

State of California
AIR RESOURCES BOARD

RESOLUTIONS

No.	Item	Staff	Hearing Scheduled	Date Adopted	+ EIS to Resources
93-1 ✓	METAL MELTING ATCM	SSD	1/14/93	1/14/93	
93-2 ✓	NO2 AAQS	RD	1/14/93	1/14/93	
93-3 ✓	LEV REGS	MSD	1/14/93	1/14/93	
93-4 ✓	Research Proposal No. 2036-173, "Updating Multi-Pathway Exp. Assessment Comp.", UC Davis, amount \$30,580.	RD	1/14/93	1/14/93	
93-5 ✓	Research Proposal No. 2016-173, "Air Quality, Congestion, Energy, Impacts", by Skabardonis, amount \$324,957.	RD	1/14/93	1/14/93	
93-6 ✓	SOUTHEAST DESERT PLAN "KERN"	EO	2/18/93	2/18/93	
93-7 ✓	"SAN BERNARDINO"	EO	2/18/93	2/18/93	
93-8 ✓	"IMPERIAL"	EO	2/18/93	2/18/93	
93-9 ✓	MOBILE SOURCE EMISSION REDUCTION CREDITS	MSD/ SSD	2/19/93	2/19/93	
93-10 ✓	Research Proposal No. 2034-174, "Non-Additive Lean NOx Catalytic Converter for HD Diesel Vehicles," by S.W.R.I. \$299,200	RD	3/12/93	3/12/93	
93-11 ✓	Research Proposal No. 2040-174, "Determination of the Effects of Speed, Temp. & Fuel," by AT&D Ser. for amount \$449,589.	RD	3/12/93	3/12/93	
93-12 ✓	Research Proposal No. 2033-173, "Characterization of Vapor-Phase Organic Emissions", by S.W.R.I., amount \$393,995.	RD	3/12/93	3/12/93	
93-13 ✓	Research Proposal No. 2045-174, "A Study to Develop Statewide & Co-Level Economic Projections," by DRI/McGraw-Hill, \$69,932	RD	3/12/93	3/12/93	
93-14 ✓	Research Proposal No. 2037-174, "Effects of Increased Highway Capacity on Travel Behavior," by Dowling Ass., \$95,500	RD	3/12/93	3/12/93	
93-15 ✓	Research Proposal No. 2050-174, "Atmospheric Free-Radical Measurements related Photochemical", by Unisearch Ass. \$158,688	RD	3/12/93	3/12/93	
93-16 ✓	Research Proposal No. 2051-174, "Ozone Concentration/Aerosol Profiles in Lower Troposphere," by NOAA/ERL/WAVE, \$150,000	RD	3/12/93	3/12/93	

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AIR RESOURCES BOARD

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No.	Item	Staff	Hearing Scheduled	Date Adopted	+ EIS to Resources
93-17	Research Proposal No. 2047-174, "Comparison of In-Situ & Remotely Sensed Ozone Concentrations", by UC Davis, \$15,000.	RD	3/12/93	3/12/93	
93-18	Research Proposal No. 2048-174, "Development & Application Photochem Mechanism for VOC, by UC Riverside, \$106,699.	RD	3/12/93	3/12/93	
93-19	TRANSPORT MITIGATION REGS	EO	3/11/93	3/11/93	
93-20	PLACER CO. PLAN	EO	3/12/93	3/12/93	
93-21	CCAA FEE REGS	TSD	4/8/93	4/8/93	
93-22	ACID DEPOSITION FEES	RD	4/8/93	4/8/93	
93-23	UTILITY ENGINES	MSD	4/8/93	4/8/93	
93-24	TAHOE AAQS STATUS REPORT	RD	4/8/93	4/8/93	
93-25	TAHOE CO PLAN	EO	4/8/93	4/8/93	
93-26	FCAA HAPS	SSD	4/8/93	4/8/93	
93-27	Research Proposal No. 246-48, "Ecosystem-Level Alterations in Soil Nutrient Cycling", by U.S. Forest Service, \$147,835.	RD	4/8/93	4/8/93	
93-28	Research Proposal No. 247-48, "Monitoring for Acidic Pollutants in Support of Epidemiological St", by DSI, \$53,982.	RD	4/8/93	4/8/93	
93-29	Research Proposal No. 248-48, "Nitric Acid Airway Toxicity: Particle & Ozone Interactions", UC Irvine, \$190,180.	RD	4/8/93	4/8/93	
93-30	PLANNED AIR POLLUTION RESEARCH 1994/ JOINT ARB/RSC MEETING	RD	6/10/93	6/10/93	
93-31	Research Proposal No. 2072-175, "Development of Toxica Emission Factors (Hot Spots", by E & E R Corp., \$254,985.	RD	6/10/93	6/10/93	
93-32	Research Proposal No. 2059-175, "Testing of Architectural & Industrial Maintenance Coatings," Harlan Assoc., \$122,483.	RD	6/10/93	6/10/93	

