceeded in the San Joaquin Valley Air Basin;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;

3. The District is in compliance with the "no net increase" requirement for new and modified permitted stationary sources as the District has adopted the required amendments to its New Source Review rule;
4. The District's proposal to adopt 27 stationary and area source rules between 1991 to 1994 is a significant increase in regulatory activity and represents an expeditious adoption schedule;
5. The Plan includes provisions for public education about air quality issues;
6. The District is in compliance with the Act's requirements and the ARB's regulations for transport mitigation;
7. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is available;
8. The Plan satisfies the requirements of section 41503(d) of the Health and Safety Code because although the District is unable to specify an attainment date for ozone, the Plan contains all feasible control measures to ensure that progress towards attainment is maintained;
9. The Plan satisfies the requirement for no net increase in vehicle emissions after 1997 on the basis of current information; however, the District needs to reassess its compliance with this performance standard after inventory data on vehicle miles traveled (VMT) becomes available;
10. The Plan contains provisions to adopt new control measures for stationary and area sources within the District; steps are being taken to make existing rules uniform; and the District has committed to bring all existing stationary and area sources to a uniform level of control as expeditiously as practicable;
11. The District's accelerated rule adoption approach for contingency measures needs further details as to how it will be effectively implemented;
12. Although the Plan contains all reasonably available transportation control measures, additional factual detail is needed before these measures can be fully approved, as specified in Appendix B of the Staff Report;
13. The Plan includes provisions for an indirect source control program;

14. The District has included in the Plan all feasible stationary, transportation, area, and indirect source control measures;
15. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for all nonattainment pollutants and their precursor emissions;
16. Although the Plan achieves annual emission reductions of less than five percent, it satisfies the requirements of Health and Safety code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures, given the circumstances which prevail in the District;
17. The Plan does not currently satisfy the requirement of a 1.5 person average person vehicle occupancy by the year 1999, and additional time is needed for the District to develop baseline data and an analytical framework for assessing average vehicle occupancy;
18. The Plan does not currently demonstrate compliance with the requirement that the rate of growth of vehicle miles traveled and trips be significantly reduced, and the District needs to complete an analysis of its compliance with this performance standard after an inventory with revised VMT data is available;
19. The District's analysis for determining a carbon monoxide attainment date did not include reductions anticipated from ARB's oxygenated fuel regulations and needs to be revised by the District;
20. The Board concurs with the District that the appropriate classification for ozone is severe, and finds, based on staff analysis, that the District has a serious rather than severe carbon monoxide classification;
21. An attainment date of December 31, 1995 represents the earliest practicable date to achieve the state standard for carbon monoxide;
22. The Final EIR prepared and certified for the Plan meets the requirements of the California Environmental Quality Act, and environmental documentation for individual measures will be prepared as necessary as each measure is considered for adoption;
23. The approval of the Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels, the alternatives and mitigation measures set forth in the EIR have been adequately addressed for purposes of this planning activity, and the District's findings and supporting statements of fact for significant effects, as set forth in the District's "Resolution Certifying Environmental Impact Report & Adopting

1991 Clean Air Plan" dated January 30, 1992, are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the San Joaquin Valley Unified Air Pollution Control District 1991 Air Quality Attainment Plan which, as identified in the Staff Report, meet the requirements of the Act, except as specified below;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report for those plan provisions where further actions are needed to comply with the Act, and directs staff to compile such actions in a letter to the District;

BE IT FURTHER RESOLVED, that the Board conditionally approves the serious classification for carbon monoxide, pending submittal of a carbon monoxide rollback analysis for Fresno, and pending revision of the analysis for Bakersfield, Modesto, and Stockton, and directs the District to submit these analyses by November 27, 1992;

BE IT FURTHER RESOLVED, that the Board approves those transportation control measures that fully comply with the Act's requirements, and conditionally approves those measures where further actions are needed to comply with the Act, as identified in the Staff Report;

BE IT FURTHER RESOLVED, that the Board directs the District to submit a workplan and schedule for development of trip reduction measures for non-commute sources by November 27, 1992;

BE IT FURTHER RESOLVED, that the Board directs the District to clarify the current level of financial and policy commitment to each transportation control measure by the responsible implementing agency, and to submit other details as specified in the Staff Report, by November 27, 1992;

BE IT FURTHER RESOLVED, that the Board determines that the Plan does not show compliance with the requirement to achieve a 1.5 vehicle occupancy by the year 1999, and directs the District to develop better information on baseline travel conditions, establish a monitoring network, and develop an analytical framework for assessing District AVO levels, and submit this information to the Board by April, 1993;

BE IT FURTHER RESOLVED, that the Board determines that the Plan does not show compliance with the requirement to achieve a reduced rate of growth in trips and trip length and directs the District to complete an analysis of this performance standard within three months after an inventory with revised VMT data is available from the ARB in September, 1992;

BE IT FURTHER RESOLVED, that the Board directs the District to revise existing District rules as necessary to provide for uniformity of area and

stationary source controls within its jurisdiction, and to monitor the effectiveness of delegated TCMs in achieving a uniform degree of emissions control;

BE IT FURTHER RESOLVED, that the Board approves the lesser of the annual emission reductions in the Plan as the maximum reductions possible and as reflecting the expeditious adoption of all feasible measures for stationary area, transportation, and indirect sources for the San Joaquin Valley;

BE IT FURTHER RESOLVED, that the Board approves the smoking vehicle complaint program, and directs the Executive Officer to continue to work with the District to develop a workable fleet rule;

BE IT FURTHER RESOLVED, that the Board approves the Plan's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution.

I hereby certify that the above is a true and correct copy of Resolution 92-64, as adopted by the Air Resources Board

Pat Hutchens
Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-65
September 10, 1992

Agenda Item No. 92-15-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a solicited research proposal, Number 2000-171 entitled "Development of Methods and Procedures for Monitoring Ambient Concentrations of Oxygenated Hydrocarbons," has been submitted by AeroVironment, Inc.; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

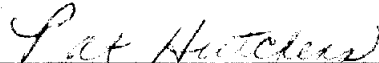
Proposal Number 2000-171, entitled "Development of Methods and Procedures for Monitoring Ambient Concentrations of Oxygenated Hydrocarbons," submitted by AeroVironment, Inc., for a total amount not to exceed \$189,230.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 2000-171, entitled "Development of Methods and Procedures for Monitoring Ambient Concentrations of Oxygenated Hydrocarbons," submitted by AeroVironment, Inc., for a total amount not to exceed \$189,230.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$189,230.

I hereby certify that the above is a true and correct copy of Resolution 92-65, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-66
September 10, 1992

Agenda Item No. 92-15-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an unsolicited research proposal, Number 2009-171, entitled "Asthma Exacerbations Related to Acid-Particulate and Ozone Pollution," has been submitted by the University of Arizona; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal Number 2009-171, entitled "Asthma Exacerbations Related to Acid-Particulate and Ozone Pollution," submitted by the University of Arizona, for a total amount not to exceed \$15,000.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 2009-171, entitled "Asthma Exacerbations Related to Acid-Particulate and Ozone Pollution," submitted by the University of Arizona, for a total amount not to exceed \$15,000.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$15,000.

I hereby certify that the above is a true and correct copy of Resolution 92-66, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-67
September 10, 1992

Agenda Item No. 92-15-3

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, a request for an adjunct to Contract No. A033-172 entitled "Neurological Effects of Low-Level Methanol in Normal and Folate-Deficient Humans" submitted by the University of California, San Francisco, and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:


Proposal Number 1853-162A, entitled "Neurological Effects of Low-Level Methanol in Normal and Folate-Deficient Humans" submitted by the University of California, San Francisco, a total amount not to exceed \$24,979.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 1853-162A, entitled "Neurological Effects of Low-Level Methanol in Normal and Folate-Deficient Humans" submitted by the University of California, San Francisco, a total amount not to exceed \$24,979.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$24,979.

I hereby certify that the above is a true and correct copy of Resolution 92-67, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

AIR RESOURCES BOARD

2020 L STREET
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State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of Regulations to Phase-Out the Use of CFC Refrigerants in New Motor Vehicle Air Conditioning Systems

Agenda Item No.: 92-15-1

Public Hearing Date: September 10, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: 4/22/93

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APR 28 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-68

September 10, 1992

Agenda Item No.: 92-15-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature in 1991 enacted Assembly Bill 859 (AB 859; Stats. 1991, ch. 874; Health and Safety Code sections 44470-44474) to address the problem of stratospheric ozone depletion from the use of chlorofluorocarbons (CFCs) in motor vehicle air conditioning systems;

WHEREAS, in AB 859 the Legislature declared that CFCs have begun to deplete the stratospheric ozone layer which protects human and other life forms from ultraviolet radiation, and that CFC emissions from motor vehicle air conditioning systems account for a significant percentage of California's CFC emissions;

WHEREAS, in AB 859 the Legislature further declared that it is essential to the health and safety of all Californians to take such steps as are necessary to to further decrease and halt the destruction of the ozone layer by CFCs;

WHEREAS, AB 859 established a schedule for phasing out the use of CFC refrigerants in new motor vehicle air conditioning systems, and directed the ARB to enforce these provisions;

WHEREAS, in order to implement and enforce the provisions of AB 859 the staff has proposed a new section 2500 of Title 13, California Code of Regulations;

WHEREAS, the proposed regulations require motor vehicle manufacturers to phase out the use of CFC refrigerants (CFC-11 and CFC-12) in air-conditioner-equipped new motor vehicles that are sold, supplied, or offered for sale in California, in accordance with the following schedule:

- (1) During the 1993 calendar year, no more than 90 percent of a manufacturer's total production of air-conditioner-equipped new

1993 and 1994 model-year motor vehicles may use CFC refrigerants for air conditioning;

- (2) During the 1994 calendar year, no more than 75 percent of air-conditioner-equipped new 1994 and 1995 model-year motor vehicles may use CFC refrigerants;
- (3) During the period from September 1 to December 31, 1994, no more than 10 percent of air-conditioner-equipped new 1995 model-year vehicles may use CFC refrigerants;
- (4) Effective January 1, 1995, no new 1995 or later model-year vehicle using any CFC refrigerant for vehicle air conditioning may be sold, supplied, or offered for sale in California;

WHEREAS, in consideration of the technical and economic burdens faced by small-volume manufacturers (manufacturers which sell less than 3000 vehicles per year in California), the staff has proposed that small-volume manufacturers be exempt from the phase-out requirements that are imposed from January 1, 1993 to December 31, 1994;

WHEREAS, the staff has proposed record-keeping requirements that would require manufacturers to submit quarterly and annual reports detailing the number of motor vehicles sold with CFC-based and non CFC-based air conditioning systems;

WHEREAS, the staff has proposed that manufacturers be required to verify that installations of air-conditioning systems by dealerships are not used to circumvent the phase-out requirements, and that manufacturers be responsible for reporting on these installations in cases where the manufacturer's percentage of vehicles with factory-installed air conditioning systems is found to decrease significantly during the years 1993, 1994, and 1995;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

It is widely recognized in the scientific community that CFC emissions are resulting in the destruction of the

stratospheric ozone layer, a protective shield without which human life cannot continue to exist;

Motor vehicle air-conditioning systems in California emit approximately 4.3 million kilograms of CFC-12 annually, and contribute emissions that comprise approximately 12.4 percent of California's annual ozone depletion potential, thereby contributing to the destruction of the stratospheric ozone layer;

Reducing CFC emissions from motor vehicle air-conditioning systems will implement the provisions of AB 859 and result in a reduction in global ozone depletion;

The proposed phase-out schedule is feasible for motor vehicle manufacturers;

The proposed exemption for small volume manufacturers is necessary in order to avoid imposing a severe economic hardship on these manufacturers;

The proposed reporting requirements are necessary to effectively monitor and enforce the phase-out requirements;

In order to ensure that air-conditioning system installations by dealerships are not used to circumvent the proposed phase-out requirements, it is necessary that manufacturers be responsible for reporting on dealership installations as specified in the proposed regulations;

Adoption of the proposed regulations will aid in reducing California's vehicular CFC emissions and will help stop the destruction of the stratospheric ozone layer.

The Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves section 2500, Title 13, California Code of Regulations, as set forth in Attachment A hereto;

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt section 2500, Title 13, California Code of Regulations, after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modification as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 92-68, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

RECEIVED BY
Office of the Secretary

APR 28 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-69

September 10, 1992

Agenda Item No.: 92-15-2

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan the districts shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the Monterey Bay Unified Air Pollution Control District (the "District") has classified itself as serious non-attainment for ozone;

WHEREAS, section 40919(a) of the Health and Safety Code requires each district classified as a serious non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act:

- (1) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (2) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (3) provisions to develop area source and indirect source control programs;
- (4) provisions to develop and maintain an emissions inventory system;
- (5) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basin to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment and further require that any requirements to implement such measures be adopted by the district within 180 days following the Board's finding of inadequate progress;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Monterey Bay 1991 Air Quality Management Plan (the "Plan") was adopted by the District Board on December 11, 1991, in Resolution No. 91-56, and was officially transmitted by the District to the Air Resources Board on December 19, 1991;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the environmental impact report (EIR) submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Board adopted new criteria for designating areas of California as nonattainment, attainment, or unclassified for state ambient air quality standards on May 15, 1992, per Board Resolution 92-43, but these criteria have not yet been approved by the Office of Administrative Law;

WHEREAS, AB 2783 introduced during the 1991-92 Legislative Session, passed by the California State Legislature, and awaiting action by the Governor, would modify the minimum statutory criteria for nonattainment area plans;

WHEREAS, the Plan includes the following major components:

1. a 1997 attainment demonstration for ozone utilizing ARB guidance document dated October 1990.
2. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
3. commitments to adopt measures requiring the retrofiting of 9 stationary source categories with control equipment between 1991 and the year 1994;
4. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
5. a commitment to develop and adopt rules for 13 area source categories between 1991 and 1994;
6. a commitment to develop one indirect source control measure between 1991 and 1994;
7. a commitment to develop 6 transportation control measures for adoption between 1991 and 1994;
8. a cost-effectiveness ranking for transportation, indirect source, stationary source and area source control measures;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The State health-based ambient air quality standard for ozone is exceeded in the Monterey Bay Unified Air Pollution Control District;
2. The District's 1997 attainment demonstration is based on adequate data and methodology and the classification of "serious" for the Monterey Bay District is appropriate;
3. The District's New Source Review rule does not currently comply with the "no net increase" requirement for new and modified permitted stationary sources, but the District committed at the August 26, 1992, meeting of the Monterey District Board to amend its rule to meet the "no net increase" requirement;

4. The District's proposal to adopt 21 stationary and area source rules between 1991 and 1994 is a significant increase of regulatory activity and represents an expeditious adoption schedule;
5. The Plan as amended by the Monterey District Board actions on August 26, 1992 contains all reasonably available transportation control measures, but additional factual detail as specified in the Staff Report and at the September 10, 1992, Board meeting, is needed before the transportation control measures can be unconditionally approved;
6. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for ozone and its precursors, and the Plan instead indicates an annual reduction of hydrocarbons of 3.2 to 3.3 percent and of oxides of nitrogen (NOx) of 1.8 to 8.3 percent from the year 1987 through 1997;
7. The Plan convincingly demonstrates compliance with the requirement that the regional growth of vehicle miles travelled and trips show a significant decline;
8. The Plan includes every feasible transportation, stationary, and area source measure;
9. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of every feasible control measure, given the circumstances which prevail in the District;
10. Capacity-enhancing projects do not uniformly result in a net air quality benefit, and, therefore, the Street and Highway Improvement measure in the Plan may not be classified as a "transportation control measure" within the meaning of the Act;
11. The District has an acceptable public education campaign about air quality issues, but should cooperate and coordinate with local government when developing and adopting enforceable controls;
12. The Plan contains an adequate list of contingency measures as required by Health and Safety Code section 40915;
13. The Final EIR prepared and certified by the District Board for the Plan meets the requirements of CEQA, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;

14. The Board is a responsible agency for purposes of CEQA and approval of Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels; the alternatives and mitigation measures set forth in the EIR have been adequately addressed for purposes of this planning activity; and the District's findings and supporting statements of fact for each significant effect, as set forth in the District's Resolution No. 91-56, dated December 11, 1991, are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Monterey Bay 1991 Air Quality Management Plan which, as identified in the Staff Report, and in the staff's oral presentation at the public meeting on September 10, 1992, meet the requirements of the Act;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report and the following paragraphs for those plan provisions where further actions are needed to comply with the Act;

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the "no net increase" requirements for new and modified permitted stationary sources, and directs the District to adopt a no net increase rule no later than March 10, 1993, which mitigates all future emission increases and those occurring between July 1, 1991, and the rule implementation date, in effect making the new source review rule retroactive to July 1, 1991;

BE IT FURTHER RESOLVED, that the Board directs the District to submit a workplan and schedule to address employer based trip reduction measures and trip reduction measures for other sources by March 10, 1993;

BE IT FURTHER RESOLVED, that the Board directs the District to reassess Street and Highway Improvements as a potential source of ozone precursor emissions, and to reflect the impact of this source, if any, in its emissions inventory;

BE IT FURTHER RESOLVED, that the Board directs the District to submit a workplan and schedule for obtaining outstanding financial and policy commitments for each transportation control measure from the responsible implementing agencies, and other details as specified in the Staff Report, by December 10, 1992;

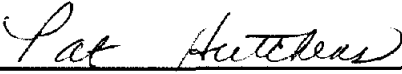
BE IT FURTHER RESOLVED, that the Board conditionally approves the rate of annual emissions reductions in the plan as reflecting the maximum reductions possible, in recognition of the Monterey District Board's August 26, 1992, actions;

BE IT FURTHER RESOLVED, that the Board directs the District board to make the requisite cost-effectiveness finding at the earliest possible date;

BE IT FURTHER RESOLVED, that the Board approves the District's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution.

BE IT FURTHER RESOLVED, that if the new designation criteria or new legislation noted above alter the District's designation and the criteria by which the basis of the Board's Plan revision directives set forth above, the Executive Officer shall work with the District to assure it the opportunity to develop and submit plan provisions which meet the new requirements. In this event, the Board delegates to the Executive Officer the authority to review and approve, or conditionally approve, the new plan; and in the altering to advise the Board if section 41503.2. must be invoked.