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No.	Item	Staff	Hearing Scheduled	Date Adopted	+ EIS to Resources
93-33	Research Proposal No. 2082-175, "Bioassay & Cemical Vapor Heavy-Duty Diesel", by UC Davis, \$76,846.	RD	6/10/93	6/10/93	
93-34	Research Proposal No. 2096-175, "Inter-media Trans Factors for Toxic Air Pollutants, by UC, LA, \$116,794	RD	6/10/93	6/10/93	
93-35	Research Proposal No. 2098-176, "Experimental Studies, VOC Reactivity Assessment, by UC, Riverside, \$129,656.	RD	6/10/93	6/10/93	
93-36	Research Proposal No. 2097-176, "A Study to Evaluate the Impact of CAPC Regs on Business, by UC, Fullerton Fond. \$183,723	RD	6/10/93	6/10/93	
93-37	Research Proposal No. 2090-176, "Indirect Source Emission Minimization Strategies" by JHK & ASSOC., \$119,647.	RD	6/10/93	6/10/93	
93-38	Research Proposal No. 2083-175, "Colloquium on Part. Air Poll. & Human Mort. by UC, Irvine, \$70,000.	RD	6/10/93	6/10/93	
93-39	Research Proposal No. 2099-176, "State-wied Crop Losses form Air Pollution", by UC, Riverside, \$98,133.	RD	6/10/93	6/10/93	
93-40	Research Proposal No. 2084-175, "Reducing PM10 Levels in the Antelope Valley" by UC, Riverside, \$88,068.	RD	6/10/93	6/10/93	
93-41	Research Proposal No. 2062-175, "Use of Sputum Induction to Obtain Airway Lining Fluid, by UC, S.F. , \$57,644.	RD	6/10/93	6/10/93	
93-42	Research Proposal No. 2095-176, "Sierra Cooperative Ozone Impact Assessment Study by, UC, Davis, \$144,631.	RD	6/10/93	6/10/93	
93-43	Research Proposal No. 252-49, "Proposal for Measurement of Nitric Acid (HNO3) by Unisearch Assoc. Inc., \$49,655.	RD	6/10/93	6/10/93	
93-44	NOT USED	RD	6/10/93	6/10/93	
93-45	AMENDMENTS TO EMISSION INVENTORY REGS	TSD	6/10/93	6/10/93	
93-46	URBAN BUS STANDARDS (SB 135)	MSD	6/10/93	6/10/93	
93-47	RISK MGT GUIDELINES	SSD	7/8/93	7/8/93	
93-48	HOT SPOTS FEE REGS	SSD	7/8/93	7/8/93	5/20/94

State of California
AIR RESOURCES BOARD

RESOLUTIONS

No.	Item	Staff	Hearing Scheduled	Date Adopted	+ EIS to Resources
93-49 ✓	AIR QUALITY INDICATORS	TSD	7/8/93	7/8/93	
93-50 ✓	FORD OBD II PETITION	MSD	7/9/93	7/9/83	
93-51 ✓	HEAVY DUTY LEV STATUS REPORT	MSD	8/12/93	8/12/93	
93-52 ✓	TRANSPORT ASSESSMENT	TSD	8/12/93	8/12/93	6/24/94
93-53 ✓	ATMOS. ACIDITY PROTECTION PROG. REPORT	RD	8/12/93	8/12/93	
93-54 ✓	OXYGEN CONTENT OF GASOLINE	SSD	9/9/93	9/9/93	7/21/94
93-55 ✓	Research Proposal No. 253-50, "The effects of Multi-day Exposures to Nitric Acid Vapor, etc. by UC, SF \$453,146.	RD	9/9/93	9/9/93	
93-56 ✓	CHICO CO PLAN	EO	10/14/93	10/14/93	
93-57 ✓	PERC ATCM	SSD	10/14/93	10/14/93	
93-58	REPORT TO LEGIS ON EMIS REDUCTION FROM LOCOMOTIVES NOT USED - Postponed to 1994	MSD	11/18/93	11/18/93	
93-59 ✓	GUIDELINES FOR HD/LD CONVERSIONS/ CREDITS	MSD	11/18/93	11/18/93	
93-60 ✓	AREA DESIGNATIONS	TSD	11/18/93	11/18/93	
93-61 ✓	COI REG AMENDMENTS	EO	11/18/93	11/18/93	
93-62					
93-63					
93-64					

State of California
AIR RESOURCES BOARD

Resolution 93-1

January 14, 1993

Agenda Item No: 93-1-1

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, following identification of cadmium, inorganic arsenic, and nickel as toxic air contaminants, the Executive Officer, with the participation of local air pollution control districts, is required by Health and Safety Code Section 39665 to prepare a report on the need for, and appropriate degree of, control of these toxic metals;

WHEREAS, lead is in the process of being identified as a toxic air contaminant due to known adverse health effects and has been shown to be emitted with the aforementioned toxic air contaminants;

WHEREAS, the staff has worked closely with the districts through the statewide Technical Review Group (TRG), affected sources, and other parties to develop as expeditiously as practical an airborne toxic control measure (ATCM) for emissions of these toxic metals from facilities that operate metal melting furnaces such as those used in smelters, foundries, and galvanizers;

WHEREAS, the staff has proposed an ATCM for toxic metals which would significantly reduce the quantity of toxic metals emitted to the atmosphere by requiring emission controls on furnaces, kettles, and pouring operations and fugitive emission reduction at affected facilities;

WHEREAS, the staff has prepared the document titled "Proposed Airborne Toxic Control Measure for Emissions of Toxic Metals from Non-Ferrous Metal Melting" (Staff Report and Technical Support Document), which constitutes the report required by Health and Safety Code Section 39665 and includes: estimates of cadmium, arsenic, nickel and lead emissions, public exposure, and potential cancer risk; a discussion of the technical feasibility of control and of existing emission control devices; an estimate of the costs to comply with the ATCM; a discussion of the anticipated effect of the ATCM on public exposure to the aforementioned toxic metal emissions from smelters, foundries, and galvanizers and the associated risk; a discussion of alternatives to the ATCM; and identification of any potential adverse environmental effects of the ATCM and possible mitigation measures;

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

WHEREAS, the proposed ATCM was made available to the public for review and comment, and was discussed at public consultation meetings on September 19, 1991, September 20, 1991, March 2, 1992, and March 9, 1992;

WHEREAS, in accordance with Health and Safety Code Section 39665(c), the Staff Report, Technical Support Document, and relevant comments on the proposed ATCM received during public consultation with the districts, affected sources, and the public were made available for public review and comment 45 days prior to the public hearing to consider the proposed ATCM;

WHEREAS, a public hearing and other administrative proceedings were 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, 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. Toxic metal emissions from smelters, foundries, and galvanizers are not currently regulated to a degree that adequately protects the public health statewide;
2. The emission of toxic metals from smelters, foundries, and galvanizers results in public exposure;
3. The proposed ATCM would reduce cadmium, arsenic, nickel, and lead emissions from non-ferrous foundries, smelters, and galvanizers by 70%, 11%, 25%, and 45%, respectively. Varying degrees of reduction are attributable to differences in facility type and level of control employed;
4. Lifetime exposure (70 years) to these toxic metals emitted from smelters, foundries, and galvanizers contributes an additional 111 potential cancer cases to the statewide incidence of cancer;
5. The proposed ATCM would require facilities to reduce their toxic metal emissions from foundries, smelters, and galvanizers to the lowest level achievable through the application of the best available control technology (BACT), as required by Health and Safety Code Section 39666(c), and therefore complies with the requirements of state law for the control of sources of toxic air contaminants identified by the board;
6. Compliance with the requirements of the proposed ATCM will not interfere with the use of cadmium, arsenic, nickel, and lead as additives used to impart desirable properties to non-ferrous metals;
7. No alternative considered would be either more effective at carrying out the purpose for which the ATCM is proposed, or both as effective and less burdensome to affected private persons, than the proposed ATCM;

8. Adoption of the proposed ATCM will not have a significant adverse economic impact on most small businesses because it is estimated the majority of small businesses (approximately 60%) will qualify for an exemption. For some small businesses not qualifying for an exemption, the compliance costs associated with the proposed control measure could result in a significant decrease in profitability if these businesses are unable to pass these costs on to their customers. It is not feasible to exempt all small businesses from the control measure as small businesses do not necessarily have low emissions. The reporting and emission control requirements that apply to small businesses are necessary for the health, safety, and welfare of the people of the state;
9. Adoption of the proposed ATCM is not expected to result in any significant adverse environmental impacts. Potential adverse environmental impacts, including increased power plant emissions due to increased electricity needed to operate the required pollution control equipment and increased quantities of metal contaminated water from dust collection activities, are expected to be minimal. Appropriate disposal practices, as required by law, are considered to be sufficient mitigation for increased quantities of particulate matter or sludge collected by the pollution control equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts Section 93107, Titles 17 and 26, Subchapter 7.5, Airborne Toxic Control Measures, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to adopt the amendments, as set forth in Attachment B, after making them available to the public for a period of 15 days. 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.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to send the adopted ATCM to the districts and provide assistance to the districts in adopting regulations to implement the ATCM.

I hereby certify that the above is a true and correct copy of Resolution 93-1, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 93-2

January 14, 1993

Agenda Item No.: 93-1-2

WHEREAS, Health and Safety Code Section 39606(b) requires the Air Resources Board ("ARB" or "Board") to adopt ambient air quality standards in consideration of the public health, safety and welfare, including but not limited to health, illness, irritation to the senses, aesthetic value, interference with visibility, and effects on the economy;

WHEREAS, Health and Safety Code Section 39606(b) further provides that standards relating to health effects shall be based upon the recommendation of the Office of Environmental Health Hazard Assessment;

WHEREAS, the Board periodically reviews existing State ambient air quality standards to ensure that they reflect current scientific knowledge. (California Code of Regulation, Title 17, Section 70101);

WHEREAS, the existing ambient air quality standard for nitrogen dioxide (NO₂) of 0.25 parts per million (ppm) averaged over one hour is based upon: (1) evidence of the potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups and that the risk to public health is implied by pulmonary and extra-pulmonary biochemical and cellular and pulmonary structural changes, which are observed in short-term animal tests at or above the concentration of the standard; and (2) the need to impose an upper limit on adverse effects on welfare, including atmospheric discoloration by NO₂;

WHEREAS, recently published scientific research findings support the existing basis for the current state nitrogen dioxide ambient air quality standard;

WHEREAS, ARB staff and Office Environmental Health Hazard Assessment (OEHA) staff have reviewed the recent health effects studies and concur in their recommendation to the Board that the current statewide ambient air quality standard for nitrogen dioxide adequately protects public health and welfare, and regulatory action to revise the standards is not necessary at this time;

WHEREAS, the Board has held a duly noticed public meeting at which it has received and considered evidence, both written and oral, presented to it by staff, other scientists, and members of the public relating to the standards;

WHEREAS, the California Environmental Quality Act and Board regulations require that action not be taken as proposed if feasible mitigation measures or alternatives exist that would substantially reduce any significant adverse environmental effects of the proposed action;