I hereby certify that the above is a true and correct copy of Resolution 92-69, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-70

October 15, 1992

Agenda Item No.: 92-16-1

WHEREAS, Health and Safety Code section 39602 designates the California Air Resources Board as the state agency responsible for the preparation of the State Implementation Plan required by the federal Clean Air Act (42 U.S.C. section 7401 et seq.);

WHEREAS, Title V, section 507 of the federal Clean Air Act Amendments of 1990 (the Act) requires states to adopt as part of the State Implementation Plan a plan for establishing a program (Program) to assist small businesses in complying with the federal Clean Air Act;

WHEREAS, Title V, section 507 of the Act requires that the plan which establishes the Program be submitted to the Administrator of the U. S. Environmental Protection Agency (EPA) as a State Implementation Plan (SIP) revision by November 15, 1992;

WHEREAS, the staff of the California Air Resources Board has prepared a Program plan containing the following elements required by Title V, section 507 of the Act: a small business ombudsman's office, a compliance advisory panel, mechanisms for informing small business stationary sources of their rights and obligations under the Act, and mechanisms for developing, collecting, and coordinating information on pollution prevention and accidental release prevention and detection, control technologies and alternative compliance methods, applicable requirements, qualified compliance auditors, the permitting process, and procedures for source modification;

WHEREAS, the staff developed this SIP revision in order to submit a Program plan to the EPA by November 15, 1992, and will fully develop specific aspects of the plan following EPA approval of the SIP submittal;

NOW, THEREFORE, BE IT RESOLVED that, after a public hearing on the matter, the Board hereby approves the plan for California's Small Business Assistance Program and directs that this plan be submitted to the EPA as a SIP revision with the understanding that specific aspects of the plan remain to be fully developed;

BE IT FURTHER RESOLVED that the Board directs the Executive Officer of the California Air Resources Board to take all steps necessary to establish the

state's small business ombudsman's office, the compliance advisory panel, and the mechanisms necessary to fulfill the goals and mission of the Program. In taking these steps, the Executive Officer shall provide the Board with periodic updates on the development and implementation of the Program.

I hereby certify that this is a true and correct copy of Resolution 92-70 as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-71

October 16, 1992

Agenda Item No.: 92-16-2

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board" or "ARB") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, the Legislature has enacted AB 2783, effective January 1, 1993, which amends certain requirements of the Act as noted below where relevant, but makes few substantive changes to the plan requirements for the South Coast Air Basin;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, Health and Safety Code sections 40400 et seq. (referred to as the Lewis-Presley Act) place specific planning requirements on the South Coast Air Quality Management District;

WHEREAS, Health and Safety Code section 40460 gives responsibility to the Southern California Association of Governments (SCAG) for preparing and approving portions of the air quality plan related to regional demographic projections and integrated regional land use, housing, employment, and transportation programs, measures, and strategies; SCAG shall also analyze and provide emissions data related to its planning responsibilities;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans or portions thereof pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan, the district shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997, or is unable to identify an attainment date;

WHEREAS, the South Coast Air Quality Management District (the "District") has classified itself as severe for ozone, carbon monoxide, and nitrogen dioxide;

WHEREAS, AB 2783 reclassified the South Coast Air Basin to "extreme" for ozone and "serious" for carbon monoxide, based on design values rather than projected attainment dates but does not significantly change applicable plan requirements;

WHEREAS, section 40919(a) of the Health and Safety Code requires each district classified as a serious nonattainment area to include the following in its attainment plan:

- (1) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (2) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (3) provisions to develop area source and indirect source control programs;

- (4) provisions to develop and maintain an emissions inventory system;
- (5) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe nonattainment area to include in its attainment plan all measures required for serious areas and, in addition, the following:

- (1) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (2) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (3) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, because the South Coast Air Basin has been identified as contributing to exceedances of the state ozone standard in the downwind areas of the South Central Coast Air Basin, San Diego Air Basin, and the Southeast Desert Air Basin, transport mitigation measures are required pursuant to section 39610 of the Health and Safety Code as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for the same emission sources shall be uniform throughout the air basin to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment and further requires that any regulations to implement such measures be adopted by the district within 180 days following the Board's finding of inadequate progress;

WHEREAS, the legislature has enacted AB 1054, effective January 1, 1993, which establishes requirements applicable to market-based incentive programs such as the proposed Regional Clean Air Incentives Market (RECLAIM) program in order to achieve the greatest air quality improvement while strengthening the state's economy and preserving jobs;

WHEREAS, AB 1054, in section 39620(d)(1) of the Health and Safety Code, requires an attainment plan or plan revision which includes a market-based incentive program as an element of the plan and which is submitted to the Board prior to January 1, 1993, to be designed to achieve equivalent emission reductions and reduced cost and job impacts compared to the "command and control" regulations which would otherwise have been adopted, and requires the state board to determine whether the program complies with these requirements;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the South Coast Air Quality Management District's 1991 Air Quality Management Plan (the "Plan" or "AQMP") was adopted by the District Board on July 12, 1991, in Resolution No. 91-23, and was officially transmitted by the District to ARB on August 28, 1991; was subsequently amended on July 10, 1992, in Resolution No. 92-21, and the amendments were officially transmitted by the District to ARB on August 3, 1992;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan as amended along with the environmental impact report (EIR) prepared for the Plan and the Supplemental EIR prepared for the July 10 amendments, as submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a projection of attainment of all national ambient air quality standards by 2010, the planning horizon of the 1991 AQMP as amended;
2. a projection of attainment of the state one-hour and eight-hour carbon monoxide standards, and the state one-hour nitrogen dioxide standard by the year 2000;
3. a detailed emission inventory, which projects air quality trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
4. commitments to adopt retrofit measures for 30 stationary source categories between 1991 and the year 1994, of which 20 would be subsumed in a marketable permit program known as the Regional Clean Air Incentives Market (RECLAIM) for those sources in the RECLAIM program. The 20 subsumed measures would be classified as contingency measures, to be automatically reinstated if the associated RECLAIM rules are not in place by July 1, 1993;
5. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
6. commitments to adopt control measures for 22 area source categories between 1991 and the year 1994;
7. a commitment to adopt three indirect source control measures, between 1991 and the year 1994;
8. a commitment to adopt fourteen mobile source measures between 1991 and the year 1994 for sources under the District jurisdiction;
9. a commitment to adopt ten transportation control measures between 1991 and the year 1994;
10. a cost-effectiveness ranking for mobile, transportation, indirect source control, stationary and area source control measures;
11. population exposure assessments for ozone, carbon monoxide and nitrogen dioxide;

WHEREAS, Section 41502(c) requires the Board to adopt written findings which explain its actions and which address the significant issues raised by interested persons;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein, and by the Board's and staff's responses to comments on the record;

WHEREAS, based upon the Plan, the EIR, the Supplemental EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The state health-based ambient air quality standards for ozone, carbon monoxide, PM10, and nitrogen dioxide, are exceeded in the South Coast Air Basin;
2. The Board concurs with the District's inability to project an attainment date for ozone and PM10 at this time, based on the extremely high levels of these pollutants in the South Coast Air Basin;
3. The District's attainment demonstrations for CO and NO2 are based on adequate data and methodology, as known at the time of the plan's initial adoption, and the attainment classifications are appropriate;
4. The District is in compliance with the "no net increase" requirement for new and modified permitted stationary sources as the District has adopted the required New Source Review rule on June 28, 1990, and amended it on May 3, 1991 to accomplish full compliance with the requirements;
5. The District's proposal to adopt 52 stationary and area source rules between 1991 to 1994 is a significant increase in regulatory activity over recent years and represents an expeditious adoption schedule;
6. That expeditious progress toward attainment can be maintained with the RECLAIM program, provided the district adopts rules to implement RECLAIM that result in at least equivalent emission reductions with reduced costs and job impacts, on an equally expeditious schedule, as the existing and future rules replaced by RECLAIM;
7. The Plan includes provisions for continuing public education about air quality issues;
8. The District is in compliance with the Act's requirements and the ARB's regulations for transport mitigation;
9. Although the Plan includes the best available population exposure assessments for ozone, carbon monoxide and nitrogen dioxide, some

issues remain with regard to overall performance of the model and firm quantitative results;

10. The Plan satisfies the requirements of section 41503(d) of the Health and Safety Code because although the District is unable to specify an attainment date for ozone, the Plan contains all feasible control measures to ensure that progress towards attainment is maintained;
11. The Plan satisfies the requirement for no net increase in vehicle emissions after 1997 on the basis of current information; however, the District needs to reassess its compliance with this performance standard, after the updated inventory data on vehicle miles traveled (VMT) based on the 1990 census becomes available;
12. The Plan contains provisions to adopt new control measures for stationary and area sources within the District; steps are being taken to make existing rules uniform within the South Coast Air Basin to the maximum extent feasible;
13. The District's accelerated rule adoption approach for satisfying the requirement that the Plan contain contingency measures needs further details as to how it will be effectively implemented;
14. The Plan contains all reasonably available transportation control measures given the circumstances which prevail in the District, but additional factual detail is needed before some of these measures can be fully approved, as specified in Appendix B of the Staff Report;
15. That it is generally inappropriate to categorize freeway and highway construction projects as transportation control measures because of the potential of some of those projects to increase rather than decrease emissions;
16. Modification of Measure 13 (Freeway and Highway Enhancements) is needed to reassess the measure as a baseline planning assumption rather than as a transportation control measure;
17. The Plan includes provisions to develop an indirect source control program;
18. The District has included in the Plan all feasible stationary, transportation, area, and indirect source control measures;
19. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for all nonattainment pollutants and their precursor emissions, and the Plan instead indicates an average annual reduction of hydrocarbon emissions

of 5.6%, nitrogen oxides emissions of 3.5%, and CO emissions of 5.7% from the year 1988 through 1994; 2.8% for hydrocarbons, 4.5% for nitrogen oxides, and 2.9% for CO from the year 1995 through 1997; and 6.4% for hydrocarbons, 3.7% for nitrogen oxides, and 2.4% for carbon monoxide from the year 1998 through 2000;

20. Although the Plan achieves annual emission reductions of less than five percent, it satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the full implementation of existing rules and the expeditious adoption of all feasible control measures, given the circumstances which prevail in the District;
21. The RECLAIM program committed to by the District, in concept, will achieve equivalent emission reductions with reduced cost and job impacts compared to the current "command and control" regulations which are in place or planned for adoption and which would apply in lieu of RECLAIM;
22. The substitution of the RECLAIM program for a number of new and existing measures for those sources included in the program is an acceptable alternative, provided that the district adopts rules to implement RECLAIM that result in at least equivalent enforceable emission reductions without increased costs or job impacts, on an equally expeditious schedule as the existing and future rules replaced by RECLAIM;
23. The Plan does not currently satisfy the requirement of a 1.5 person average person vehicle occupancy by the year 1999, and additional information will be required from the District and SCAG to provide a basis for assessing compliance;
24. Based on the information available at the time of the original 1991 AQMP adoption, the Plan demonstrated compliance with the requirement that the rate of growth of vehicle miles traveled and trips be significantly reduced; however, the District needs to complete an analysis of its compliance with this performance standard after an inventory with revised VMT data is available;
25. The Final and Supplemental EIRs prepared and certified for the Plan and the Plan amendment meet the requirements of the California Environmental Quality Act, and environmental documentation for individual measures will be prepared as necessary as each measure is considered for adoption;
26. The EIRs have adequately addressed feasible alternatives and mitigations measures; however, approval of the Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels. For purposes of this planning

activity, the District's findings and supporting statements of fact regarding such significant effects, as set forth in the District's Resolution No. 91-23, dated July 12, 1991, and Resolution No. 92-21, dated July 10, 1992, and the District's statement of Overriding Considerations and Mitigation Monitoring plan set forth in attachment 1 of Resolution 92-21 are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081 and CEQA guidelines;

27. The Plan is in compliance with the cost-effectiveness requirement in the Act;
28. The Plan is in compliance with the transport mitigation requirements in the Act and ARB regulations;
29. The District is in compliance with the exposure reduction targets for 1994, 1997, and 2000;
30. The Plan is in conformance with the uniformity requirement within the South Coast Air Basin and the Board acknowledges that in the Southeast Desert Air Basin because of variable meteorological conditions and different transport impacts within the air basin, an exception to the uniformity requirement must be considered;

WHEREAS, the Board has prepared additional findings in response to the significant issues which have been raised by public comments, set forth in Attachment A hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the South Coast Air Quality Management District 1991 Air Quality Management Plan, as amended, which, as identified in the Staff Report, meet the requirements of the Act; and directs the District to proceed with the implementation of the control measures included in the plan.

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report for those plan provisions where further actions are needed to comply with the Act, and directs staff to compile a list of such actions in a letter to the District.

BE IT FURTHER RESOLVED, that the Board approves the nitrogen dioxide attainment demonstration and finds that the year 2000 represents the earliest practicable attainment date for the state nitrogen dioxide standard.

BE IT FURTHER RESOLVED, that the Board conditionally approves the attainment demonstration for the 1-hour carbon monoxide standard, pending more in-depth staff review of the District's latest CO analysis, and requests that the District revise its attainment demonstration for the 8-hour carbon monoxide

standard as part of its submittal of a plan to meet the federal CO standards.

BE IT FURTHER RESOLVED, that the Board directs the District to incorporate an attainment demonstration for the state ozone standard into the plan as soon as the earliest practicable attainment date for that standard can be determined;

BE IT FURTHER RESOLVED, that the Board approves the "severe" area classifications for the South Coast District.

BE IT FURTHER RESOLVED, that the Board directs the District to construct the permitting elements of RECLAIM in such a way that the "no net increase" requirement of Regulation XIII, or its equivalent, continues to be met for all new and modified stationary sources within the District.

BE IT FURTHER RESOLVED, that the Board has determined that the District has committed to design a RECLAIM program that will achieve equivalent emission reductions and reduced cost and job impacts compared to current and proposed "command and control" regulations that would otherwise have applied to those sources included in the RECLAIM program.

BE IT FURTHER RESOLVED, that the Board directs the District, when it adopts rules and regulations to implement RECLAIM, to ensure that such rules and regulations will result in at least equivalent emission reductions as the BARCT measures in place or in the Plan, without increased costs or job impacts, on an equally expeditious schedule as the existing and future rules replaced by RECLAIM for the sources to which RECLAIM is applicable.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to continue to work with the District on RECLAIM to ensure that the Board's specific concerns are addressed and that the requirements of AB 1054 and the California Clean Air Act are complied with.

BE IT FURTHER RESOLVED, that the Board finds that the District plan contains provisions to develop an area source control program.

BE IT FURTHER RESOLVED, that the Board approves Measure M-H-1, Measure 6 and Measure 7 as indirect source control measures.

BE IT FURTHER RESOLVED, that the Board conditionally approves indirect source control measure M-H-3, and directs the District and SCAG to provide local government implementation commitments by July 1, 1993.

BE IT FURTHER RESOLVED, that the Board directs the District and SCAG to provide additional detail on Measure 17 to clarify how the measure relates to other similar TCM's in the Plan, and how compliance with the measure's VMT reductions will be determined.

BE IT FURTHER RESOLVED, that the Board approves the emission reductions claimed in the plan pertaining to the state's motor vehicle standards, fuel regulations, and inspection & maintenance program for motor vehicles.

BE IT FURTHER RESOLVED, that the Board conditionally approves the following mobile source measures and directs the District to provide further detail regarding the roles and responsibilities of the implementing agencies and their commitments to carry out such measures by July 1, 1993: M-G-6, M-G-7, M-I-1, and M-I-3.

BE IT FURTHER RESOLVED, that the Board directs the District to prepare and provide a workplan and schedule by July 1, 1993, along with complete legislative bill language for obtaining the necessary statutory authority to adopt and implement the following measures: M-G-8 and M-G-9.

BE IT FURTHER RESOLVED, that the Board directs the District to complete and submit to the Board a workplan and schedule by July 1, 1993, for completing memoranda of understanding or other such formal agreements between agencies with overlapping authority, for the purposes of adopting and implementing control plan measures.

BE IT FURTHER RESOLVED, that the Board directs the District to re-analyze the emissions reduction estimate for Measure 9 (Replacement of High-emitting Aircraft) by July 1, 1993, in consideration of various actions that might be taken to abate noise and their respective impacts on aircraft emissions.

BE IT FURTHER RESOLVED, that the Board finds that the Plan addresses all Reasonably Available Transportation Control Measures, and fully approves measures: M-H-5, M-H-4, M-H-2, M-H-1, 6, 7, 8.

BE IT FURTHER RESOLVED, that the Board conditionally approves and directs the District and SCAG to provide by July 1, 1993, additional documentation, implementation commitments, and secured funding for the following transportation control measures: 1a, 1b, 2a, 2b, 2d, 2e, 3a, M-H-6, 2f, 2g, 4, 5, 11, 12a, 12b, 14, M-G-1, M-H-3, and M-H-9.

BE IT FURTHER RESOLVED, that the Board recognizes that the District is considering changes to measures 1a, 1b, 2a, 2b, 2d, 2e, 17, M-H-3, 3a, M-H-2, M-H-5, and M-H-6 as part of its deliberations on the federal CO plan, and indicates its willingness to consider an alternative set of TCMs that are also sufficient to meet the requirements of state law.

BE IT FURTHER RESOLVED, that the Board directs the District and SCAG submit interim milestones of progress for 1994, 1997, and 2000, by July 1, 1993, so that implementation of the plan can be meaningfully monitored by the Board.

BE IT FURTHER RESOLVED, that the Board encourages the District to actively participate in the update of the Regional Mobility Plan and county congestion management programs, and encourages greater SCAG/SCAQMD

coordination in removing the overlap between the measures in Appendix IV-C and Appendix IV-E and increasing their specificity.

BE IT FURTHER RESOLVED, that the Board directs the District and SCAG to jointly update the transportation and land use portions of the Plan on a schedule consistent with revisions to the Regional Transportation and Regional Mobility Plans.

BE IT FURTHER RESOLVED, that the Board directs the District and SCAG to delete Measure 13 from the Plan as a TCM and to revise the baseline emission inventory of the plan to include the emission impacts of those projects.

BE IT FURTHER RESOLVED, that the Board encourages SCAG to use its discretion as the Metropolitan Planning Organization to place highest priority on TCM implementation when allocating available ISTEPA funds.

BE IT FURTHER RESOLVED, that the Board directs the District and SCAG, by April 1, 1993, to expand the average vehicle occupancy analysis to include non-work trips, and to determine whether the measures in the Plan are sufficient to achieve 1.5 AVO by 1999 when such trips are considered.

BE IT FURTHER RESOLVED, that the Board approves the District's emission accounting as consistent with state regulations, and approves the lesser rates of annual emission reductions portrayed in the District's Plan as the maximum reductions possible and as reflecting the expeditious adoption of all feasible measures.

BE IT FURTHER RESOLVED, that the Board approves the South Coast's proposed schedule for rulemaking and related activities as "expeditious," and directs the District to reevaluate its rulemaking/action calendar and revise it as necessary to reflect actual activity and RECLAIM by July 1, 1993.

BE IT FURTHER RESOLVED, that the Board directs the District to submit the rules and regulations implementing RECLAIM to the ARB for review to ensure that they comply with the requirements of state and federal law by July 1, 1993, or to submit a schedule for adopting and implementing the Phase I contingency measures in the most expeditious timeframe possible.

BE IT FURTHER RESOLVED, that the Board approves the population exposure analysis as the best information currently available and recommends that the District revisit the analysis for ozone as improved versions of the photochemical model become available.