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;

WHEREAS, the Board finds that the current State nitrogen dioxide ambient air quality standard of 0.25 parts per million averaged over one hour is necessary because of the potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups and that the risk to public health is implied by pulmonary and extra-pulmonary biochemical and cellular and pulmonary structural changes, which are observed in short-term animal tests at or above the concentration of the standard; and

WHEREAS, the Board also finds that the current State nitrogen dioxide ambient air quality standard of 0.25 parts per million averaged over one hour is necessary because of the need to impose an upper limit on adverse effects on welfare, including atmospheric discoloration by NO₂.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby affirms that the existing State ambient air quality standard for nitrogen dioxide is adequate to protect the public health and welfare and regulatory action is not necessary to revise the standard at this time.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to continue to monitor research efforts and regulatory issues relevant to this standard and to inform the Board of any significant new developments.

BE IT FURTHER RESOLVED that the Board also directs the Executive Officer to review these standards again in five years, or sooner if new information indicates that the existing standards may no longer be appropriate.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to continue to monitor regulatory issues and research efforts relevant to the standard and to specifically address research on immune system effects of nitrogen dioxide exposure, and to inform the Board of any significant new developments.

I hereby certify that the above is a true and correct copy of Resolution 93-2, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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 AMENDMENTS TO CERTIFICATION REQUIREMENTS AND PROCEDURES FOR LOW-EMISSION PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES.

Approved by: Executive Order G-812
Signed: September 22, 1993

Agenda Item No.: 93-1-3

Public Hearing Date: January 14, 1993

Issuing Authority: Air Resources Board

Comment: Several 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 93-3 is also incorporated herein and attached hereto. In the Resolution, the Board found that the approved amendments would not have any significant adverse environmental impacts.

Certified:

Pat Hutchens
Pat Hutchens
Board Secretary

Date:

September 23, 1993

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 93-3

January 14, 1993

Agenda Item No.: 93-1-3

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;

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 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 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, 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, in a 1990-1991 rulemaking, the Board adopted the Low-Emission Vehicle regulations, which require the phased introduction of vehicles meeting standards for four progressively more stringent categories of light-duty vehicles: Transitional Low-Emission Vehicles (TLEVs), Low-Emission Vehicles (LEVs), Ultra-Low-Emission Vehicles (ULEVs), and Zero-Emission Vehicles (ZEVs);

WHEREAS, the Low-Emission Vehicle regulations include a protocol under which the Executive Officer is to establish reactivity adjustment factors (RAFs) for representative vehicle/fuel combinations by applying a reactivity scale based on the maximum incremental reactivity (MIR) of individual hydrocarbon species to hydrocarbon exhaust speciation profiles; these RAFs are to be applied to the non-methane organic gas exhaust mass emissions from TLEVs, LEVs and ULEVs operating on fuels other than conventional gasoline, to determine compliance with applicable emission standards;

WHEREAS, following a hearing on November 14, 1991, the Board adopted amendments to the Low-Emission Vehicle regulations which established a RAF for TLEVs operated on methanol (M85) and made various changes regarding the calculation and use of RAFs for low-emission vehicles;

WHEREAS, at a June 11, 1992 public meeting, the staff presented a status report to the Board on the progress being made by the industry to comply with the Low-Emission Vehicle regulations; following the staff's presentation and comments from industry representatives and other members of the public, the Board adopted Resolution 92-46, which found that the low-emission vehicle standards continue to be technologically feasible within the required timeframes;

WHEREAS, in conjunction with a public hearing notice dated September 15, 1992, the staff proposed a wide range of regulatory amendments to the Low-Emission Vehicle regulations and to the general certification requirements and procedures for light- and medium-duty vehicles, intended to augment various provisions, improve clarity and facilitate implementation; these amendments include the establishment of a test procedure and certification requirements for hybrid electric vehicles, revision of the requirements for compliance with the NMOG and formaldehyde standards at 50°F, establishment of RAFs for TLEVs and LEVs operated on Phase 2 reformulated gasoline certification fuel, and establishment of a methane RAF for compressed natural gas (CNG) low-emission vehicles;

WHEREAS, the staff's proposal would be effected by amendments to Title 13, California Code of Regulations, sections 1960.1, 1976 and 2061 as set forth in Attachment A hereto; amendments to 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 section 1960.1, as set forth in Attachment B hereto; amendments to the California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles, which is incorporated by reference in section 1976, as set forth in Attachment C hereto; amendments to the

California Assembly-Line Test Procedures for 1983 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles, which is incorporated by reference in section 2016, as set forth in Attachment D hereto; and amendments to the California Non-Methane Organic Gas Test Procedures, as set forth in Attachment E hereto;

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 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:

The amendments approved herein, including the revisions pertaining to test procedures for hybrid electric vehicles, cold CO requirements, ZEV certification procedures, test procedures for ethanol vehicles, 50°F test requirements, the ZEV credit system, RAFs for Phase 2 reformulated gasoline certification fuel, a methane RAF for CNG low-emission vehicles, deterioration factors for engine-specific RAFs, and calculation of penalties for violations, are necessary and appropriate to add specificity, enhance clarity, and facilitate implementation of the low-emission vehicle requirements;

It is appropriate at this time to establish RAFs for TLEV and LEV light-duty vehicles operating on Phase 2 reformulated gasoline certification fuel, and to establish baseline values of reactivity expressed in grams of ozone/ gram NMOG for LEVs and ULEVs operating on conventional gasoline, only for the 1993 through 1997 model-years, so that any additional data and analytical methods can be considered in the subsequent adoption of RAFs and baseline reactivity values for such categories for the 1998 and subsequent model years;

The baseline values of reactivity approved herein for 1993 through 1997 LEVs and ULEVs operating on conventional gasoline are appropriately based on tests of vehicles equipped with advanced emission control systems demonstrated by the Board to be capable of achieving compliance with LEV and ULEV standards when operating on conventional gasoline;

The RAFs approved herein for the TLEV and LEV emission categories for vehicles operating on Phase 2 reformulated gasoline are appropriately based on application of the established MIRs to the best available speciated hydrocarbon exhaust emission data from vehicles operating on these fuels and meeting the TLEV and LEV standards;

Confirmatory modeling indicates that there is little or no bias in the application of the established MIR scale to the speciated exhaust of TLEVs and LEVs operating on Phase 2 reformulated gasoline, and thus no correction factor is necessary or appropriate for the Phase 2 reformulated gasoline RAFs for these vehicle categories; 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, 1976 and 2061, and the documents incorporated therein, as set forth in Attachments A through E hereto, with the modifications described in Attachment F hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into the approved amendments the modifications described in Attachment 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 modifications after comments have been 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 schedule a rulemaking hearing by March, 1994, to establish baseline values of reactivity for 1998 and subsequent model-year LEVs and ULEVs operating on conventional gasoline, and RAFs for 1998 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles operated on Phase 2 reformulated gasoline certification fuel, subject to the availability of suitable test vehicles; in proposing such baseline values and RAFs the Executive Officer shall work cooperatively with industry to identify any relevant new data or analytical methods.

BE IT FURTHER RESOLVED that it is the intent of the Board that any proposed revisions to the baseline reactivity values for LEVs and ULEVs shall not reduce the stringency of the adopted emission standards, except as may result from improved test methods and data analysis.

BE IT FURTHER RESOLVED that the Board directs the staff to continue to evaluate the need to adjust the RAF process in order to account for the

reactivity of emissions of CO from low-emission vehicles, and to report back to the Board as appropriate on recommendations in this area.

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 motor vehicle emission standards and test procedures are necessary to meet compelling and extraordinary conditions.

BE IT FURTHER RESOLVED that the Board finds that the California motor vehicle 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 to the Environmental Protection Agency with a request for 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.

I hereby certify that the above is a true and correct copy of Resolution 93-3 as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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RESOURCES AGENCY OF CALIFORNIA

Resolution 93-3

January 14, 1993

Identification of Attachments to the Resolution

Attachment A: Amendments to Title 13, California Code of Regulations, sections 1960.1, 1976, and 2061, as appended to the Staff Report released September 25, 1992.

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 made available by the ARB's Mobile Source Division September 25, 1992.

Attachment C: Amendments to the California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles, as made available by the ARB's Mobile Source Division September 25, 1992.

Attachment D: Amendments to the California Assembly-Line Test Procedures for 1983 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles, as made available by the ARB's Mobile Source Division September 25, 1992.

Attachment E: Amendments to the California Non-Methane Organic Gas Test Procedures, as made available by the ARB's Mobile Source Division September 25, 1992.

Attachment F: Staff's Suggested Changes to the Original Proposal, distributed at the hearing on January 14, 1993.

State of California

AIR RESOURCES BOARD

Resolution 93-4
January 14, 1993

Agenda Item No.: 93-1-4

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 2036-173, entitled "Updating the Multi-Pathway Exposure Assessment Computer Program," 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 2036-173, entitled "Updating the Multi-Pathway Exposure Assessment Computer Program," submitted by the University of California, Davis, for a total amount not to exceed \$30,580.

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 2036-173, entitled "Updating the Multi-Pathway Exposure Assessment Computer Program," submitted by the University of California, Davis, for a total amount not to exceed \$30,580.

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 \$30,580.

I hereby certify that the above is a true and correct copy of Resolution 93-4, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-5
January 14, 1993

Agenda Item No.: 93-1-4

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, a solicited research proposal, Number 2016-173, entitled "Air Quality, Congestion, Energy and Equity Impacts of Market-Based Transportation Control Measures," 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 2016-173, entitled "Air Quality, Congestion, Energy and Equity Impacts of Market-Based Transportation Control Measures," submitted by Deakin, Harvey, Skabardonis, Inc., for a total amount not to exceed \$324,957.

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 2016-173, entitled "Air Quality, Congestion, Energy and Equity Impacts of Market-Based Transportation Control Measures," submitted by Deakin, Harvey, Skabardonis, Inc., for a total amount not to exceed \$324,957.

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 \$324,957.