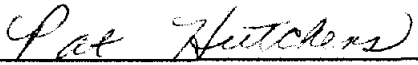
BE IT FURTHER RESOLVED, that the Board approves an exception to the uniformity requirement of section 41503(b) of the Health and Safety Code within the Southeast Desert Air Basin, based on the variable meteorological conditions and differential transport impacts within that area, and directs the District and SCAG to monitor the effectiveness of delegated measures in achieving a uniform degree of emissions control, and to coordinate their

efforts so as to provide consistent and adequate guidance to local implementing agencies.

BE IT FURTHER RESOLVED, that the Board approves the Stage I contingency measures within the plan, and directs the District to advance the Stage II contingency measures to the pre-regulatory level, or to consider an alternative contingency process for accelerating rulemaking when the South Coast fails to meet interim goals or otherwise maintain expeditious progress toward attainment of the state ambient air quality standards.

BE IT FURTHER RESOLVED, that the Board approves the Plan's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution.

I hereby certify that the above is a true and correct copy of Resolution 92-71, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

ATTACHMENT A: ARB Findings in Response to Significant Issues

Issues raised by interested persons at the Board hearing are addressed in the following comments. Many of these and other comments are also discussed in more detail in staff testimony at the hearing, and the transcript of the hearing is incorporated by reference herein.

Significant Issues

Issue: Tier I control measures are supposed to be implemented but dates for achieving many of the measures have yet to be determined.

Response: All Tier I control measures included dates of adoption and implementation. ARB staff and District staff recognize that there has been some slippage of adoption/implementation dates committed to in the 1991 AQMP. The slippage of dates can be in part attributed to the development of the District's RECLAIM program and an overly ambitious rule adoption schedule. Because of the ambitious adoption/implementation schedule of the District, a certain amount of slippage can be tolerated, provided it does not seriously jeopardize the emission reductions committed to in the 1991 AQMP. The Board has directed the District to revise and update its adoption/implementation calendar to reflect a more realistic agenda.

Issue: With respect to Tier II and Tier III reductions, no implementation schedule, penalty structure, or enforcement mechanism relating to interagency cooperation and implementation are included in the Plan.

Response: Tier II and Tier III measures are long term commitments. The District has not only the most ambitious plan in the state, but also projects its control program the farthest into the future. Because the Tier II and Tier III measures are based on such long range projections, it is to be expected that not all of the requirements of enforceable control measures will be present. At future plan updates, the ARB expects the District to have improved measures. It is also expected that at the time of submittal the Tier II and Tier III rules will be evaluated for enforceability and other federal criteria required for SIP submittal.

Issue: The parking management measures are too vague. At what level (local, regional, or State) will they be developed and enacted?

Response: SCAG Measure 2b, Parking Management, lacks implementation agreements and funding mechanisms. A comprehensive menu of actions is presented for local government action through general plan or parking code revisions, but none of these actions are specifically prescribed or currently committed to by most local governments. ARB staff have thus recommended "conditional approval" of Measure 2b, pending identification of implementation and monitoring agreements and funding sources.

Issue: Some of the measures relied upon in the Plan are desirable but unrealistic due to budget deficits (e.g., high speed rail and urban bus electrification).

Response: A high speed rail measure is included in the Future Studies Issues of the AQMP, but no emission reductions are currently claimed. See Final Appendix IV-E, pp. IV-26 to IV-31.

Funding for the 6 grade separations cited in Measure 11 is available from Prop. 116 and the Public Utilities Commission. Because full funding is not yet committed by Caltrans, this measure received conditional approval in the AQMP review.

Funding for SCAQMD Measure M-G-1, Zero Emission Urban Bus Implementation is not yet available, although the ISTEPA has provided additional funding for transit capital expenditures. Because no funding is committed this measure received conditional approval in the AQMP review.

Issue: Of those indirect source projects, the Plan provides review for only those of Priority I and II. For example, office parks less than 250,000 square feet or residential developments with less than 500 units will not be reviewed. The result is the cumulative impact of hundreds of smaller developments will completely avoid scrutiny.

Response: The District has recently adopted the final draft of a "CEQA Air Quality Handbook" that provides guidance and advice to local governments in reviewing and mitigating the air quality impacts of local land use projects and plans. This handbook establishes thresholds for a range of air pollutants and toxic substances that the district recommends apply to "new facilities, expansions or other change that could result in emissions exceeding the threshold or the secondary significance indicators."

Table 6-2 - "Projects of Potential Significance for Air Quality" lists the sizes of developments that would fall under the threshold level, including: 160 units of single family housing, 250 units of apartments, an office of 120,000 sq. ft., a 22,000 sq. ft. hardware store, etc . . .

It is true that numerous small projects, that fall under the CEQA review threshold, can be expected to negatively affect air quality due to their cumulative impacts. An effective way to address such impacts is by analyzing and mitigating them at the local community and/or general plan level, and the district's CEQA Handbook guidelines do address such plans. The law requires provisions to develop an ISR program, which the District has included in their plan, the law does not require that every project be fully mitigated on an individual basis.

Issue: The Plan claims construction of between 1344 and 1840 miles of new freeways and highways is an air quality benefit. A strategy of increasing highway capacity is contrary to other measures which are designed to make driving less attractive.

Response: ARB staff agrees with the comment as it applies to mixed-flow facilities, and has recommended that Measure 13 be deleted from the AQMP as a TCM, and added to the baseline emission inventory instead.

Issue: New HOV lanes will also result in increased travel and greater emissions.

Response: New high occupancy vehicle lanes on freeways indirectly increase mixed flow capacity on the remaining lanes. However, a high occupancy vehicle lane system which offers significant time savings for carpoolers and transit users should provide offsetting air quality benefit by enabling fewer trips in single occupancy vehicles. ARB staff have encouraged (1) conversion of existing mixed flow capacity to HOV capacity where demand warrants it, and (2) where highway expansion is needed, highest priority for funding and implementation be directed toward completion of an HOV system. SCAG Measure 2f provides for the latter, and staff has recommended conditional approval pending the provision of additional information.

Issue: That the Plan fails to demonstrate compliance with the transportation performance standards of significant reduction of VMT and trips, and the 1.5 AVO requirement, due to deficiencies in the TCM measures.

Response: Staff's analyses of the Plan's compliance with the performance standards were based on the TCMs ability to achieve the VMT and trip reductions committed to in the Plan. Staff recognizes that implementation commitments, secured funding and additional documentation are needed for TCM measures to ensure that VMT and trip reductions are achieved. Staff also recognizes the need for SCAG and the District to clarify the relationship of non-commute trips to the AVO analysis.

Issue: ARB approval of the TCMs should be delayed, pending reassessment of the regional CO plan.

Response: The existing TCMs are adequate to be approved or conditionally approved, and therefore, Board action is appropriate. In addition, the Board recognizes that alternative measures can be substituted for the existing TCMs.

Issue: The Board should not approve the RECLAIM program as part of the Plan because RECLAIM is not sufficiently developed to determine if it is enforceable, equitable, will protect public health, and will work as designed.

Response: The District is expending substantial time and resources in developing the RECLAIM program. The district has also committed to adopt a RECLAIM program which will achieve equivalent enforceable emission reductions with reduced cost and job impacts, compared to the current and planned "command and control" regulations which would apply in lieu of RECLAIM. We believe that it is appropriate to accept the District's commitment to develop the RECLAIM program in accordance with these

principles. Since AB 1054 requires the ARB to review and approve the actual regulations which will be developed to implement RECLAIM, these future proceedings will provide an opportunity to determine if the District program has met these commitments and the requirements of AB1054.

Issue: The socioeconomic analysis underestimates industry compliance costs.

Response: The socioeconomic analysis included in the plan is the best comprehensive estimate available for the plan as a whole. Socioeconomic analyses for the individual measures in the plan will be prepared during the District's rulemaking process. As required by state law, the analysis must include costs of the proposed rule, including costs to industry.

Issue: The ARB definition of "all feasible measures" is subjective, conclusory, vague, and not in compliance with the law. In the alternative, an objective standard for determining what measures are feasible should be employed. If a measure is included in a plan submitted by any district and the Board has accepted its inclusion, or if a measure is mentioned in ARB's guidance documents, such a measure should be deemed presumptively "feasible" for the South Coast AQMD and put into place immediately.

Response: We do not agree with the commenter's proposed definition of "all feasible measures".

We have consistently embraced the philosophy that "feasible" requires not only consideration of technological factors, but also consideration of the social, environmental, economic, and energy factors which prevail in each district along with the resources realistically available to the district to adopt, implement and enforce the measures. This is especially important for measures which are dependent for their success on public acceptability and circumstantial appropriateness, such as transportation control measures (TCMs) and indirect source measures. It would not be fruitful to have Butte County, for example, explain why it has not adopted the measures determined feasible in the South Coast, or to expect the San Joaquin Valley to benefit from the same type of TCMs proposed by the San Francisco Bay Area. Instead, we expect each district to defend the measures it has selected first and foremost in the context of expeditious progress towards clean air, as well as in consideration of the other factors which the Act requires the ARB and the districts to consider.

The Act supports our interpretation and our review methodology. The "every feasible measure" criterion is closely related to the plan components required by sections 40918-40920 of the Health and Safety Code. That is, the legislature has already enunciated the parameters of several measures presumed to be feasible--a "no net increase" permit program, reasonably available control technology for all existing sources, area and indirect source control programs, and reasonably available transportation controls. To the extent these represent categories of control measures, we believe all the district plans will need to include one or more measures from each

category unless both expeditious attainment and a 5% annual reduction in emissions can be demonstrated without resorting to such measures. However, informed judgments regarding the number and type of measures within each category which are considered feasible and the timing for their adoption will be made on the basis of the criteria set forth in the Act, ARB guidance, and the peculiar circumstances of each district.

Further discussion and analysis of these issues can be found in the March 2, 1992, letter to Joseph J. Brecher from ARB General Counsel Michael P. Kenny, which is incorporated by reference herein.

Issue: "Conditional Approvals" are inconsistent with state law. The failure of numerous transportation control measures and other mobile source measures to contain provisions for implementation, monitoring, enforcement, and funding requires the ARB to notify the district of the deficiencies and require the district to correct them and submit a revised Plan.

Response: The CCAA requires the ARB to approve district plans which are designed to achieve and maintain the state standards by the earliest practicable date, and clearly distinguishes between "measures" and "rules and regulations." The plans are road maps consisting of a compilation of measures leading towards attainment, and as such these measures are not required to be as definitive as adopted rules and regulations. Since the TCMs and other mobile source measures are conceptually feasible and, in the aggregate, designed to provide for expeditious attainment, they substantially meet the requirements of the CCAA.

Rather than fully approve these measures, however, the Board has recognized the need for further definition and wishes to keep the district on track by directing it to provide work plans and schedules for obtaining enforceable funding and implementation commitments to ensure progress. The public interest is served more by conditionally approving these measures and getting on with their development and implementation than it would be by rejecting the measures as deficient and starting a new round of planning. We believe conditional approval is authorized by the CCAA as a subset of the approval which is clearly provided for, as well as by section 39600, which authorizes the state board to do such acts as may be necessary for the proper execution of its powers and duties.

Issue: The Plan does not contain measures to substantially reduce the rate of increase in passenger vehicle trips and miles travelled per trip, nor do the TCMs demonstrate an average commute hour ridership of 1.5 or more persons per vehicle by 1999 and no net increase in vehicle emissions after 1997. This is because the transportation and land use measures relied upon to achieve these goals lack specificity and provisions for implementation, funding, monitoring, and enforcement. Accordingly, the transportation components of the Plan are inadequate and must be rejected.

Response: The transportation and land use measure in the plan are conceptually adequate to achieve the trip reduction and ridership goals expressed in the CCAA. The Board relies on the distinction in the Act between "measures" and fully-fleshed-out rules and regulations, which the Act requires to be adopted on an expeditious schedule. In order to ensure that the measures will in fact emerge as enforceable rules and regulations, the Board has directed the District to provide a schedule and work plan for achieving the definitiveness which is ultimately necessary. There is no requirement in the Act that the measures relied on to demonstrate compliance with sections 40919 and 40920 (a)(1) and (2) must be fully adopted and legally enforceable at this time.

Issue: The Plan does not comply with the 1.5 AVO requirement because of its failure to account for the effect of non-work trips taken during commute hours on vehicle occupancy.

Response: The planning process contemplated by the CCAA is an iterative process, with annual progress reports, triennial effectiveness assessments, and triennial review to correct for deficiencies in meeting interim measures of progress, and substantial opportunity for modification of control strategies and plan amendments. The Board needs more information and analysis to ascertain the effect, if any, of the non-work trips on meeting the 1.5 AVO requirement and has directed the District to perform the necessary analysis. Adjustments to the TCMs can be made during the next several years as they evolve from measures to fully-fledged rules and regulations if necessary to meet the AVO requirement.

Issue: Substitution of the market-based RECLAIM program for all Tier I source-specific stationary source control measures will result in failure to meet the implementation time-frame for the ROG rules contained in the 1991 AQMP and must be rejected.

Response: The ARB has been working with the District to develop its RECLAIM program. While the Board agrees that the variety of ROG chemical compounds and source categories, the large number of facilities, the difficulties of establishing technically sound and legally enforceable monitoring tools for ROG emissions, and other factors make the establishment of a ROG trading market more difficult than a NOx/SOx market, the ARB is not prepared to reject this aspect of the RECLAIM program based on existing evidence. AB 1054 (Sher; Sections 39620 and 40440.1), which becomes effective January 1993, authorizes the establishment of a market-based incentive program as long as specified criteria are met. The legislation designates the ARB a critical participant in the RECLAIM approval process. Because the RECLAIM program at this stage of its development is conceptually able to encompass a ROG trading market, the ARB declines to reject the proposal. However, the proposed and adopted source-specific stationary source control measures must remain in the Plan as backstop measures in the event the ROG (or NOx/SOx) portion of the RECLAIM program will not achieve equivalent emission reductions within the applicable timeframe and meet the other requirements of the CCAA and AB 1054.

Issue: Required revisions of the Plan deficiencies must take place on an expedited schedule as set forth in the Plan Review Protocol developed by the ARB and the District. That is, the Board must notice its intent to amend the Plan within 90 days if identified deficiencies are not corrected. [Michael Fitts, NRDC]

Response: As stated above, the Board has found the measures in the Plan to be in substantial compliance with the Act's requirements. The Act provides room for conditional approval in this context, and the public interest is also served by a procedure which facilitates rather than retards further development, adoption, and implementation of the measures. If the Board were to interpret the Act to require the rejection of measures which are conceptually feasible, both legally and technically, but lack provisions for funding, monitoring, enforcement, and implementation commitments, the Board could not possibly develop the measures to the extent urged by the commenter within the timeframe presented. Instead, conditional approval allows the board to require the submittal of additional detail from the District in order to flesh out the measures and establish a workplan which will ultimately result in enforceable rules, as opposed to a course of action which would effectively derail the process with another round of planning.

Issue: Many of the key strategies included in the Plan consist of mere promises to develop measures at a later unspecified date or delegate tasks to regional or local governments with no means for enforcement, contrary to the requirements of section 41001 of the Health and Safety Code that the District adopt rules and regulations which will result in attainment of the state standards.

Response: Section 40001 is a general exhortation to the districts to attain and maintain state and federal ambient standards and to enforce applicable provisions of state and federal law. No deadline is set forth in this section for the adoption of the rules and regulations which will lead to attainment. Rather, the CCAA puts flesh on the bones of section 40001 by requiring a long-term planning effort which will result in rule adoption or the use of other mechanisms to attain the standards "as expeditiously as practicable". The first step in the planning process is submittal of a plan which contains a panoply of measures and an "expeditious adoption schedule." Measures, as stated previously, are not rules and regulations, a distinction clearly established in the CCAA.

Thus, we view the plan as a commitment to continue to develop, fund, adopt, implement, and enforce the measures described therein. There is no requirement in the Act that the measures be legally enforceable or fully developed at the time of plan approval. Indeed, the act provides for frequent progress assessments and the opportunity for amending the Plan as long as "the modified strategy is at least as effective in improving air quality as the strategy which is being replaced" (section 40925(b)).

The Act, the Board, and the District also recognize and endorse the critical role played by SCAG and other regional and local governments in implementing many of the land use and transportation elements in the Plan. Their support

is essential, and it will take a continuing cooperative effort to obtain their commitments to the measures. The Board has directed the district to submit a work plan and schedule for obtaining the necessary funding and implementation commitments by a date certain. Thus, the measures included in the Plan substantially meet the requirements of the Act, and the Board's action will ensure progress in their implementation.

Issue: The Plan makes no provision for the District to resume responsibility for developing, adopting, implementing, and enforcing measures if delegated agencies don't perform as promised.

Response: The Act does not provide for penalties for local agencies which renege on commitments made in the Plan. However, the District does remain responsible for making up for any deficiencies which are caused by local government inaction. In many cases the District has back-up measures which it commits to adopt and implement. In other cases, the Act's provisions for annual review and triennial updates allows the District and the ARB to analyze and monitor progress in making good on prior commitments, and modifying the Plan if necessary. The Board's direction to the District to supply workplans and schedules for obtaining legally enforceable commitments and funding assures accountability.

Issue: The indirect source review provisions are totally inadequate to ensure that increases in emissions caused by growth are fully offset, as the Environmental Review Program gives the District no authority to reject projects or require adequate mitigation.

Response: The Environmental Review Program has been discussed and endorsed in ARB guidance on indirect source review programs. While obviously a permit requirement prohibiting construction of new indirect sources unless there is a net increase in emissions would accomplish a greater reduction in emissions than an enhanced CEQA program, the Act requires only what is feasible. The ARB has embraced a definition of feasibility which includes not only legal and technical components, but also socio-economic components. The District has determined that direct local action to regulate growth and indirect sources is preferable to a district permit program at this time. No other district has an adopted permit program either. The ARB believes the District's indirect source measure, along with the commitment to obtain local government commitment to growth management, complies with the Act's requirement to develop an indirect source control program which is feasible under the circumstances.

Issue: The 5% emission reduction requirement should not be waived because the Plan does not contain all feasible measures.

Response: The District has committed itself to adopting a large number of control measures on an expeditious schedule. The Act does not require immediate adoption of all effective measures, because the realities of time and resources necessarily inject an element of selectivity into the planning and rule adoption process. "Feasible" encompasses the concept of what is "capable of being accomplished" into the planning equation.

Issue: The contingency measures should all be enacted at this time if the Plan is to contain all feasible measures.

Response: Contingency measures are required by section 90915 of the Health & Safety Code as backstop measures to be transmitted into regulations in the event adequate progress is not being maintained or interim goals achieved. Given that the District is working as hard as time and resources will allow to develop and adopt the measures committed to in the Plan, it is not physically possible to also work the contingency measures simultaneously through the complex and time-consuming regulatory process. The statute recognizes and endorses both our view that "feasibility" must have temporal and resource dimensions, and that contingency measures are necessary only in the event the primary measures committed to in the Plan are proven in time to be insufficient.