I hereby certify that the above is a true and correct copy of Resolution 93-5, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-6

February 18, 1993

Agenda Item No.: 93-2-1

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 enacted AB 2783 (Stats. 1992, Chapter 945), on 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 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 40921.5 states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.09 to 0.12 parts per million (ppm) for ozone or 9.0 to 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.13 to 0.15 ppm for ozone or greater than 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "severe" if the Board finds and determines that the district's ambient air measurements of this pollutant during 1989 through 1991 are 0.16 to 0.20 ppm;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "extreme" if the Board finds and determines that the district's ambient air measurements for this pollutant during 1989 through 1991 are greater than 0.20 ppm;

WHEREAS, the Kern County Air Pollution Control District (the "District") is currently attaining the CO standard and has classified itself as "moderate" nonattainment for ozone and Board staff is recommending that a nonattainment classification of "moderate" be applied;

WHEREAS, AB 2783 will not significantly change applicable planning requirements for the District, with the exceptions noted below;

WHEREAS, section 40918(a) of the Health and Safety Code requires each district classified as a moderate nonattainment 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: (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit or have the potential to emit 25 tons or more per year of nonattainment pollutants or their precursors, and (2) require best available control technology (BACT) for any new or modified stationary source which has the potential to emit 25 pounds per day or more of any nonattainment pollutant or its precursors;
- (2) application of reasonably available control technology (RACT) to existing stationary sources permitted to emit less than 5 tons per day or less than 250 tons per year of any nonattainment pollutant or precursor;

- (3) application of best available retrofit control technology (BARCT) to existing stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year;
- (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;
- (7) reasonably available transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

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, section 41503(a) of the Health and Safety Code requires the state board, within 12 months of receiving the final plan, to determine whether the attainment date specified in the plan represents the earliest practicable date and whether the measures contained in the plan are sufficient to achieve and maintain state ambient air quality standards;

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; or, if one or more adverse impacts remain, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the District Board adopted a Negative Declaration on June 25, 1991 and the 1992 amended Kern Air Quality Attainment Plan ("plan") on June 8, 1992, and officially transmitted both documents to the Air Resources Board on August 11, 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 Negative Declaration 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 ozone standard based on target ozone precursor reductions of 30% by December 31, 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 control measures requiring the retrofit of 12 stationary source categories with pollution control equipment, which meet RACT requirements, between 1991 and 1994;
4. a commitment to develop and adopt a total of 6 area source control measures, which meet RACT requirements, by 1994;
5. a commitment to develop an indirect source control program by the year 1994;
6. a "no net increase" new source permitting rule for new and modified sources with the potential to emit 25 tons per year or more;
7. a commitment to develop transportation control measures;
8. 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 Negative Declaration, 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 are exceeded in the Kern County Air Pollution Control District;
2. The District is impacted by ozone transport from the San Joaquin Valley and South Coast Air Basins;
3. The Board cannot concur with the Plan's attainment demonstration until further information is available to quantify transport;
4. The Plan includes requirements for RACT for existing sources; and the District has committed to upgrade control measures for larger sources (5 tons or more per day or 250 tons or more per year) to BARCT levels at the time of rulemaking as required by AB 2783;
5. The Plan includes a "no net increase" permit rule for new and modified stationary sources which meets statutory requirements;
6. The District's proposal to adopt 18 stationary and area source rules between 1991 and 1994 is a significant increase of regulatory activity and represents an expeditious adoption schedule;
7. The Plan is in compliance with the provisions to develop an indirect source control program;
8. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for ozone and its precursors; the Plan instead indicates annual reductions of hydrocarbons of 0.8 to 3.4 percent; and of oxides of nitrogen of from 0.5 to 5.1 percent;
9. The District has included all feasible stationary and area source measures in the Plan;
10. 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;
11. The Plan is in compliance with the two cost-effectiveness requirements of the Act;
12. The Plan contains an adequate list of contingency measures as required by Health and Safety Code section 40915;
13. The Plan conforms with the uniformity requirements to the extent appropriate within the Southeast Desert Air Basin in light of the vast physical size of the air basin, varying meteorological conditions, and the local impacts associated with interbasin and international transport;

14. The Final Negative Declaration 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;
15. The Board is a responsible agency for purposes of CEQA. The Board finds that the Negative Declaration is adequate for the purposes of this planning activity. There is no evidence that adoption of the Plan will have a significant impact on the environment; and the District's findings and supporting statements of fact, as set forth in the District's Resolution 91-501, dated June 25, 1991, 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;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Kern County Air Quality Plan, which, as identified in the Staff Report, meet the requirements of the Act and directs the District to proceed with adoption and 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 defers action on the attainment demonstration until sufficient data or modeling capability are available to quantify transport to the Kern County District.

BE IT FURTHER RESOLVED, that the Board approves the "moderate" area classification for Kern in the current planning cycle and recommends that this classification be revisited in 1994 based on air monitoring data acquired in the District and further analysis of transport.

I hereby certify that the above is a true and correct copy of Resolution 93-6, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-7

February 18, 1993

Agenda Item No.: 93-2-1

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 enacted AB 2783 (Stats. 1992, Chapter 945), on 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 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 40921.5 states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.09 to 0.12 parts per million (ppm) for ozone or 9.0 to 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.13 to 0.15 ppm for ozone or greater than 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "severe" if the Board finds and determines that the district's ambient air measurements for this pollutant during 1989 through 1991 are 0.16 to 0.20 ppm;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "extreme" if the Board finds and determines that the district's ambient air measurements for this pollutant during 1989 through 1991 are greater than 0.20 ppm;

WHEREAS, the San Bernardino County Air Pollution Control District (the "District") currently attains the carbon monoxide standards and has classified itself as "moderate" nonattainment for ozone and Board staff is recommending that a nonattainment classification of "moderate" be applied;

WHEREAS, AB 2783 will not significantly change applicable planning requirements for the District, with the exceptions noted below;