Issues: Choices among feasible measures cannot be permitted; rather, all measures currently included in any district plan or being implemented anywhere in the state must be deemed "feasible" and included in the Plan.

Response: In a world of unlimited resources and time, this approach of including every measure not shown specifically to be infeasible might be a sensible approach. However, given real world limitations, we believe the word "feasible" assumes consideration of the unique circumstances which prevail in the District. Thus, if the District presents a full plate of measures and if ARB analysis supports the district's determination that the most effective measures are being implemented expeditiously (i.e. no "end-loading" of the best measures), the ARB believes the Plan is approvable, regardless of what other districts have found to be feasible under their own circumstances.

While the Act requires uniformity for emission sources within an air basin to the extent practicable (section 41503(b)), there is no such requirement for Plans among air basins, and the ARB declines to impose this criterion. The District is doing more to reduce emissions than any other district in the state and has committed to the most ambitious control measures. Under the circumstances, it serves the goal of clean air more to approve the Plan and urge its expeditious implementation rather than to require tedious analysis of measures which may work in other districts but are precluded by time and resources from being implemented in addition to those in the Plan. Simply put, the District cannot implement every measure in the universe which may prove effective.

92-72

Missing

No Resolution

AIR RESOURCES BOARD2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812State of California
AIR RESOURCES BOARD**Notice of Decision and
Response to Significant Environmental Issues****Item: PUBLIC HEARING TO CONSIDER REVISING THE TEST PROCEDURE FOR QUALIFYING
A FUEL AS A SUBSTITUTE FUEL FOR A CLEAN FUEL OR AS A NEW CLEAN FUEL****Approved by: Executive Order G-811
Signed: September 17, 1993****Agenda Item No.: 92-17-2****Public Hearing Date: November 12, 1992****Issuing Authority: Air Resources Board****Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The staff report
identified no adverse environmental effects.****Response: N/A****Certified: Pat Hutchens
Pat Hutchens
Board Secretary****Date: September 17, 1993****RECEIVED BY
Office of the Secretary****SEP 21 1993****RESOURCES AGENCY OF CALIFORNIA**

State of California
AIR RESOURCES BOARD

Resolution 92-73

November 12, 1992

Agenda Item No.: 92-17-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Health and Safety Code section 43018(a) directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish attainment of the state ambient air quality standards at the earliest practicable date;

WHEREAS, in Resolution 90-58, September 28, 1990, the Board approved regulations requiring that low-emission vehicles be included in new vehicle sales and that such clean fuels as may be needed to achieve the low-emission vehicle emission standards be provided at retail;

WHEREAS, to provide flexibility in complying with the low-emission vehicle standards and to allow all fuels to be eligible as clean fuels, the Board allows "new clean fuels" as certification fuels for low-emission vehicles; a new clean fuel is a fuel for which the Board has not set specifications for certifying vehicles but which nonetheless may be used for certifying vehicles;

WHEREAS, to provide flexibility in complying with the requirement to offer clean fuels for sale at retail, the Board allows "substitute fuels" to be offered for sale instead of designated clean fuels; a substitute fuel is an equivalent alternative to a designated clean fuel;

WHEREAS, The Board allows a new clean fuel to be used to certify vehicles or a substitute fuel to be offered only if that fuel, if used in vehicles not designed for it, would not cause those vehicles to emit more pollutants than they emit when using their ordinary fuels;

WHEREAS, the Board allows a new clean fuel or a substitute fuel to be used only if the rate of deterioration of the emission control systems in vehicles that could use the fuel would not be accelerated by that use;

WHEREAS, the Board has adopted the existing test procedure, "California Test Procedure for Evaluating the Emission Impacts of Substitute Fuels or New

Clean Fuels", by which a person may fulfill the requirement of showing no emission increase;

WHEREAS, the Board has not adopted a procedure for making a demonstration regarding the rate of deterioration of emission control systems;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The existing test procedure for determining the effects on emissions of a proposed new clean fuel or a proposed substitute fuel should be improved to better ensure that truly acceptable fuels are accepted and truly deficient fuels are rejected;

The existing test procedure does not provide the Executive Officer with adequate control over the quality of the design and conduct of the emission testing program in the test procedure; nor does it provide a mechanism to ensure that a fuel, despite being satisfactory when introduced to the on-road fleet, would not increase emissions from the on-road vehicles of the future;

After it adopted the existing test procedure for new clean fuels and substitute fuels, the Board considered and approved a gasoline test procedure as part of the Phase 2 gasoline regulations; the latter test procedure uses, for alternative gasolines, a test for emission increases that is identical to the improved test proposed for new clean fuels and substitute fuels;

The Phase 2 gasoline test procedure avoids the weaknesses noted in the existing test procedure for substitute and new clean fuels;

The revised test procedure for new clean fuels and substitute fuels is modeled on the gasoline test procedure; also, it includes guidelines for demonstrating the rate of deterioration of emission control systems;

Replacing the existing test procedure with the revised test procedure would not impose regulatory costs on any party or require compliance with any new regulatory requirement;

By making it more likely that fuels that meet the emissions criteria would pass, the revised test procedure may encourage the development of alternative fuels; such development could reduce the costs of the low-emission vehicle and clean-fuels regulations, for persons who must comply with those regulations and for persons who buy complying products; increased costs to the users of fuels are conceivable but very unlikely;

WHEREAS, the Board further finds that:

Section 12 of "California Exhaust Emissions Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" inappropriately fails to require emission demonstrations in all the classes of vehicles that could use a proposed new clean fuel; and

The citation of "California Exhaust Emissions Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" in California Code of Regulations Section 1960.1 should be changed to reflect the date of the latest change to those test procedures;

The staff's original proposal (in Attachment A) to amend California Code of Regulations Section 2317(a), to merge separate emission demonstrations for a substitute fuel in low-emission vehicles certified on a primary designated clean fuel and in other vehicles, would be inconsistent with the intent of the Board's "clean fuels" regulations and will be deleted;

WHEREAS, the Board further finds that revising the test procedure would have no adverse environmental effects.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby rescinds "California Test Procedure for Evaluating the Emission Impacts of Substitute Fuels or New Clean Fuels", adopts "California Test Procedure for Evaluating Substitute Fuels and New Clean Fuels", amends section 12 of "California Exhaust Emissions Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", amends Section 1960.1 and section 2317 of California Code of Regulations, and makes other necessary conforming changes, all as set forth in Attachment A hereto, with the modifications described in Attachment B.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into section 2317 and the approved test procedure the modifications described in Attachment B hereto, with such other conforming modifications as may be appropriate, and to adopt the amendments approved herein, after making the modified test procedure available for public comment for a period of 15 days. The Executive Officer shall consider such written comments regarding the modifications as may be submitted during this

period, shall make additional modifications if deemed appropriate after consideration of supplemental comments received, and shall present the test procedure to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations adopted herein will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than the applicable federal standards.

BE IT FURTHER RESOLVED that the Board hereby finds that separate California emission standards and test procedures are necessary to meet compelling and extraordinary conditions.

BE IT FURTHER RESOLVED that the Board finds that the California emission standards and test procedures as adopted herein will not cause the California requirements to be inconsistent with section 202(a) of the Clean Air Act and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the regulations to the Environmental Protection Agency with a request for a waiver or confirmation that the regulations are within the scope of an existing waiver of federal preemption pursuant to section 209(b) of the Clean Air Act, as appropriate.

I hereby certify that the above is a true and correct copy of Resolution 92-73, as adopted by the Air Resources Board.

RECEIVED BY
Office of the Secretary

SEP 21 1993

RESOURCES AGENCY OF CALIFORNIA


Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-74

November 13, 1992

Agenda Item No.: 92-17-4

WHEREAS, under sections 107(d)(4)(A) and 301 of the federal Clean Air Act as amended in 1990 (the "Act"; 42 U.S.C. sections 7401 et seq.), certain areas of California have been designated as moderate, serious, severe, and extreme nonattainment for ozone, and as nonattainment for carbon monoxide;

WHEREAS, section 182(c)(3) of the Act requires States to submit by November 15, 1992 a revision to the state implementation plan (SIP) to provide for an "enhanced" vehicle Inspection and Maintenance (I&M) program in certain areas of each State that have been designated as serious nonattainment for ozone;

WHEREAS, the Act also requires provisions for an enhanced I&M program in certain areas of each State that have been designated as severe and extreme nonattainment for ozone, and in certain areas that have been designated as nonattainment for carbon monoxide;

WHEREAS, section 182(c)(3)(B) of the Act further requires the enhanced I&M program to comply with guidance published in the Federal Register by the Administrator of the Environmental Protection Agency (EPA);

WHEREAS, section 182(a)(2)(B) of the Act requires the Administrator to review, revise, update, and republish in the Federal Register the guidance for the States' basic motor vehicle I&M programs, and further requires that the guidance shall provide the States with continued reasonable flexibility to fashion effective, reasonable, and fair programs for the affected consumer;

WHEREAS, on November 5, 1992, the EPA published a Final Rule on Inspection and Maintenance Program Requirements (the "Final Rule"; 57 FR 52950) to fulfill its responsibilities to issue guidance under section 182 of the Act;

WHEREAS, the Final Rule establishes performance standards and other requirements for basic and enhanced motor vehicle I&M programs;

WHEREAS, section 110(k)(4) of the Act allows the Administrator to conditionally approve a SIP revision if the State makes a commitment to adopt specific enforceable measures by a date certain, but not later than one year after the date of approval of the plan revision;

WHEREAS, the Final Rule recognizes that it will be impossible for states to implement an enhanced I&M program by November 15, 1992, because the EPA guidance on enhanced I&M programs has only very recently been finalized; therefore, the Final Rule states that EPA will use its authority under section 110(k)(4) of the Act to conditionally approve SIP submittals which formally commit to adopt enhanced I&M programs consistent with EPA guidance;

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to act as necessary to execute the powers and duties granted to and imposed upon the Board and to assist the local air pollution control and air quality management districts;

WHEREAS, section 39602 of the Health and Safety Code designates the Board as the agency responsible for the preparation of the SIP required by the Act, and to this end shall coordinate the activities of all districts necessary to comply with that Act;

WHEREAS, a noticed public meeting has been held in accordance with the requirements of 40 CFR section 51.102;

WHEREAS, the Board finds that:

Areas of California have been designated as moderate to extreme nonattainment for ozone and, as nonattainment for carbon monoxide;

Further modifications to the State motor vehicle I&M program are necessary in order for California to comply with the provisions of section 182(c)(3);

The performance standards for an enhanced motor vehicle I&M program proposed by the EPA in the Final Rule will serve as guidelines for designing an enhanced motor vehicle I&M program that meets the requirements of federal law, but which may differ from the program design preferred by EPA in order to meet the needs of California; and

To comply with sections 182 and 110(k)(4) of the Act, it is necessary to submit as a revision to the SIP a letter (the "committal letter") which commits the ARB to

supporting legislation that will provide the necessary authority to enhance the State I&M program.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves as a SIP submittal the committal letter for the enhanced motor vehicle I&M program, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to submit the committal letter to the Environmental Protection Agency as a revision to the SIP, requesting conditional approval pursuant to section 110(k)(4) of the Act.

I hereby certify that the above is a true and correct copy of Resolution 92-74, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

AIR RESOURCES BOARD

1102 Q STREET
P.O. BOX 2815
SACRAMENTO, CA 95812



Attachment A

November 13, 1992

Mr. Daniel W. McGovern
Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. McGovern:

The Air Resources Board (the "Board" or "ARB") is supporting the adoption of legislation in the 1993 California legislative session that would authorize enhancements to California's Inspection and Maintenance (I&M) Program. We believe that with such enhancements the California I&M program will meet or exceed the proposed I&M program performance standards specified in the Environmental Protection Agency (EPA) Final Rule regarding Vehicle Inspection and Maintenance Requirements for State Implementation Plans (the "Final Rule"; 57 FR 542950; November 5, 1992). We anticipate that appropriate legislation will be enacted by November 15, 1993. Until such time as the necessary legislation is adopted, the ARB will continue to work toward identifying and preparing for promulgation those regulatory amendments required by section 182.

Section 182 of the federal Clean Air Act as amended in 1990 (the "Act"; 42 U.S.C. sections 7401 et seq.) requires EPA to develop performance standards for "basic" and "enhanced" vehicle I&M programs. The Act also requires adoption of enhanced vehicle I&M programs in certain areas of California that have been federally designated as nonattainment for ozone or carbon monoxide. It is believed that these programs are necessary and, when fully implemented, will serve as a useful tool for states in their efforts to attain the federal ambient air quality standards.

The Final Rule specifies performance standards for an enhanced vehicle I&M program. In comparison to an area without a vehicle I&M program, these standards require a 28 percent reduction in volatile organic compounds, a 31 percent reduction in carbon monoxide, and a 9 percent reduction in oxides of nitrogen from mobile sources by the year 2000. The EPA proposes that these performance standards can be met if a centralized test only and decentralized repair network is established. Furthermore, the EPA's suggested enhancements to a vehicle I&M program would require that 1980 and earlier model year vehicles be subject to an idle test, that 1981 through 1985 model year vehicles be subject to the idle and 2500 rpm no load test, and that 1986 and newer vehicles be subject to the transient IM240 exhaust test and evaporative purge system check. Additionally, 1983 and newer

model year vehicles would be subject to an evaporative system pressure test. The EPA's version of an enhanced vehicle I&M program would also raise the repair cost limit to \$450. A vehicle owner must spend at least this amount in order to receive a waiver from compliance with the emission standards. The program adopted by the state of California may differ from the preferred program of EPA, but will meet the performance standards identified in the regulations implementing section 182.

Section 182(c)(3) of the Act requires States to submit a revision to the state implementation plan (SIP) by November 15, 1992, to provide for an enhanced vehicle I&M program. The SIP revision would be considered fully approvable provided that it includes the following: an analysis of the emission benefits based on EPA's mobile source emissions model (MOBILE) for the state's proposed enhancements to the vehicle I&M program, areas subject to the program, a detailed discussion of each program element, the legal authority related to the implementation and operation of the I&M program, and the text of all implementing regulations. However, EPA has recognized that a fully approved SIP submittal for an enhanced vehicle I&M program cannot be completed by the November 15, 1992 deadline because the EPA guidance has only very recently been finalized. Therefore, the Final Rule indicates that EPA will use its authority under section 110(k)(4) of the Act to conditionally approve SIP submittals which commit to adopt enhanced I&M programs consistent with EPA guidance. In order to obtain full approval, states must submit a second, more complete SIP revision for an enhanced vehicle I&M program, including appropriate legislation and implementation dates, by November 15, 1993.

At a public meeting held November 13, 1992, the Board adopted Resolution 92-74 which directs the Executive Officer to request conditional approval of this letter as a SIP revision pursuant to section 110(k)(4) of the Act. By this letter and the attached Resolution 92-74, I hereby request that you conditionally approve California's commitment to implement an enhanced I&M program that is consistent with section 182(c)(3) and its implementing regulations. I also certify, pursuant to 40 CFR section 51.102, that this SIP revision was adopted after notice and public hearing as required by 40 CFR 51.102.

If you have any questions or comments regarding this letter, please contact Mr. Tom Cackette, Chief Deputy Executive Officer at (916) 322-2892.

Sincerely,

James D. Boyd
Executive Officer

State of California
AIR RESOURCES BOARD

Resolution 92-75

November 12, 1992

Agenda Item No.: 92-18-1

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, Chapter 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, the Legislature has enacted AB 2783, (Chapter 945, Stats. 1992) effective January 1, 1993, which amends certain requirements of the Act as noted below where relevant;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan the

districts shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the San Diego County Air Pollution Control District (the "District") is unable to identify an attainment date for ozone, which places it in the severe nonattainment classification for ozone;

WHEREAS, the District predicts attainment of the state standard for carbon monoxide by no later than December 31, 1994, which places it in the moderate classification for carbon monoxide;

WHEREAS, the District has designed its control plan for both ozone and carbon monoxide to comply with the requirements of the more stringent of the two classifications;

WHEREAS, AB 2783 will classify the District on the basis of ambient pollutant concentrations during 1989 through 1991 rather than projected attainment dates;

WHEREAS, AB 2783 is expected to result in the same classifications for ozone and carbon monoxide within the District and therefore will not significantly change applicable planning requirements, with the exceptions noted below;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe nonattainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions to develop area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;

- (4) provisions for public education programs to promote actions to reduce emissions from transportation and area-wide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;
- (8) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (9) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (10) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, AB 2783 will amend the no net increase requirement as cited in the fifth requirement identified above and require an appropriate offset threshold based on the District's classification;

WHEREAS, AB 2783 may amend the average vehicle occupancy (AVO) requirement as cited in the eighth requirement identified above and require a lesser AVO of 1.4;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective plan to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures shall be uniform throughout the affected air basin to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment and further requires that any regulations to implement such measures be adopted by the district within 180 days following the Board's finding of inadequate progress;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, pursuant to section 40717(d) of the Health and Safety Code, the San Diego Association of Governments (SANDAG) prepared and adopted a transportation control measure plan and transmitted it to the District in March 1992 for inclusion into the San Diego 1991 Regional Air Quality Strategy (hereafter referred to as the "Plan");

WHEREAS, the SANDAG transportation control measure plan was modified by the District Board and included in the Plan;

WHEREAS, SANDAG, under its authority as the metropolitan planning organization, is responsible for the allocation of ISTEA finds;

WHEREAS, the San Diego 1991 Plan was adopted by the District Board on June 30, 1992, and was officially transmitted by the District to the Air Resources Board on July 29, 1992;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan, the environmental impact report (EIR) submitted by the District, and all significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a projection of attainment of the state eight-hour carbon monoxide standard by the end of the year 1994;
2. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
3. commitments to adopt measures requiring the retrofitting of 14 stationary source categories with control equipment between 1991 and the year 1994 and a total of 23 by the year 1997;
4. a commitment to develop a total of 8 area source control measures to be adopted by the year 1997;
5. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
6. a commitment to develop an indirect source control program by the year 1994;

7. a commitment to develop and adopt a "no net increase" new source permitting rule by the year 1992;
8. a commitment to develop 2 transportation control measures to be adopted between 1991 and the year 1994 and a total of 5 by the year 1997;
9. a cost-effectiveness ranking for stationary and area source control measures and a separate cost-effectiveness ranking for transportation control measures;

WHEREAS, Section 41502(c) requires the Board to adopt written findings which explain its actions and which address the significant issues raised by interested persons;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein, and by the Board's and staff's responses to comments on the record;

WHEREAS, based upon the Plan, the EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The State health-based ambient air quality standards for ozone, carbon monoxide, and particulate matter are exceeded in the San Diego County Air Pollution Control District;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;
3. The Board concurs with the District's projection of 1994 as the earliest practicable date for attainment of the state carbon monoxide standard;
4. The District is not in compliance with the "no net increase" requirement for new and modified stationary sources, nor with the lesser requirements applicable to nonattainment areas per AB 2783;
5. The District's proposal to adopt 14 stationary source rules and no area source rules between 1991 and 1994 does not represent an expeditious adoption schedule;
6. The control measures for oxides of nitrogen emissions from stationary internal combustion engines and residential hot water heaters and furnaces which the District proposes to adopt after 1994 should instead be adopted between 1991 and 1994;
7. The Plan includes provisions to develop an indirect source control program;

8. The Plan contains all reasonably available transportation control measures given the circumstances which prevail in the District, but additional factual detail is needed before some of these measures can be fully approved, as specified in Appendix B of the Staff Report;
9. The Plan is not in compliance with the requirement to expeditiously implement transportation control measures because the District has postponed implementation of transportation control measures pending inclusion of California-registered vehicles garaged in Mexico and used for the purpose of commuting to worksites in California in the state's inspection and maintenance ("Smog Check") program;
10. The Plan demonstrates compliance with the requirement that the regional growth of trips and trip length be substantially reduced;
11. The Plan does not currently satisfy the requirement of a 1.5 person average vehicle occupancy by the year 1999 and additional time is needed to develop baseline data and an analytical framework to make that demonstration;
12. The Board concurs with the District's finding that there will be no net increase in vehicle emissions after 1997;
13. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for ozone and its precursors, and the Plan instead indicates an annual reduction of: hydrocarbons from 2.0 to 3.2 percent; nitrogen oxides from 1.7 to 3.3 percent; and carbon monoxide from 2.8 to 3.2 percent from the year 1987 through 2000;
14. The District has included all feasible transportation, stationary and area source measures in the Plan but does not provide for their expeditious adoption;
15. The Plan does not satisfy the requirements of Health and Safety Code sections 40914(b) and 41503.1 because the Plan achieves emission reductions of less than 5 percent per year and because it does not provide for the expeditious adoption of all feasible control measures given the circumstances which prevail in the District;
16. The Plan is in compliance with the three cost-effectiveness requirements of the Act;
17. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is developed;
18. The Plan includes uniform control measures for the San Diego Air Basin;

19. The District has initiated an acceptable public education campaign about air quality issues;
20. The District's specified contingency measures and its accelerated adoption and measure evaluation contingency procedure meets the Act's requirements;
21. The Final EIR prepared and certified by the District Board for the Plan meets the requirements of CEQA, and environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
22. The EIR has adequately addressed alternatives and mitigation measures for the purposes of this planning activity; the Board is a responsible agency for the purposes of CEQA; the Board concurs with the District Board's finding that the Plan will not result in adverse environmental impacts which cannot be mitigated to insignificant levels; and the District's findings and supporting statements of fact, as set forth in the District's Resolution 92-244, dated June 30, 1992, are hereby incorporated by reference as the findings which this Board is required to make pursuant to Public Resources Code section 21081 and CEQA guidelines;

WHEREAS, the Board has prepared additional findings in response to the significant issues which have been raised by public comments, set forth in Attachment A hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the San Diego Regional Air Quality Strategy, which, as identified in the Staff Report, meet the requirements of the Act.

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report, for those Plan provisions where further actions are needed to comply with the Act.

BE IT FURTHER RESOLVED, that the Board approves the carbon monoxide attainment demonstration and finds that the year 1994 represents the earliest practicable attainment date for the state carbon monoxide standard.

BE IT FURTHER RESOLVED, that the Board directs the District to incorporate an attainment demonstration for the state ozone standard into the Plan as soon as the earliest practicable attainment date for that standard can be determined.

BE IT FURTHER RESOLVED, that the Board approves the "severe" area classification for ozone within the San Diego District under existing law and directs staff to work with the District to determine the appropriate classification under AB 2783 as expeditiously as possible.

BE IT FURTHER RESOLVED, that the Board directs the District to adopt and implement a permitting rule for new and modified stationary sources, which complies with the requirements of the California Clean Air Act and the pending changes to the Act as reflected in AB 2783, by July 1, 1993.

BE IT FURTHER RESOLVED, that the Board directs the District to revise its rulemaking calendar placing greater emphasis on emission reduction potential and to submit to the Board the revised schedule by March 13, 1993.

BE IT FURTHER RESOLVED, that the Board directs the District to accelerate its schedule for adoption and implementation of BARCT measures for NOx sources in the current planning cycle and include this in the revised schedule to be submitted to the Board by March 13, 1993.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to resolve technical issues related to fleet rules.

BE IT FURTHER RESOLVED, that the Board conditionally approves the transportation control measures, and directs the District to provide additional details as specified in Appendix B of the staff report.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to continue to work with the District and the Department of Motor Vehicles to include California-registered vehicles garaged in Mexico and used for the purpose of commuting to worksites in California in the state's inspection and maintenance program.

BE IT FURTHER RESOLVED, that the Board directs the District to proceed with implementation of its transportation control measures while the effort to include Mexican commute vehicles in the state's inspection and maintenance program is underway.

BE IT FURTHER RESOLVED, that the Board directs the District and SANDAG to develop better information on baseline travel conditions, establish a monitoring network, develop an analytical framework for assessing District AVO levels, and submit this information to the Board by May 13, 1993.

BE IT FURTHER RESOLVED, that the Board directs the District to work with SANDAG to use its discretion as the Metropolitan Planning Organization to place highest priority on TCM implementation when allocating ISTEAs funds.

BE IT FURTHER RESOLVED, that the Board finds the Plan does not contain an expeditious rule adoption schedule and directs the District to submit a revised rule development and adoption schedule reflecting expeditious implementation by March 13, 1993.

BE IT FURTHER RESOLVED, that the Board conditionally approves the District's emissions accounting as consistent with state regulations, and conditionally approves the lesser rates of annual emissions reductions portrayed in the Plan as the maximum reductions possible upon submittal of a revised rule development and adoption schedule reflecting expeditious adoption and implementation.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to develop a population exposure model.

BE IT FURTHER RESOLVED, that the Board approves the District's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the

ATTACHMENT A: ARB Findings in Response to Significant Issues

Issues raised by interested persons at the Board hearing are addressed in the following comments. Many of these and other comments are also discussed in more detail in staff testimony at the hearing, and the transcript of the hearing is incorporated by reference herein.

Significant Issues

Issue: The District should be allowed the necessary time to develop a socioeconomic model prior to the adoption of control measures included in the Plan.

Response: Although the law requires a socioeconomic impact analyses for specific regulations, no specific process is required. Case-by-case analyses are possible and necessary to satisfy the Act's requirements for an expeditious adoption schedule.

Issue: A socioeconomic analysis should be performed on the overall Plan, before the rules within the Plan are adopted.

Response: State law requires that socioeconomic analyses be performed for individual rules. No such analysis is required for air quality plans; instead, the law requires that a finding of cost-effectiveness be made. State law also requires the expeditious adoption of all feasible measures.

Issue: The District's classification in response to AB 2783 needs to be resolved as expeditiously as possible.

Response: ARB staff agree and will work with the District to resolve this matter as expeditiously as possible.

Issue: AB 2766 funds surcharge on motor vehicle registrations should be used for the administrative cost of implementing TCMs.

Response: Many valuable projects are competing for AB 2766 funds. ARB staff are currently evaluating districts' use of AB 2766 funds as required by statute. Next year, staff will report their findings to the Board and make recommendations as to the appropriate priority for various allocations.

Issue: ARB should encourage and advance the development of market-based trip reduction measures and new technology for motor vehicle control.

Response: ARB staff agree. A statewide committee has been formed to examine market-based TCMs and is in the process of contracting out for an in-depth study. With regard to technological advances, staff note that several of the regulations previously adopted by ARB are

technology forcing; for example, reformulated gasoline specifications and stringent tailpipe standards.

Issue: Several commentators were concerned about the applicability and timing of the trip reduction rule to schools.

Response: The opposition of school districts to any trip reduction measure is cause for significant concern. The Board suggests that the District invest extra effort in understanding school districts' unique problems and developing special strategies to address them. This effort should be part of the regular rule development process that follows approval of the plan.

Issue: The biotech industries questioned the applicability of an AVO rule to their unique industry.

Response: This is analogous to school districts' concerns and, likewise, should be addressed through the industries' participation in the rule development and adoption process.

AIR RESOURCES BOARD2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812State of California
AIR RESOURCES BOARD**Notice of Decision and
Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER ADOPTING NEW REGULATIONS ESTABLISHING A PERIODIC SMOKE SELF-INSPECTION PROGRAM FOR HEAVY-DUTY DIESEL-POWERED VEHICLE FLEETS, AMENDING EXISTING REGULATIONS GOVERNING THE ROADSIDE SMOKE AND EMISSION CONTROL SYSTEM INSPECTION PROGRAM FOR IN-USE HEAVY-DUTY DIESEL- AND GASOLINE-POWERED VEHICLES; AND AMENDING THE CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR 1985 AND SUBSEQUENT MODEL HEAVY-DUTY DIESEL-ENGINES AND VEHICLES

Approved by: Executive Order G-873
Signed: October 22, 1993

Agenda Item No.: 92-19-1

Public Hearing Date: December 10, 1993

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: October 22, 1993

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OCT 22 1993

AIR RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-76

December 10, 1992

Agenda Item No.: 92-19-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board" or "ARB") to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in Section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state and, in Sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically attacking the serious air pollution problem caused by motor vehicles;

WHEREAS, in Section 43000.5 of the Health and Safety Code, the Legislature has declared that the burden for achieving needed reductions in vehicle emissions should be distributed equitably among various classes of vehicles, including heavy-duty vehicles, to achieve improvements in both the emissions levels and in-use performance;

WHEREAS, Section 43013 of the Health and Safety Code authorizes the Board to adopt motor vehicle emission standards and in-use performance standards which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, Section 43018 of the Health and Safety Code directs the Board to endeavor to achieve the maximum degree of emission reduction from vehicular sources to accomplish the attainment of state ambient air quality standards by the earliest practicable date;

WHEREAS, the Legislature in 1988 enacted Section 44011.6 of the Health and Safety Code which directed the Board to develop a test procedure for the detection of excessive smoke emissions from heavy-duty diesel motor vehicles;

WHEREAS, Section 44011.6 of the Health and Safety Code further directed the Board to prohibit by regulation the use of heavy-duty motor vehicles which are determined to have excessive smoke emissions or other emissions-related defects and to commence inspecting heavy-duty motor vehicles;

WHEREAS, pursuant to Section 44011.6 of the Health and Safety Code, the Board in November 1990 adopted Sections 2180 through 2187, Title 13, California Code of Regulations, which implemented the test procedure for the detection of excessive smoke emissions from heavy-duty diesel motor vehicles and which established the roadside smoke and emission control system

inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (the "roadside smoke inspection program");

WHEREAS, in Section 43700(d) of the Health and Safety Code, the Legislature has declared that a reduction of emissions from diesel-powered vehicles, to the maximum extent feasible, is in the best interests of air quality and public health;

WHEREAS, the Legislature in 1990 enacted Section 43701(a) of the Health and Safety Code, mandating that the Board adopt regulations which require that owners or operators of heavy-duty diesel motor vehicles perform regular inspections of their vehicles for excessive emissions of smoke (a "periodic smoke inspection program");

WHEREAS, Section 43701(a) of the Health and Safety Code requires that the Board, in adopting the periodic smoke inspection program regulations, specify the inspection procedure, the frequency of inspections, the emission standards for smoke, and the actions the heavy-duty diesel motor vehicle owner or operator is required to take to remedy excessive smoke emissions;

WHEREAS, pursuant to Section 43701(a) of the Health and Safety Code, the staff has proposed the adoption of Sections 2190 through 2194, Title 13, California Code of Regulations, to establish a periodic smoke self-inspection program for heavy-duty diesel-powered vehicle fleets;

WHEREAS, the periodic smoke inspection program regulations proposed by the staff set forth the vehicles to which the self-inspection program would apply and the vehicles exempt from the program; vehicle inspection responsibilities; smoke opacity inspection intervals, test procedures, and standards; and record keeping requirements;

WHEREAS, as required by Section 43701(a) of the Health and Safety Code, the ARB has consulted with the Bureau of Automotive Repair of the Department of Consumer Affairs and the review committee established pursuant to Section 44021(b) of the Health and Safety Code in developing the proposed periodic smoke inspection program regulations;

WHEREAS, the Board recognizes that new and alternative technologies are under development for the measurement and recording of heavy-duty diesel vehicle smoke emissions (i.e., partial flow meters and digital printers);

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available which would substantially reduce or avoid such impacts;

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

Excessive smoke emissions from heavy-duty diesel-powered motor vehicles contribute significantly to the serious air pollution problem in this state;

Particulates from the excessive smoke emissions of heavy-duty diesel-powered motor vehicles are a significant source of air contaminants;

Attainment of the state ambient air quality standards cannot be accomplished by the earliest practicable date without the reduction of excessive smoke emissions from heavy-duty diesel-powered vehicles;

While the roadside smoke inspection program has been effective in reducing smoke emissions from heavy-duty vehicles, additional action is required to further reduce excessive smoke emissions from heavy-duty diesel-powered vehicles;

The proposed periodic smoke inspection program will complement the existing roadside smoke inspection program and further reduce excessive smoke emissions from heavy-duty diesel-powered vehicles;

It is necessary and appropriate to adopt the proposed periodic smoke inspection program regulations in order to fulfill the mandate of Health and Safety Code Section 43701(a);

It is necessary and appropriate that the proposed periodic smoke inspection program apply generally to heavy-duty diesel-powered vehicles with gross vehicle weight ratings of 6,001 pounds or more which operate on the streets or highways within the State of California, excluding only those heavy-duty diesel-powered vehicles which are not part of a fleet of two or more vehicles, which are not based in California, or which operate in California under short-term vehicle registrations or permits;

It is necessary and appropriate that the proposed periodic smoke inspection program regulations require heavy-duty diesel-powered vehicle owners to test their vehicles annually for excessive smoke emissions and to repair their vehicles if smoke opacity standards are exceeded;

It is necessary and appropriate that the proposed periodic smoke inspection program regulations utilize the smoke

emission test procedures and smoke opacity standards which were developed and adopted for the roadside smoke inspection program, thereby applying consistent test procedures and standards for the two programs;

It is necessary and appropriate that the proposed periodic smoke inspection program regulations require vehicle owners to record smoke emission test and repair information, to maintain the records for a period of two years, and to permit an ARB inspector to review the inspection records at owner/operator designated fleet locations by appointment, thereby permitting the ARB to monitor and enforce the program;

It is appropriate to provide for an effective date of January 1, 1995 for the proposed periodic smoke inspection program to allow additional time for the potential development and publication of a revised opacity meter sampling methodology for the snap-idle test by a committee of the Society of Automotive Engineers (SAE), to allow additional time for the ARB to study any SAE recommendations and otherwise evaluate new test methods and test instrumentation technology, and to permit the ARB to conduct a public outreach effort to prepare owners and operators of heavy-duty diesel vehicle fleets and the vehicle repair industry for the periodic smoke inspection program.

The proposed periodic smoke inspection program is necessary, cost-effective, and technologically feasible.

WHEREAS, the Board further finds that adoption of the regulations approved herein will not have a significant adverse environmental impact and that the regulations are projected to have a positive air quality impact.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 2190 through 2194, Title 13, California Code of Regulations, as set forth in Attachment A hereto, with the modifications described in Attachments B and C hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into the approved regulations the modifications described in Attachments B and C hereto, with such other conforming modifications as may be appropriate, and to adopt the regulations after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications as may be submitted during this period, shall make additional modifications if deemed appropriate after consideration of supplemental comments received, and shall present the regulations to the Board for further consideration if he determines this is warranted.

BE IT FURTHER RESOLVED that, because the Board finds that the development of new and alternative technologies for the measurement and recording of smoke emissions should be promoted, it encourages equipment manufacturers to

present data to the Board on the development of new and alternative technologies, and its correlation with existing technologies, so that newer instrumentation may be incorporated into the regulations by future modification.

I hereby certify that the above is a true and correct copy of Resolution 92-76, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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Office of the Secretary

OCT 22 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-873

WHEREAS, on December 10, 1992, the Air Resources Board (the "Board") conducted a public hearing, to consider adoption of new regulations establishing a periodic smoke self-inspection program for heavy-duty diesel-powered vehicle fleets (Periodic Smoke Inspection), amending existing regulations governing the roadside smoke and emission control system inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (Roadside Smoke and Emission Control System), and amending the California exhaust emission standards and test procedures for 1985 and subsequent model heavy-duty diesel engines (Standards and Test Procedures);

WHEREAS, following the public hearing, the Board adopted Resolution 92-76, Periodic Smoke Inspection; Resolution 92-77, Roadside Smoke and Emission Control System; and Resolution 92-78, Standards and Test Procedures, in which the Board approved adoption of Title 13, California Code of Regulations, sections 2190 through 2194, and amendments to sections 2180 through 2187, and 1956.8(b), as set forth in Attachment A thereto;

WHEREAS, Resolutions 92-76, 92-77, and 92-78 directed the Executive Officer to incorporate into the approved regulatory adoption and amendments, the modifications approved therein, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted;

WHEREAS, the approved regulations were available for public comment for a period of 15 days in accordance with the provisions of Title 1, California Code of Regulations, section 44, with the changes to the originally proposed text clearly indicated; and

WHEREAS, the written comments received during the 15-day comment period have been considered by the Executive Officer and do not require modification nor reconsideration by the Board of the approved regulations.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolutions 92-76, 92-77, and 92-78 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolutions 92-76, 92-77, and 92-78, that the adoption of sections 2190 through 2194, Title 13, California

Resolution 92-76

December 10, 1992

Identification of Attachments to the Resolution

Attachment A: Proposed new Subchapter 3.6, Sections 2190-2194, Title 13, California Code of Regulations, as attached to the Staff Report released October 22, 1992.

Attachment B: Staff's Suggested Changes to the Original Regulatory Proposal (as distributed at the hearing on December 10, 1992).

Attachment C: Modifications to the Proposed Regulatory Action as Decided at the Board Hearing on December 10, 1992.

Adopt new Subchapter 3.6, Sections 2190-2194, Title 13, California Code of Regulations, to read as follows:

[Note: The entire text of Subchapter 3.6 set forth below is new language proposed to be added to the California Code of Regulations.]