WHEREAS, section 40918(a) of the Health and Safety Code requires each district classified as a moderate nonattainment 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: (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit or have the potential to emit 25 tons or more per year of nonattainment pollutants or their precursors, and (2) require best available control technology (BACT) for any new or modified stationary source which has the potential to emit 25 pounds per day or more of any nonattainment pollutant or its precursors;

- (2) application of reasonably available control technology (RACT) to existing stationary sources permitted to emit less than 5 tons per day or less than 250 tons per year of any nonattainment pollutant or precursor;
- (3) application of best available retrofit control technology (BARCT) to existing stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year of any nonattainment pollutant or precursor;
- (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;
- (7) reasonably available transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

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, section 41503(a) of the Health and Safety Code requires the state board within 12 months of receiving the final plan to determine whether the attainment date specified in the plan represents the earliest practicable date and whether the measures contained in the plan are sufficient to achieve and maintain state ambient air quality standards unless the Board concurs that a demonstration of attainment is not feasible;

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; or, if one or more adverse impacts remain, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, an Environmental Impact Report (EIR) and the San Bernardino 1992 Air Quality Attainment Plan ("Plan") were adopted by the District Board on August 26, 1991, and officially transmitted by the District to the Air Resources Board on September 10, 1991, the Plan was later amended on June 1, 1992 and resubmitted soon after;

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 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 ozone standard based on target ozone precursor reductions of 30% by December 31, 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 control measures, which meet RACT requirements, for 16 stationary source categories between 1991 and 1994;
4. a commitment to develop and adopt an area source control program which meets RACT requirements, by 1994;
5. a commitment to develop an indirect source control program by the year 1994;
6. a commitment to develop and adopt a "no net increase" new source permitting rule by 1992;
7. a commitment to develop a transportation control program with measures to be adopted between 1991 and 1994;
8. a cost-effectiveness ranking for stationary and area source 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 Environmental Impact Report (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, are exceeded in the San Bernardino County Air Pollution Control District;
2. The District is affected by ozone transport from the South Coast and San Joaquin Valley Air Basins;
3. The Board cannot concur with the Plan's attainment demonstration until further information is available to quantify transport and the emission accounting in the plan has been corrected;
4. The Plan includes requirements to impose RACT on existing sources; however, the District must commit to upgrade its retrofit proposals to BARCT levels for larger sources (5 tons or more per day or 250 tons or more per year) at the time of rulemaking, as required by AB 2783;
5. The District has not adopted the required amendments to its New Source Review rule designed to achieve a no net increase in emissions from new or modified stationary sources which have a potential to emit 25 tons or more per year and to require best available control technology for sources with the potential to emit 25 pounds or more per day;
6. The lack of a commitment to adopt any NOx measures until 1994 results in the District's proposed schedule for rulemaking not representing an expeditious adoption schedule;
7. The Plan includes provisions to develop an area source control program; however, more information from the District is needed to allow the Board to adequately evaluate this program;
8. The Plan includes provisions to develop an indirect source control program; however, more information from the District is needed to allow the Board to adequately evaluate this program;
9. The Plan contains those reasonably available transportation control measures most appropriate for the San Bernardino District; however, additional information describing the District's reasons for determining that reasonably available transportation control measures are not applicable to the District;

10. The combination of state and proposed local measures in the Plan does not meet the 5 percent per year reductions for ozone and its precursors, as the Plan predicts an annual reduction of hydrocarbons of 2.6 percent, and oxides of nitrogen of 4.4 percent through 1997;
11. The District has included all feasible stationary and area source measures in the Plan, but the adoption schedule must be revised to be made expeditious;
12. The Plan is in compliance with the two cost-effectiveness requirements of the Act;
13. The Plan conforms with the uniformity requirements to the extent appropriate within the Southeast Desert Air Basin in light of the vast physical size of the air basin, varying meteorological conditions, and the local impacts associated with interbasin and international transport;
14. The District's specified contingency measures meet the Act's requirements;
15. The Final EIR prepared and certified by the District Board for the plan meets the requirements of the CEQA, and environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
16. 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 the 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 91-298, dated August 26, 1991, 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 Bernardino County Air Quality Plan, which, as identified in the Staff Report, meet the requirements of the Act and directs the District to proceed with the adoption and 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 complete a list of such actions in a letter to the District.

BE IT FURTHER RESOLVED, that the Board defers action on attainment demonstration until sufficient data or modeling capability are available to quantify transport in the San Bernardino County District.

BE IT FURTHER RESOLVED, that the Board approves the "moderate" area classification for San Bernardino in the current planning cycle and recommends that this classification be revisited in 1994 based on new data quantifying the degree of transport impact in San Bernardino.

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 stationary sources which have the potential to emit 25 tons or more per year, requiring best available control technology for sources with the potential to emit 25 pounds or more per day, and directs the District to adopt and implement the required rule by no later than July 1, 1993 which mitigates all future emission increases and takes whatever actions are necessary to mitigate emission increases occurring between July 1, 1991 and the rule implementation date.

BE IT FURTHER RESOLVED, that the Board directs the District to submit a written commitment to upgrade control measures to BARCT levels for major sources at the time of rulemaking by August 18, 1993.