Subchapter 3.6. Heavy-Duty Diesel-Powered Vehicle Periodic Smoke Inspections

2190. Applicability.

- (a) Except as provided in subsections (b), (c), (d), (e) and (f), the requirements of this subchapter apply to all heavy-duty diesel-powered vehicles with gross vehicle weight ratings of 6,001 pounds or more which operate on the streets or highways within the State of California.
- (b) Heavy-duty diesel-powered vehicles which are not part of a fleet (as defined in section 2191(a)) are excluded from the requirements of this subchapter.
- (c) Heavy-duty diesel-powered vehicles which are registered under the International Registration Plan as authorized by Article 4 (commencing with section 8050), Chapter 4, Division 3 of the Vehicle Code and which have established a base state other than California (non-California based vehicles) are excluded from the requirements of this subchapter.
- (d) Heavy-duty diesel-powered vehicles which operate in California under the terms of Interstate Reciprocity Agreements as authorized by Article 3 (commencing with section 8000), Chapter 4, Division 3 of the Vehicle Code and which belong to fleets that are not based in California are excluded from the requirements of this subchapter.
- (e) Heavy-duty diesel-powered vehicles operating in California under the terms of any other apportioned registration, reciprocity, or bilateral prorate registration agreement between California and other jurisdictions and which belong to fleets that are not based in California are excluded from the requirements of this subchapter.
- (f) Heavy-duty diesel-powered vehicles operating in California under short-term vehicle registrations or permits of 90 days or less (including but not limited to 90-day temporary registrations and 4-day permits under Vehicle Code section 4004) are excluded from the requirements of this subchapter.

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701 (a), and 44011.6, Health and Safety Code.

2191. Definitions.

- (a) The definitions of this section supplement and are governed by the definitions set forth in Chapter 2 (commencing with Section 39010), Part 1, Division 26 of the Health and Safety Code. The provisions of this subchapter shall also be governed by the definitions set forth in section 2180.1, Title 13, California Code of Regulations including the following modifications:
- (1) "Fleet" means any group of 2 or more heavy-duty diesel-powered vehicles which are owned or operated by the same agency or entity.
 - (2) "Inspector" means an Air Resources Board employee with the duty of enforcing Health and Safety Code section 43701(a) and Title 13, California Code of Regulations, sections 2190 through 2194.
 - (3) "Test opacity" means the measurement of smoke opacity from a vehicle for the purpose of determining compliance with the standards referenced in section 2193(c).
 - (4) "Test procedure" means the smoke meter test procedure as specified in section 2193(c).

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.

2192. Vehicle Inspection Responsibilities.

- (a) The owner of a heavy-duty diesel-powered vehicle subject to the requirements of this subchapter shall do all of the following:
- (1) Test the vehicle for excessive smoke emissions periodically according to the inspection intervals specified in section 2193 (a) and (b).
 - (2) Measure the smoke emissions for each test using the test procedure specified in section 2193 (c).
 - (3) Record the smoke test opacity levels and other required test information as specified in section 2194.
 - (4) Have the vehicle repaired if it exceeds the applicable smoke opacity standard specified in section 2193 (c).
 - (5) Record the vehicle repair information as specified in section 2194.

- (6) Conduct a post-repair smoke test to determine if the vehicle complies with the applicable smoke opacity standard.
- (7) Record the post-repair smoke test results as specified in section 2194.
- (8) If the vehicle does not comply with the applicable smoke opacity standard, make additional repairs to achieve compliance, and record the smoke test results as specified in section 2194.
- (9) Keep the records specified in section 2194 for two years after the date of inspection.
- (10) Permit an Air Resources Board inspector to review the inspection records specified in section 2194 at owner/operator designated fleet locations by appointment.

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.

2193. Smoke Opacity Inspection Intervals, Test Procedures, and Standards.

- (a) Vehicles which are subject to the requirements of this subchapter on the effective date of these regulations shall be initially tested for smoke opacity and repaired (if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192 within 90 days of the effective date of these regulations. Vehicles which become subject to the requirements of this subchapter at a time subsequent to the effective date of these regulations shall be initially tested for smoke opacity and repaired (if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192 within 90 days of becoming subject to these regulations.
- (b) After the initial smoke opacity testing under subsection (a), vehicles which are subject to the requirements of this subchapter shall be tested for smoke opacity and repaired (if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192 at least every 365 days.
- (c) The smoke opacity test procedure and applicable opacity standards shall be as specified in section 2182(a) to (e), (g), and (h), Title 13, California Code of Regulations.

NOTE: Authority Cited: Sections 39600, 39601, 43013, 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43013, 43018, 43701(a), and 44011.6, Health and Safety Code.

2194. Record Keeping Requirements.

- (a) The owner of a vehicle subject to the requirements of this subchapter shall record the following information when performing the smoke opacity testing:
- (1) The brand name and model of the opacity meter.
 - (2) The brand name and model of the strip chart recorder.
 - (3) The dates of last calibration of the opacity meter and chart recorder.
 - (4) The name of the smoke meter operator who conducted the test.
 - (5) The name and address of the contracted smoke test facility or vehicle repair facility that conducted the test (if applicable).
 - (6) The applicable smoke opacity standard for the tested vehicle.
 - (7) Vehicle identification number, and test date. Fleet-designated vehicle identification numbers are also acceptable.
 - (8) The initial smoke test opacity levels (for three successive test readings).
 - (9) An indication of whether the vehicle passed or failed the initial smoke test.
 - (10) The post-repair test date.
 - (11) The post-repair smoke test opacity levels (for three successive test readings).
 - (12) An indication of whether the vehicle passed or failed the post-repair smoke test.
 - (13) For vehicles that have failed the smoke test and have been repaired, the vehicle repair information specified in section 2186(a), Title 13, California Code of Regulations.

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701 (a), and 44011.6, Health and Safety Code.

PROPOSED ADOPTION OF NEW REGULATIONS ESTABLISHING A PERIODIC SMOKE SELF-INSPECTION PROGRAM FOR HEAVY-DUTY DIESEL-POWERED VEHICLE FLEETS

Staff's Suggested Changes to the Original Regulatory Proposal

December 10, 1992

1. Program Effective Date: The staff recommends that the regulations be modified to include a provision establishing December 1, 1994 as the effective date for the periodic smoke inspection program regulations.
2. Record Keeping Requirements: The staff recommends that section 2194 of the regulations, "Record Keeping Requirements," be modified to require that vehicle owners record the vehicle's engine year, engine make, and engine model when performing smoke opacity testing.
3. Smoke Opacity Standards for 1974 through 1990 Vehicles: The staff recommends that section 2193 of the periodic smoke inspection program regulations be modified with respect to the smoke opacity standards applicable to 1974 through 1990 vehicles.

Section 2185(b) of the roadside smoke inspection program regulations essentially establishes on a temporary basis an enforcement (penalty assessment) standard of fifty-five (55) percent peak smoke opacity for certain pre-1991 vehicles normally subject to a forty (40) percent standard under section 2182(a). This fifty-five (55) percent enforcement standard for pre-1991 vehicles was initially adopted for one year and is subject to extension by the Executive Officer in one-year increments.

As originally proposed, section 2193(c) of the periodic smoke inspection program regulations incorporated the smoke opacity standards set forth in section 2182 of the roadside smoke inspection program regulations. However, section 2193 did not incorporate the current enforcement standard of fifty-five (55) percent peak smoke opacity contained in section 2185(b) of the roadside program regulations. It has been the intent to enforce (or apply) identical standards under the two programs. Therefore, staff recommends that section 2193 of the periodic smoke inspection program regulations be modified to provide that during the period that a fifty-five (55) percent peak smoke opacity standard is enforced (or applicable) for designated vehicles under section 2185(b), that fifty-five (55) percent standard shall be the applicable standard for the corresponding 1974 through 1990 vehicles under the periodic smoke inspection program.

PROPOSED ADOPTION OF NEW REGULATIONS ESTABLISHING A PERIODIC SMOKE SELF-
INSPECTION PROGRAM FOR HEAVY-DUTY DIESEL-POWERED VEHICLE FLEETS

Modifications to the Proposed Regulatory Action as Decided
at the Board Hearing on December 10, 1992

1. Program Effective Date: The Board voted to modify the regulations to include a provision establishing January 1, 1995 as the effective date for the periodic smoke inspection program. (This Board decision modified the staff's suggested program effective date of December 1, 1994 (see the staff proposal in Attachment B.))
2. Phasing-in Program over First Year: The Board voted to modify the regulations to include a provision which would phase-in the periodic smoke inspection program over a year's period of time as fleets become subject to the program. In general, approximately 25% of a fleet's heavy-duty diesel-powered vehicles would be required to be tested during each quarter of the year (or during each 90-day period) until the entire fleet has been tested.

State of California
AIR RESOURCES BOARD

Resolution 92-77

December 10, 1992

Agenda Item No.: 92-19-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board" or "ARB") to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in Section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state and, in Sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically attacking the serious air pollution problem caused by motor vehicles;

WHEREAS, in Section 43000.5 of the Health and Safety Code, the Legislature has declared that the burden for achieving needed reductions in vehicle emissions should be distributed equitably among various classes of vehicles, including heavy-duty vehicles, to achieve improvements in both the emissions levels and in-use performance;

WHEREAS, Section 43013 of the Health and Safety Code authorizes the Board to adopt motor vehicle emission standards and in-use performance standards which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, the Legislature in 1988 enacted Section 44011.6 of the Health and Safety Code which directed the Board to develop a test procedure for the detection of excessive smoke emissions from heavy-duty diesel motor vehicles and which authorized the Board to specify visual or functional inspection procedures to determine the presence of tampering or defective emissions control systems in heavy-duty diesel- or gasoline- powered motor vehicles;

WHEREAS, Section 44011.6 of the Health and Safety Code further directed the Board to prohibit by regulation the use of heavy-duty motor vehicles which are determined to have excessive smoke emissions or other emissions-related defects and to commence inspecting heavy-duty motor vehicles;

WHEREAS, pursuant to Section 44011.6 of the Health and Safety Code, the Board in November 1990 adopted Sections 2180 through 2187, Title 13, California Code of Regulations, which implemented the test procedure for the detection of excessive smoke emissions from heavy-duty diesel motor vehicles and which established the roadside smoke and emission control system inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (the "roadside smoke inspection program");

WHEREAS, the roadside smoke inspection program regulations adopted by the Board in November 1990 set forth the responsibilities of the vehicle driver and the ARB inspector during roadside inspections for excessive smoke emissions, the heavy-duty diesel vehicle smoke opacity test procedure, smoke opacity (emission) standards for the smoke opacity test, the emission control system inspection procedures for heavy-duty diesel- and gasoline-powered vehicles, civil penalty provisions, and other administrative and enforcement provisions for the program;

WHEREAS, the ARB commenced inspecting heavy-duty vehicles under the roadside smoke inspection program in November 1991;

WHEREAS, based upon its experience in administering the roadside smoke inspection program, the staff proposes to amend the regulations to revise the smoke opacity standards applicable to 1991 and subsequent model-year diesel-powered vehicles;

WHEREAS, the staff further proposes to amend the roadside smoke inspection program regulations to revise the requirements relating to information and data which must be submitted to the ARB by manufacturers of heavy-duty diesel-powered engines;

WHEREAS, the Board recognizes that new and alternative technologies are under development for the measurement and recording of heavy-duty diesel vehicle smoke emissions (i.e., partial flow meters and digital printers);

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available which would substantially reduce or avoid such impacts;

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

Excessive smoke emissions from heavy-duty diesel-powered motor vehicles contribute significantly to the serious air pollution problem in this state;

Particulates from the excessive smoke emissions of heavy-duty diesel-powered motor vehicles are a significant source of air contaminants;

Attainment of the state ambient air quality standards cannot be accomplished by the earliest practicable date without the reduction of excessive emissions from heavy-duty diesel-powered vehicles;

The roadside smoke inspection program is an effective in-use inspection and maintenance program in this state for reducing excessive smoke emissions from heavy-duty diesel-powered vehicles;

The roadside smoke inspection program's current smoke opacity standards applicable to 1991 and subsequent model-year vehicles do not take into account a limited number of vehicles from these model-years which may be incapable of meeting these existing standards when in good operating condition and adjusted to manufacturer's specifications;

It is necessary and appropriate to amend the smoke opacity standards for 1991 and subsequent model-year vehicles to be identical to the standards for 1974 through 1990 vehicles, thereby allowing the 1991 and subsequent model-year vehicles which may be incapable of meeting the existing standards to be subject to technologically appropriate smoke opacity standards;

Additional amendments relating to the information and data which must be submitted to the ARB by manufacturers of heavy-duty diesel-powered engines facilitate the ability of the ARB to determine the appropriate smoke opacity standards applicable to particular vehicles under the roadside smoke inspection program;

It is necessary for the health, safety, or welfare of the people of the state that the amended regulations apply to small business;

The amendments to the regulations are necessary, cost-effective, and technologically feasible.

WHEREAS, the Board further finds that the adoption of the amendments to the regulations approved herein will not have a significant adverse environmental impact.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Sections 2180 through 2187, Title 13, California Code of Regulations, as set forth in Attachment A hereto, with the modifications described in Attachment B hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into the approved amendments the modifications described in Attachment B hereto, with such other conforming modifications as may be appropriate, and to adopt the amendments approved herein after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications as may be submitted during this period, shall make additional modifications if deemed appropriate after consideration of supplemental comments received, and shall present the

regulations to the Board for further consideration if he determines this is warranted.

BE IT FURTHER RESOLVED that, because the Board finds that the development of new and alternative technologies for the measurement and recording of smoke emissions should be promoted, it encourages equipment manufacturers to present data to the Board on the development of new and alternative technologies, and its correlation with existing technologies, so that newer instrumentation may be incorporated into the regulations by future modification.

I hereby certify that the above is a true and correct copy of Resolution 92-77, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

RECEIVED BY
Office of the Secretary

OCT 22 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-873

WHEREAS, on December 10, 1992, the Air Resources Board (the "Board") conducted a public hearing, to consider adoption of new regulations establishing a periodic smoke self-inspection program for heavy-duty diesel-powered vehicle fleets (Periodic Smoke Inspection), amending existing regulations governing the roadside smoke and emission control system inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (Roadside Smoke and Emission Control System), and amending the California exhaust emission standards and test procedures for 1985 and subsequent model heavy-duty diesel engines (Standards and Test Procedures);

WHEREAS, following the public hearing, the Board adopted Resolution 92-76, Periodic Smoke Inspection; Resolution 92-77, Roadside Smoke and Emission Control System; and Resolution 92-78, Standards and Test Procedures, in which the Board approved adoption of Title 13, California Code of Regulations, sections 2190 through 2194, and amendments to sections 2180 through 2187, and 1956.8(b), as set forth in Attachment A thereto;

WHEREAS, Resolutions 92-76, 92-77, and 92-78 directed the Executive Officer to incorporate into the approved regulatory adoption and amendments, the modifications approved therein, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted;

WHEREAS, the approved regulations were available for public comment for a period of 15 days in accordance with the provisions of Title 1, California Code of Regulations, section 44, with the changes to the originally proposed text clearly indicated; and

WHEREAS, the written comments received during the 15-day comment period have been considered by the Executive Officer and do not require modification nor reconsideration by the Board of the approved regulations.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolutions 92-76, 92-77, and 92-78 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolutions 92-76, 92-77, and 92-78, that the adoption of sections 2190 through 2194, Title 13, California

Resolution 92-77

December 10, 1992

Identification of Attachments to the Resolution

Attachment A: Proposed amendments to Sections 2180-2187, Title 13, California Code of Regulations, as attached to the Staff Report released October 22, 1992.

Attachment B: Staff's Suggested Changes to the Original Regulatory Proposal (as distributed at the hearing on December 10, 1992).

PROPOSED REGULATION ORDER

Note: Proposed new language added to existing regulation text is shown in underline and proposed deletions from existing regulation text are shown in ~~strikeout~~.

PROPOSED AMENDMENTS TO THE REGULATIONS GOVERNING THE ROADSIDE SMOKE AND EMISSION CONTROL SYSTEM INSPECTION PROGRAM FOR IN-USE HEAVY-DUTY DIESEL- AND GASOLINE-POWERED VEHICLES

- Section 2180
 - Section 2180.1
 - Section 2181
 - Section 2182
 - Section 2183
 - Section 2184
 - Section 2185
 - Section 2186
 - Section 2187
- Applicability
 - Definitions
 - Responsibilities During Inspection Procedure
 - Heavy-Duty Diesel Vehicle Smoke Opacity Test Procedure
 - Heavy-Duty Vehicle Emission Control System Inspection
 - Refusal to Submit to Inspection Procedure
 - Civil Penalty Schedule
 - Demonstration of Correction and Post-Repair Test Inspection
 - Vehicles Removed From Service

**Heavy-Duty Vehicle Roadside Inspection Program
California Code of Regulations-Title 13**

Subchapter 3.5. Heavy-Duty Diesel Smoke Emission Test Procedure, and Heavy-Duty Vehicle Emission Control System Inspections

2180. Applicability.

- (a) This subchapter applies to all diesel-powered and gasoline-powered heavy-duty vehicles, including pre-1974 model-year vehicles, operating in the State of California.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code.

2180.1 Definitions.

- (a) The definitions of this section supplement and are governed by the definitions set forth in Chapter 2 (commencing with Section 39010), Part 1, Division 26 of the Health and Safety Code. The following definitions shall govern the provisions of this subchapter.

- (1) "Basic penalty" means the reduced civil penalty of five hundred dollars (\$500) for a test procedure or emission control system inspection violation that is deposited in the Vehicle Inspection and Repair Fund.
- (2) "Certification level" means the opacity for each 1974 and subsequent model-year heavy-duty diesel-powered engine when tested in accordance with Title 40, Code of Federal Regulations (CFR), Part 86.
- (3) "Citation" means a legal notice issued to a heavy-duty vehicle's owner, or owner and operator, by the Air Resources Board requiring the owner to repair the vehicle and to pay a civil penalty.
- (4) "Defective" means an emission control system or an emission control system component that is malfunctioning due to age, wear, malmaintenance, or design defects.
- (5) "Demonstration of correction" means a repair receipt from a repair facility, a completed work order from a fleet repair or fleet maintenance facility, or successful completion of a post-repair test or inspection.
- (6) "Driver" has the same meaning as defined in California Vehicle Code section 305.

- (7) "Emission control label" means the label required by the "California Motor Vehicle Emission Control Label Specifications", incorporated by reference in 13 CCR, section 1965, or Title 40, Code of Federal Regulations (40 CFR), section 86.085-35 or 40 CFR Part 86, Subpart A.
- (8) "Emission control system" means the pollution control components on an engine at the time of its engine family certification, including, but not limited to, the emission control label.
- (9) "Executive Officer" means the Executive Officer of the Air Resources Board or his or her designee.
- (10) "Fleet" means three (3) or more heavy-duty vehicles.
- (11) "Full power position" means the throttle position at which the engine fuel delivery is at maximum flow.
- (12) "Heavy-duty vehicle" means a vehicle having a manufacturer's maximum gross vehicle weight rating (GVWR) of 6,001 or more pounds.
- (13) "Inspection procedure" means the test procedure specified in section 2182 and the emission control system inspection specified in section 2183.
- (14) "Inspection site" means an area including a random roadside location, a weigh station, or a fleet facility used for the purpose of conducting the heavy-duty vehicle test procedure, emission control system inspection, or both.
- (15) "Inspector" means an Air Resources Board employee whose primary duty is enforcing Health and Safety Code section 44011.6 and Title 13, CCR section 2180 et seq.
- (16) "Issuance" means the date the citation is mailed to, or personally handed by an inspector to, the owner.
- (17) "Minimum penalty" means the three hundred dollar (\$300.00) penalty that is to be deposited in the Diesel Emission Reduction Fund for State Energy Resources Conservation and Development Commission (CEC) programs pursuant to Health and Safety Code section 44011.6(h).
- (18) "Officer" means a uniformed member of the Department of the California Highway Patrol.
- (19) "Opacity" means the percentage of light obstructed from passage through an exhaust smoke plume.

- (20) "Owner" means the person registered by the California Department of Motor Vehicles (DMV), or its equivalent in another state, as the owner of the vehicle.
- (21) "Post-repair inspection" means a repeat emission control system inspection procedure for the purpose of determining compliance of a cited vehicle.
- (22) "Post-repair test" means a repeat test procedure for the purpose of determining compliance of a cited vehicle.
- (23) "Remove from service" means the towing and storage of a vehicle under the auspices of the Department of the California Highway Patrol.
- (24) "Repair facility" means any place where heavy-duty vehicles are repaired, rebuilt, reconditioned, or in any way maintained for the public at a charge, and fleet maintenance facilities.
- (25) "Schoolbus" means the same as defined in California Vehicle Code section 545.
- (26) "Smokemeter" means a detection device used to measure the opacity of smoke in percent opacity.
- (27) "Snap-idle cycle" means rapidly depressing the accelerator pedal from normal idle to the full power position, holding the pedal in this position for no longer than ten seconds or until the engine reaches maximum speed, and fully releasing the pedal so that the engine decelerates to normal idle.
- (28) "Tampered" means missing, modified, or disconnected.
- (29) "Test opacity" means the smokemeter measurement of opacity for the purpose of determining compliance with section 2182(a) through 2182(f)(d).
- (30) "Test procedure" means the preconditioning sequence and smoke opacity measurement processes for determining compliance with section 2182.
- (31) "Uncleared citation" means a citation for which demonstration of correction and, if required, payment of any civil penalty, has not been made.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Section 505, Vehicle Code.

2181. Responsibilities During Inspection Procedure.

- (a) The driver of a heavy-duty diesel vehicle selected to undergo the inspection procedure shall do all of the following:
 - (1) Drive the vehicle to the inspection site upon direction of an officer.
 - (2) Perform the test procedure upon request by an inspector.
 - (3) Open the vehicle door so that the inspector can observe the driver depress the accelerator pedal.
 - (4) Permit an emission control system inspection upon the request of the inspector.
 - (5) Sign the citation to acknowledge its receipt and the smoke test strip chart to acknowledge performance of the test procedure.

- (b) The driver of a heavy-duty gasoline vehicle selected to undergo the inspection shall:
 - (1) Drive the vehicle to the inspection site upon direction of an officer.
 - (2) Permit an emission control system inspection upon request of the inspector.
 - (3) Sign the citation to acknowledge its receipt.

- (c) The inspector in performing the inspection procedure shall do all of the following:
 - (1) Advise the driver that refusal to submit to the inspection procedure is a violation of these regulations.
 - (2) Obtain engine identification information from a vehicle when tested pursuant to section 2182 ~~(j)~~(h) to determine which opacity standard specified in section 2182(a) through 2182~~(d)~~(b) would apply.
 - (3) Issue a copy of the citation to the driver of a vehicle that fails the test procedure or the emission control system inspection.

- (4) Issue a warning to the owner of a heavy-duty diesel-powered vehicle missing its emission control label that the engine serial or identification number must be provided to the ARB within thirty (30) calendar days or it will be conclusively presumed that the vehicle has a certification level equal to or less than thirty-five (35) percent peak smoke opacity.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Section 305, Vehicle Code.

2182. Heavy-Duty Diesel Vehicle Smoke Opacity Test Procedure.

- (a) No 1974 through 1990 or subsequent model-year heavy-duty diesel-powered vehicle with a Federal peak smoke engine certification level of thirty-five (35) percent peak opacity or less operating on the highways within the state of California shall exceed forty (40) percent peak smoke opacity when tested in accordance with this section unless its engine is exempted under subsection (e) (c) or (f) (d) below.
- (b) No 1991 heavy-duty diesel-powered vehicle operating on the highways within the state of California shall exceed forty (40) percent peak smoke opacity when tested in accordance with this section unless its engine is exempted under subsection (f) below.
- (c) No 1992 or subsequent model-year heavy-duty diesel-powered vehicle operating on the highways within the state of California shall exceed forty (40) percent peak smoke opacity when tested in accordance with this section.
- (d) (b) No other heavy-duty diesel-powered vehicle operating on the highways within the state of California, including pre-1974 model-year vehicles shall exceed fifty-five (55) percent peak smoke opacity when tested in accordance with this section unless its engine is exempted under subsection (e) (c) or (f) (d) below.
- (e) (c) The Executive Officer shall exempt from the operation of subsections (a) and (d) (b) above any engine family that he/she determines exhibit snap-idle test results greater than forty (40) percent under (a) or fifty-five (55) percent under (d) (b) when in good operating condition and adjusted to manufacturer's specifications. Such engine family(s) must comply with the technologically appropriate higher opacity standard determined by the Executive Officer from a review of the data obtained from engines in good operating condition and adjusted to manufacturer's specifications.
- (f) (d) The Executive Officer shall exempt from the operation of subsections (a), (b), and (d) (b) above any 1991 and earlier

model-year heavy-duty diesel vehicles equipped with carryover add-on aftermarket turbocharger kits approved by the ARB, that he/she determines exhibit snap-idle test results greater than forty (40) percent under (a) or (b) or fifty-five (55) percent under (d) (b) when in good operating condition and adjusted to manufacturer's specifications. Such vehicles must comply with the technologically appropriate higher opacity standard determined by the Executive Officer from a review of the data obtained from engines in good operating condition and adjusted to manufacturer's specifications.

- (g) (e) In the event that a 1974 or later model-year heavy-duty diesel-powered vehicle's engine identification cannot be obtained by the inspector in order to determine the Federal smoke certification level, the owner, within thirty (30) calendar days of the inspection, shall provide the ARB with the engine identification information. If the owner fails to comply with this requirement, it is conclusively presumed for the purpose of subsequently performing the test procedure that the vehicle has a Federal peak smoke certification level equal to or less than thirty-five (35) percent peak smoke opacity and that the peak smoke opacity standard is forty (40) percent.
- (h) (f) Manufacturers of heavy-duty diesel-powered engines shall within sixty (60) calendar days of the effective date of this regulation provide to the ARB the certification levels by model-year for each engine family that it has certified to levels above thirty-five (35) percent peak opacity and a complete list of engine identification numbers for each of these engine families within sixty (60) calendar days after receiving Federal or California engine certification approval. Manufacturers shall further provide to the ARB engine emissions data as necessary for the Executive Officer to make exemption determinations and determinations of technologically appropriate higher opacity standards under subsections (c) or (d) above within sixty (60) calendar days after receiving Federal or California engine certification approval.
- (i) (g) The smoke opacity measurement equipment shall consist of a light extinction type smokemeter which includes an optical detection unit, a control/indicator unit, and a strip chart recorder.
- (1) The smokemeter shall comply with the specifications provided in the Society of Automotive Engineers (SAE) procedure J1243, "Diesel Emission Production Audit Test Procedure," May 1988, which is incorporated herein by reference, section 7.4 and shall be calibrated according to specifications in SAE procedure J1243, section 8.2.
 - (2) The strip chart recorder shall comply with specifications in SAE procedure J1243, section 7.5, subsections 1 - 4 (May 1988).

{j} (h) The test procedure shall consist of preparation, preconditioning, and test phases:

- (1) In the preparation phase, the vehicle shall be placed at rest, the transmission shall be placed in neutral, and the vehicle wheels shall be properly restrained to prevent any rolling motion.
- (2) In the preconditioning phase, the vehicle shall be put through a snap-idle cycle two or more times until two successive measured smoke levels are within ten (10) opacity percent of each other. The smoke meter shall be rechecked prior to the preconditioning sequence to determine that its zero and span setting are adjusted according to specifications in SAE procedure J1243, section 8.1 (May 1988).
- (3) In the test procedure phase, the vehicle shall be put through the snap-idle cycle three times.
- (4) The opacity shall be measured during the preconditioning and test phases with a smokemeter and shall be recorded continuously on the chart recorder during each snap-idle cycle. The maximum instantaneous value recorded by the chart recorder shall be the opacity reading.
- (5) The test opacity to determine compliance with (a) through {d} (b) above shall be the average of the two meter readings with the least difference in opacity values. If all three readings have successive equivalent differences between them, the test opacity shall be the average of the three readings.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code.

2183. Heavy-Duty Vehicle Emission Control System Inspection.

- (a) The heavy-duty diesel-powered vehicle emission control components subject to inspection for tampered or defective conditions include, but are not limited to, the following:
 - (1) The engine governor.
 - (2) Any seals and/or covers protecting the air-fuel ratio adjustments.
 - (3) Any fuel injection pump seals and covers.
 - (4) The air cleaner and flow restriction indicator.
 - (5) The exhaust gas recirculation valve.

- (6) The particulate matter trap system or catalytic converter system, including pipes and valves.
 - (7) Related hoses, connectors, brackets, and hardware for these components.
 - (8) Engine computer controls, related sensors, and actuators.
 - (9) Emission control label.
 - (10) Any other emissions-related components for a particular vehicle/engine as determined from the manufacturer's specifications, emission control label, certification data, or published vehicle parts manuals.
- (b) The heavy-duty gasoline-powered vehicle emission control components subject to inspection for tampered or defective conditions, include, but are not limited to, the following:
- (1) The air injection system.
 - (2) The positive crankcase ventilation system.
 - (3) The exhaust gas recirculation system.
 - (4) The catalytic converter, including pipes and valves.
 - (5) The evaporative emission control system.
 - (6) Related hoses, connectors, brackets, and hardware for these components.
 - (7) Engine computer controls, related sensors, and actuators.
 - (8) On-Board Diagnostic (OBD) systems for 1994 and subsequent model year vehicles, if so equipped.
 - (9) Emission control label.
 - (10) Any other emissions-related component for a particular vehicle/engine as determined from the manufacturer's specifications, emission control label, certification data, or published vehicle parts manuals.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code.

2184. Refusal to Submit to Inspection Procedure

- (a) The refusal by an owner or driver of a vehicle to submit to the test procedure in section 2182 or to the emission control system inspection in section 2183 constitutes a failure of the test procedure or inspection, unless the driver is cited by the California Highway Patrol for a violation of California Vehicle Code section 2813.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Sections 305, 505, and 2813, Vehicle Code.

2185. Civil Penalty Schedule.

- (a) The owner of a heavy-duty vehicle that fails the test procedure or the emission controls system inspection, including by refusal to submit, is subject to the following penalty schedule:
 - (1) The owner of a vehicle other than a schoolbus that is cited for the first time and for which demonstration of correction is provided and payment is made within forty-five (45) calendar days from personal or certified mail receipt of the citation shall pay the minimum penalty of three hundred dollars (\$300).
 - (2) The owner of a vehicle that is cited for the first time and for which demonstration of correction is not provided within forty-five (45) calendar days from personal mail or certified mail receipt of the citation shall provide demonstration of correction and pay the minimum penalty of three hundred dollars (\$300) and the basic penalty of five hundred dollars (\$500) for a total of eight hundred dollars (\$800). Schoolbuses are exempt from the three hundred dollar (\$300) minimum penalty for the first violation only.
 - (3) The owner of a vehicle that is cited within one year from the issuance of a previous citation for that vehicle shall within forty-five (45) calendar days from personal or certified mail receipt of the current citation provide demonstration of correction and pay the penalty of one thousand five hundred dollars (\$1,500) and the minimum penalty of three hundred dollars (\$300) for a total of one thousand eight hundred dollars (\$1,800).
- (b) The owner of a pre-1991 vehicle that within one year after the effective date of these regulations exceeds the standard in section 2182 (a), but has a smoke level less than or equal to fifty-five (55) percent peak opacity, shall be advised of that failure, but shall not be required to pay any penalty.

- (1) The Executive Officer shall monitor this phase-in period and may extend the one-year period in one-year increments provided that the Air Resources Board post repair tests show that the level of repair effectiveness in reducing excessive smoke emissions does not justify implementing the 2182 (a) standard. The Executive Officer shall hold a workshop(s) to assist in making this determination.
- (c) If a vehicle fails the test procedure or an emission control system inspection one year or more after the date of its previous failure, the owner of that vehicle shall be subject to the penalty schedule in (a) (1) and (2) above.
- (d) If a bona fide change of vehicle ownership occurs between non-related persons or entities and the vehicle is subsequently cited within one year of the previous citation, the new owner shall be subject to the penalty schedule in (a) (1) and (2) above.
- (e) An owner who has been cited twice or more for tampered emission controls on the same vehicle shall be subject to the penalty in (a) (3) above.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Sections 305, 505, and 545, Vehicle Code.

2186. Demonstration of Correction and Post-Repair Test or Inspection.

- (a) The owner may demonstrate correction of the vehicle by submitting to the Air Resources Board a repair receipt from a repair facility or a completed work order from a fleet repair or maintenance facility which contains the following information:
 - (1) Name, address, and phone number of the facility.
 - (2) Name of mechanic.
 - (3) Date of the repair.
 - (4) Description of component replacement(s), repair(s), and/or adjustment(s).
 - (5) Itemized list of replaced component(s), including description of part, part number, and cost.
- (b) In lieu of submitting a repair receipt or a completed work order, the owner may demonstrate correction of the vehicle by submitting it to a post-repair test or a post-repair inspection.
- (c) The Air Resources Board shall require a post-repair test or inspection whenever:

- (1) a submitted repair receipt or work order does not comply with (a) above;
- (2) a repair receipt or work order appears to be falsified; or
- (3) A second and subsequent failures of the test procedure or an emission control system inspection on the vehicle occur within a one year period.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Section 505, Vehicle Code.

2187. Vehicles Removed from Service.

- (a) Vehicles are subject to removal from service by the Department of the California Highway Patrol if requested by the Air Resources Board inspector, and if one or more uncleared citations exist at the time of inspection.
- (b) Upon payment by cashier's check or money order of all unpaid penalties for a vehicle that has been removed from service, the Air Resources Board shall provide the owner, or designee, a release form for presentation to the Department of the California Highway Patrol.
- (c) The release of the vehicle shall be subject to the condition that it be repaired and post-repair tested or inspected within fifteen (15) calendar days.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Section 505, Vehicle Code.

PROPOSED AMENDMENTS TO THE EXISTING REGULATIONS GOVERNING THE ROADSIDE SMOKE
AND EMISSION CONTROL SYSTEM INSPECTION PROGRAM FOR IN-USE HEAVY-DUTY DIESEL-
AND GASOLINE-POWERED VEHICLES

Staff's Suggested Changes to the Original Regulatory Proposal

December 10, 1992

1. Engine Emissions Data Submission Requirements (Section 2182(f)): Staff originally proposed that engine manufacturers be required to provide to the ARB engine emissions data as necessary for the Executive Officer to make smoke opacity standard exemption determinations and determinations of technologically appropriate higher opacity standards "within sixty (60) calendar days after receiving Federal or California engine certification approval." Staff proposes to modify this requirement to give the Executive Officer the authority to extend the sixty (60) calendar day period upon the request of an engine manufacturer when the engine manufacturer can demonstrate the need for additional time to collect the engine emissions data.

State of California
AIR RESOURCES BOARD

Resolution 92-78

December 10, 1992

Agenda Item No.: 92-19-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board" or "ARB") to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in Section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state and, in Sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically attacking the serious air pollution problem caused by motor vehicles;

WHEREAS, in Section 43000.5 of the Health and Safety Code, the Legislature has declared that the burden for achieving needed reductions in vehicle emissions should be distributed equitably among various classes of vehicles, including heavy-duty vehicles, to achieve improvements in both the emissions levels and in-use performance;

WHEREAS, Section 43013 of the Health and Safety Code authorizes the Board to adopt motor vehicle emission standards and in-use performance standards which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, Sections 43100 through 43104 of the Health and Safety Code direct the Board to adopt and implement new motor vehicle emission standards and test procedures and authorize the Board to certify new motor vehicle engines and vehicles as meeting the emission standards;

WHEREAS, the Board has adopted "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles" (the "Standards and Test Procedures") in Section 1956.8(b), Title 13, California Code of Regulations, specifying emission standards and test procedures for the certification of heavy-duty diesel engines and vehicles;

WHEREAS, the Standards and Test Procedures include fuel specifications for the certification of heavy-duty diesel engines;

WHEREAS, 40 Code of Federal Regulations Section 86.1313-94(b) provides for the use of low sulfur diesel fuels for exhaust emissions testing and service accumulation in connection with the federal certification of diesel engines;

WHEREAS, Section 2281, Title 13, California Code of Regulations, generally prohibits the sale or supply of vehicular diesel fuel which has a sulfur

content exceeding 500 parts per million by weight in California on or after October 1, 1993;

WHEREAS, the staff has proposed amendments to Section 1958.6(b), Title 13, California Code of Regulations, and the incorporated Standards and Test Procedures to allow as options in the certification of 1993 and subsequent model-year heavy-duty diesel-engines the use of the low sulfur diesel fuels specified in 40 Code of Federal Regulations Section 86.1313-94(b)(2), Table N94-2, and Section 86.1313-94(b)(3), Table N94-3;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available which would substantially reduce or avoid such impacts;

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

1993 and subsequent model-year diesel-powered vehicles will generally be operating in California on low sulfur diesel fuel during most or all of their useful lives;

It is appropriate that heavy-duty diesel-powered vehicle engines be permitted to utilize low sulfur diesel fuels for exhaust emissions testing and service accumulation in connection with the certification of these engines;

It is appropriate to amend Section 1956.8(b), Title 13, California Code of Regulations, and the incorporated Standards and Test Procedures to allow as options the use of the low sulfur diesel fuels specified in Tables N94-2 and N94-3 of 40 Code of Federal Regulations Section 86.1313-94(b) (or fuels with substantially equivalent specifications approved by the Executive Officer) for exhaust emissions testing and service accumulation in connection with the certification of 1993 and subsequent model-year diesel engines;

WHEREAS, the Board further finds that adoption of the amended regulations set forth in Attachment A will not have a significant adverse environmental impact.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Section 1956.8(b), Title 13, California Code of Regulations, and the incorporated "California Exhaust Emission Standards and Test Procedures for

1985 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles," as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachment A after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments to the regulations approved herein will not cause the California emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards, will not cause the California requirements to be inconsistent with Section 202(a) of the Clean Air Act, and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to Section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, if necessary, forward the adopted regulations to the Environmental Protection Agency with a request for confirmation that the proposed regulations are within the scope of an existing waiver of preemption pursuant to Section 209(b) of the Clean Air Act, as appropriate.