BE IT FURTHER RESOLVED, that the Board finds that the Plan does not contain an expeditious rule adoption schedule and directs the District to accelerate its rule development, adoption and implementation schedule for the following rules as specified:

- o Internal combustion engines - adopt by September 30, 1993, implement by December 30, 1994
- o Boiler and Process Heaters (including Chemical Processes and Manufacturing) - adopt by November 30, 1993, implement by November 30, 1997
- o Electric Utilities - adopt by December 30, 1994, implement by December 30, 1999

BE IT FURTHER RESOLVED, that the Board conditionally approves the provisions to develop an area source control program and directs the District to submit a supplemental report by August 18, 1993, which describes the details and funding plans for the area source control measures proposed within the Plan.

BE IT FURTHER RESOLVED, that the Board conditionally approves the provisions to develop an indirect source control program and directs the District to submit additional information by August 18, 1993, regarding funding commitments, implementation schedule, quantification of emission reductions and any alternative approach the District may be considering in lieu of the enhanced CEQA review program.

BE IT FURTHER RESOLVED, that the Board conditionally approves the reasonably available transportation control measures committed to in the Plan and directs the District to: (1) work with the Board staff on the appropriate evaluation criteria for Rule 1701, the District's Employer Trip Reduction Rule, and (2) provide additional detail on the inapplicability of those transportation control measures not included in the Plan, as specified in the Appendix to Volume III of the Staff Report, by August 18, 1993.

BE IT FURTHER RESOLVED, that the Board directs the San Bernardino District to provide additional information and clarification to Board staff which accurately estimates emission reductions expected from the implementation of the plan, including the correction of the double counting of NOx reductions from non-utility internal combustion engines and the inspection and maintenance program.

BE IT FURTHER RESOLVED, that the Board directs staff to establish a mechanism for involving the District and Southern California Association of Governments in the analysis of transport into the Southeast Desert Air Basin, and the development of attainment demonstrations for the Los Angeles-Anaheim-Riverside consolidated statistical metropolitan area, of which San Bernardino is a part.

I hereby certify that the above is a true and correct copy of Resolution 93-7, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-8

February 18, 1993

Agenda Item No.: 93-2-1

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 enacted AB 2783 (Stats. 1992, Chapter 945), on 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 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 40921.5 states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.09 to 0.12 parts per million (ppm) for ozone or 9.0 to 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.13 to 0.15 ppm for ozone or greater than 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "severe" if the Board finds and determines that the district's ambient air measurements of this pollutant during 1989 through 1991 are 0.16 to 0.20 ppm;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "extreme" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are greater than 0.20 ppm;

WHEREAS, the Imperial County Air Pollution Control District (the "District") is currently attaining the CO standard and has classified itself as "moderate" nonattainment for ozone and Board staff is recommending that a nonattainment classification of "moderate" be applied;

WHEREAS, AB 2783 will not significantly change applicable planning requirements for the District, with the exceptions noted below;

WHEREAS, section 40918(a) of the Health and Safety Code requires each district classified as a moderate nonattainment 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: (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit or have the potential to emit 25 tons or more per year of nonattainment pollutants or their precursors, and (2) require best available control technology (BACT) for any new or modified stationary source which has the potential to emit 25 pounds per day or more of any nonattainment pollutant or its precursors;

- (2) application of reasonably available control technology (RACT) to existing stationary sources permitted to emit less than 5 tons per day or less than 250 tons per year of any nonattainment pollutant or precursor;
- (3) application of best available retrofit control technology (BARCT) to existing stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year;
- (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;
- (7) reasonably available transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

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, section 41503(a) of the Health and Safety Code requires the state board shall, within 12 months of receiving the final plan, determine whether the attainment date specified in the plan represents the earliest practicable date and whether the measures contained in the plan are sufficient to achieve and maintain state ambient air quality standards;

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: or, if one or more adverse impacts remain, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Imperial County 1992 Air Quality Attainment Plan (Plan) and a Negative Declaration were adopted by the District Board on April 14, 1992, and were officially transmitted by the District to the Air Resources Board on April 17, 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 Negative Declaration 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 detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt control measures requiring the retrofit of 5 stationary source categories with pollution control equipment between 1991 and the year 1994, and completing the adoption schedule with 2 more rules in 1995, all of which meet RACT requirements;
3. a commitment to develop and adopt a total of 12 area source control measures, which meet RACT requirements, by 1994;
4. a commitment to investigate the development of an indirect source control program by the year 1994;
5. a commitment to develop and adopt a "no net increase" new source permitting rule by the year 1992;
6. a commitment to develop transportation control measures;
7. 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 Negative Declaration, 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, are exceeded in the Imperial County Air Pollution Control District;
2. The District is affected by international ozone transport from Mexico and by ozone transport from the South Coast Air Basin;
3. The Board concurs that attainment demonstrations is not possible until further information is available to quantify transport and the emission accounting in the plan has been corrected;
4. The Plan includes requirements to impose RACT on existing sources, however, the District must commit to upgrade its retrofit proposals to BARCT levels for larger sources (5 tons or more per day or 250 tons or more per year) at the time of rulemaking, as required by AB 2783;
5. The District has not adopted the required amendments to its New Source Review rule designed to achieve a no net increase in emissions from new or modified stationary sources which have a potential to emit 25 tons or more per year and to require best available control technology for sources with the potential to emit 25 pounds or more per day;
6. The District's proposal to adopt 17 stationary source rules and area source rules between 1991 and 1994 represents an expeditious adoption schedule;
7. The Plan includes provisions to investigate the development of an