I hereby certify that the above is a true and correct copy of Resolution 92-78, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

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OCT 22 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-873

WHEREAS, on December 10, 1992, the Air Resources Board (the "Board") conducted a public hearing, to consider adoption of new regulations establishing a periodic smoke self-inspection program for heavy-duty diesel-powered vehicle fleets (Periodic Smoke Inspection), amending existing regulations governing the roadside smoke and emission control system inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (Roadside Smoke and Emission Control System), and amending the California exhaust emission standards and test procedures for 1985 and subsequent model heavy-duty diesel engines (Standards and Test Procedures);

WHEREAS, following the public hearing, the Board adopted Resolution 92-76, Periodic Smoke Inspection; Resolution 92-77, Roadside Smoke and Emission Control System; and Resolution 92-78, Standards and Test Procedures, in which the Board approved adoption of Title 13, California Code of Regulations, sections 2190 through 2194, and amendments to sections 2180 through 2187, and 1956.8(b), as set forth in Attachment A thereto;

WHEREAS, Resolutions 92-76, 92-77, and 92-78 directed the Executive Officer to incorporate into the approved regulatory adoption and amendments, the modifications approved therein, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted;

WHEREAS, the approved regulations were available for public comment for a period of 15 days in accordance with the provisions of Title 1, California Code of Regulations, section 44, with the changes to the originally proposed text clearly indicated; and

WHEREAS, the written comments received during the 15-day comment period have been considered by the Executive Officer and do not require modification nor reconsideration by the Board of the approved regulations.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolutions 92-76, 92-77, and 92-78 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolutions 92-76, 92-77, and 92-78, that the adoption of sections 2190 through 2194, Title 13, California

PROPOSED REGULATION ORDER

Note: Proposed new language is shown in *italics* and proposed deletions are shown in ~~strikeout~~.

Amend section 1956.8(b), Title 13, California Code of Regulations to read as follows:

1956.8. Exhaust Emission Standards and Test Procedures -- 1985 and Subsequent Model Heavy-Duty Engines and Vehicles

(a) [No change]

(b) The test procedures for determining compliance with standards applicable to 1985 and subsequent heavy-duty diesel engines and vehicles are set forth in the "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted April 8, 1985, as last amended July 12, 1991 [*insert date of amendment*], which is incorporated herein by reference.

(c) through (h) [No Change]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43103 and 43104, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43013, 43018, 43100, 43101, 43101.5, 43102, 43103, 43104, 43106 and 43204, Health and Safety Code.

PROPOSED

State of California
AIR RESOURCES BOARD

CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 1985 AND SUBSEQUENT MODEL
HEAVY-DUTY DIESEL-ENGINES AND VEHICLES

Adopted: April 8, 1985
Amended: July 29, 1986
Amended: January 22, 1990
Amended: May 15, 1990
Amended: December 26, 1990
Amended: July 12, 1991
Amended: []
Amended: _____

NOTE: This document is printed in a style to indicate amendments to the existing standards and test procedures. The originally proposed amendments made in the present rulemaking are shown in underline to indicate additions to the text and ~~strikeout~~ to indicate deletions. The modifications to the originally proposed amendments made in the present rulemaking are shown in underline italics to indicate additions to the text.

This document incorporates by reference various sections of the Code of Federal Regulations, some with modifications. The symbol "*****" means that the remainder of the federal text for a specific section, which is not shown in these procedures, has been included by reference, with only the printed text changed. The symbols "#####" mean that the remainder of the text of these procedures for a specific section, which is not shown in this amendment document, has not been changed.

On March 12, 1992, the Board approved amendments to various provisions in the test procedures entitled "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles." These amendments have not yet been formally approved by the Office of Administrative Law. Therefore, the amended dates listed on the cover page to the test procedures include a bracketed entry to reserve space for this approval date. The specific provision affected by the current proposed regulatory action was not amended in the March 1992 action.

CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 1985 AND SUBSEQUENT MODEL
HEAVY-DUTY DIESEL-ENGINES AND VEHICLES

86.1313-90 Fuel specifications. April 11, 1989

* * * * *

(b)(2) Except as noted below, petroleum fuel for diesel engines ... shall be used. For 1993 and subsequent model-year diesel-fueled engines, the petroleum fuel used in exhaust emissions testing may meet the specifications in Table N94-2 of 40 Code of Federal Regulations section 86.1313-94(b)(2), as adopted August 21, 1990, or substantially equivalent specifications approved by the Executive Officer as an option to the specifications in Table N90-2. For 1995 and subsequent model-year medium-duty diesel-fueled engines, the petroleum fuel used in exhaust emissions testing may meet the specifications of the general reference fuel in Section 2256 2282 (g)(3), Title 13, California Code of Regulations, or substantially equivalent specifications approved by the Executive Officer as an option to the specifications in Table N90-2.

(b)(3) Except as noted below, petroleum fuel for diesel engines ... shall be used. For 1993 and subsequent model-year diesel-fueled engines, excluding the 1995 and subsequent model-year medium-duty diesel-fueled engines referenced below, the petroleum fuel used in service accumulation may meet the specifications in Table N94-3 of 40 Code of Federal Regulations section 86.1313-94(b)(3), as adopted August 21, 1990, or substantially equivalent specifications approved by the Executive Officer as an option to the specifications in Table N90-3. For 1995 and subsequent model-year medium-duty diesel-fueled engines, diesel fuel representative of commercial diesel fuel which will be generally available through retail outlets shall be used in service accumulation.

#

AIR RESOURCES BOARD2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812State of California
AIR RESOURCES BOARD**Notice of Decision and
Response to Significant Environmental Issues**

Item: NOTICE OF PUBLIC HEARING TO CONSIDER THE AMENDMENTS TO THE REGULATION ESTABLISHING DESIGNATION CRITERIA AND THE REGULATION DESIGNATING AREAS IN CALIFORNIA AS ATTAINMENT, NONATTAINMENT, OR UNCLASSIFIED FOR STATE AMBIENT AIR QUALITY STANDARDS

Approved by: Resolution 92-79; and
Executive Order G-875
dated: October 21, 1993

Agenda Item No.: 92-19-2

Public Hearing Date: December 10, 1993

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: October 21, 1993

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OCT 22 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-79

December 10, 1992

Agenda Item No.: 92-19-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) declaring that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act mandates a comprehensive program of emission reduction measures and planning requirements for the state and the local air pollution control districts ("districts") in areas where the standards are not attained;

WHEREAS, the Act directs the Board in section 39608(a) of the Health and Safety Code, in consultation with the districts, to identify and classify, on or before September 30, 1989, each air basin as attainment, nonattainment, or unclassified on a pollutant-by-pollutant basis pursuant to criteria established by the Board under section 39607(e) of the Health and Safety Code;

WHEREAS, the Act in section 39608(c) of the Health and Safety Code also requires the Board to review the designations annually and update them as new information becomes available;

WHEREAS, pursuant to section 39607(e) the Board adopted sections 70300-70306, Title 17, California Code of Regulations, establishing criteria for the designations, and subsequently approved amendments to those criteria;

WHEREAS, Health and Safety Code section 40925.5, which becomes operative January 1, 1993, provides that any district which is nonattainment for ozone shall be designated as nonattainment-transitional by operation of law if, during a single calendar year, the state standard is not exceeded more than three times at any monitoring location within the air basin;

WHEREAS, on June 9, 1989, the Board approved the initial area designations which are contained in sections 60200-60209, Title 17, California Code of Regulations and has updated the designations each year since 1989;

WHEREAS, in consultation with the districts and in consideration of comments received from public agencies, industry representatives, and interested

persons, the staff has prepared proposed revisions to the area designations for a number of specific areas of the state for ozone, carbon monoxide, nitrogen dioxide, and suspended particulate matter;

WHEREAS, the proposed revisions of the area designations are based on the amended criteria contained in sections 70300-70306, Title 17, California Code of Regulations which were approved by the Board in May, 1992, and will be submitted to the Office of Administrative Law prior to the submission of the proposed revisions to the area designations;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code and the Board has considered the testimony presented by interested persons and the staff; and

WHEREAS, the Board finds that:

The proposed revision to section 70303(c) and the addition of section 70303.5 of Title 17 of the California Code of Regulations are consistent with the requirements of section 40925.5 of the Health and Safety Code;

The proposed revisions to the area designations comply with requirements of section 39608 of the Health and Safety Code;

The proposed revisions to the area designations listed in sections 60200-60209 of Title 17 of the California Code of Regulations are consistent with the amended designation criteria, as approved in May 1998 by the Board in sections 70300-70306 of Title 17 of the California Code of Regulations;

Although this regulatory action may have a significant economic impact on a public agency, small business, or private persons or business other than small business, no other alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed nor would be as effective or less burdensome to affected private persons than the proposed action; and

This regulatory action will not have a significant adverse impact on the environment. In fact, it should ultimately result in environmental benefits because it is part of a multi-step program designed to achieve and maintain the state ambient air quality standards.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts amendments to sections 60200-60204, 60206-60209 and 70300-70306, Title 17, California Code of Regulations, as set forth in Attachment A hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendment to section 60205, Title 17, California Code of Regulations, as set forth in Attachment B hereto; however, the Executive Officer is directed to review the data for record to determine whether the PM10 designations should reflect a nonattainment status for Loyalton and an attainment status for the remainder of Sierra County.

BE IT FURTHER RESOLVED that, in the event the Executive Officer makes the determination described in the previous paragraph, the Board directs the Executive Officer to modify and adopt Section 60205, Title 17, California Code of Regulations, after making it available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that, in the event the Executive Officer determines that the data for record for Loyalton and Sierra County do not warrant any further modification to section 60205 as proposed and approved by the Board, the Executive Officer shall then adopt section 60205, Title 17, California Code of Regulations as set forth in Attachment B.

I hereby certify that the above is a true and correct copy of Resolution 92-79, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

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OCT 22 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-875

WHEREAS, on December 10, 1992, the Air Resources Board (the "Board") conducted a public hearing to consider the amendment of sections 60200, 60201, 60202, 60203, 60205, 70301, 70303, Appendices 2 and 3, and the adoption of section 70303.5, Title 17, California Code of Regulations;

WHEREAS, following the public hearing, the Board approved Resolution 92-79, in which the Board adopted amendments to sections 60200, 60201, 60202, 60203, 70301, 70303, Appendices 2 and 3, and adoption of 70303.5, Title 17, California Code of Regulations;

WHEREAS, the Board directed the Executive Officer to review the data for record to determine whether the PM10 designations should reflect a nonattainment status for Loyalton and an attainment status for the remainder of Sierra County;

WHEREAS, if such determination were made, the Board directed the Executive Officer to modify and adopt amendments to section 60205, Title 17, California Code of Regulations, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the changes in the regulations as originally proposed as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted; and

WHEREAS, the Executive Officer has determined that the data for record for Loyalton and Sierra County does not warrant any further modification nor reconsideration by the Board of section 60205.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 92-79 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 92-79, that section 60205, Title 17, California Code of Regulations is amended as set forth in Attachment 1 hereto.

IT IS FURTHER ORDERED that the regulations be submitted to the Office of Administrative Law for approval, the procedures set forth in Government Code sections 11346.4 through 11346.8 having been complied with.

Executed this 21st day of October, 1993, at Sacramento, California.


James D. Boyd
Executive Officer

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Attachment

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RESOURCES AGENCY OF CALIFORNIA

P R O P O S E D

State of California

AIR RESOURCES BOARD

Resolution 92-80
December 11, 1992

Agenda Item No.: 92-19-4

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, The Air Resources Board has been directed to design and implement a comprehensive program of research and monitoring of acid deposition in California pursuant to Health and Safety Code Sections 39900 through 39911; and

WHEREAS, a request for an adjunct to Phase II of Contract No. A033-186, entitled "Epidemiologic Investigation to Identify Chronic Effects of Ambient Air Pollutants in Southern California," has been submitted by the University of Southern California; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee and the Scientific Advisory Committee on Acid Deposition have reviewed and recommend for funding:

Proposal Number 1868-163A, entitled "Epidemiologic Investigation to Identify Chronic Effects of Ambient Air Pollutants in Southern California," submitted by the University of Southern California, increased by \$2,534,145 for a total amount not to exceed \$5,148,013.

WHEREAS, the Air Resources Board wishes to review the results of Phase II of this project before making a decision to proceed with Phase III.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Sections 39703 and 39904, hereby accepts the recommendation of the Research Screening Committee and the Scientific Advisory Committee on Acid Deposition and approves the following:

Proposal Number 1868-163, entitled "Epidemiologic Investigation to Identify Chronic Effects of Ambient Air Pollutants in Southern California," submitted by the University of Southern California, increased by \$2,534,145 for a total amount not to exceed \$5,148,013.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein increased by \$2,534,145 for an amount not to exceed \$5,148,013.

State of California

AIR RESOURCES BOARD

Resolution 92-81
December 10, 1992

Agenda Item No.: 92-19-4

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an unsolicited research proposal, Number 2008-171, entitled "Residential Microenvironmental and Personal Sampling Project for Exposure Classification" has been submitted by the University of Southern California; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal Number 2008-171, entitled "Residential Microenvironmental and Personal Sampling Project for Exposure Classification," submitted by the University of Southern California, for a total amount not to exceed \$755,097.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal Number 2008-171, entitled "Residential Microenvironmental and Personal Sampling Project for Exposure Classification," submitted by the University of Southern California, for a total amount not to exceed \$755,097.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$755,097.

I hereby certify that the above is a true and correct copy of Resolution 92-81, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-82
December 10, 1992

Agenda Item No.: 92-19-4

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal Number 2014-172 entitled "Pesticides in Air. Part I: Analysis of Air Samples for the Fungicides Ziram and Mancozeb and the Breakdown Product Ethylenethiourea. Part II: Development of Predictive Methods for Estimating Pesticide Flux to Air," has been submitted by the University of California, Davis; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:


Proposal No. 2014-172, entitled "Pesticides in Air. Part I: Analysis of Air Samples for the Fungicides Ziram and Mancozeb and the Breakdown Product Ethylenethiourea. Part II: Development of Predictive Methods for Estimating Pesticide Flux to Air," submitted by the University of California, Davis, for a total amount not to exceed \$83,734.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal No. 2014-172, entitled "Pesticides in Air. Part I: Analysis of Air Samples for the Fungicides Ziram and Mancozeb and the Breakdown Product Ethylenethiourea. Part II: Development of Predictive Methods for Estimating Pesticide Flux to Air," submitted by the University of California, Davis, for a total amount not to exceed \$83,734.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$83,734.

I hereby certify that the above is a true and correct copy of Resolution 92-82, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-83
December 10, 1992

Agenda Item No.: 92-19-4

WHEREAS, the Air Resources Board has been directed to carry out an effective research program in conjunction with its efforts to combat air pollution, pursuant to Health and Safety Code Sections 39700 through 39705; and

WHEREAS, an interagency research proposal Number 2035-173 entitled "Monitoring of Two Pesticides in Air - Analysis of Air Samples for Carbofuran and Captan," has been submitted by the University of California, Davis; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Research Screening Committee has reviewed and recommends for funding:

Proposal No. 2035-173, entitled "Monitoring of Two Pesticides in Air - Analysis of Air Samples for Carbofuran and Captan," submitted by the University of California, Davis, for a total amount not to exceed \$55,783.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39703, hereby accepts the recommendation of the Research Screening Committee and approves the following:

Proposal No. 2035-173, entitled "Monitoring of Two Pesticides in Air - Analysis of Air Samples for Carbofuran and Captan," submitted by the University of California, Davis, for a total amount not to exceed \$55,783.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$55,783.

I hereby certify that the above is a true and correct copy of Resolution 92-83, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 92-84
December 10, 1992

Agenda Item No.: 92-19-4

WHEREAS, the Air Resources Board has been directed to design and implement a comprehensive program of research and monitoring of acid deposition in California pursuant to Health and Safety Code Sections 39900 through 39911; and

WHEREAS, a solicited research proposal, Number 245-47 entitled "Chronic Effects of Nitric Acid and Ozone, Alone and in Combination," has been submitted by the University of California, Irvine; and

WHEREAS, the Research Division staff has reviewed and recommended this proposal for approval; and

WHEREAS, the Scientific Advisory Committee on Acid Deposition has reviewed and recommends for funding:

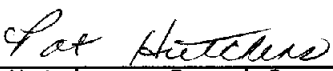
Proposal Number 245-47 entitled "Chronic Effects of Nitric Acid and Ozone, Alone and in Combination," submitted by the University of California, Irvine, for a total amount not to exceed \$118,961.

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board, pursuant to the authority granted by Health and Safety Code Section 39904, hereby accepts the recommendation of the Scientific Advisory Committee on Acid Deposition and approves the following:

Proposal Number 245-47 entitled "Chronic Effects of Nitric Acid and Ozone, Alone and in Combination," submitted by the University of California, Irvine, for a total amount not to exceed \$118,961.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby authorized to initiate administrative procedures and execute all necessary documents and contracts for the research effort proposed herein in an amount not to exceed \$118,961.

I hereby certify that the above is a true and correct copy of Resolution 92-84, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 92-85

December 10, 1992

Agenda Item No.: 92-19-3

WHEREAS, Health and Safety Code section 44023(a) (Senate Bill 290; Stats. 1991, Ch. 386) requires the Air Resources Board (the "Board"), in cooperation with the Department of Consumer Affairs, to prepare and submit a report to the State Legislature on technologies which would improve the detection of high-emitting vehicles through the vehicle inspection and maintenance (I/M) program;

WHEREAS, the Board staff has evaluated two technologies, Remote Sensing Systems and On-Board Diagnostic Systems, and has provided the results of this evaluation in an informational report entitled "Technologies To Improve The Detection Of High-Emitting Vehicles In A Vehicle Inspection Program", dated December 1992 (the "Report");

WHEREAS, the public has received a notice of the availability of the Report for review at least 10 days prior to the public meeting;

WHEREAS, the Board has held a duly noticed public meeting to consider approval of the Report and has heard and considered the comments presented by the Board staff and other interested parties and agencies;

WHEREAS, On-Board Diagnostic Systems (OBD-II) to be equipped on 1994 and later model year California motor vehicles will assist in the early detection and repair of high-emitting motor vehicles;

WHEREAS, Remote Sensing Systems which measure motor vehicle hydrocarbon and carbon monoxide emissions are now commercially available;

WHEREAS, the Board finds that:

Remote Sensing can be an effective tool for identifying high-emitting motor vehicles;

Remote Sensing could be used in a random roadside inspection as an enforcement tool to screen for cars that are malmaintained or have tampered emission control systems;

On-Board Diagnostic Systems (OBD-II) will greatly enhance the early detection and repair of motor vehicles with excess emissions beginning with 1994 and later model years;

NOW, THEREFORE, BE IT RESOLVED that the Board, pursuant to the authority granted by Health and Safety Code 44023(a), hereby approves and adopts the report entitled Technologies To Improve the Detection of High-Emitting Vehicles In A Vehicle Inspection Program, dated December 1992, and submits this report to the Governor and the Legislature.

I hereby certify that the above is a true and correct copy of Resolution 92-85, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary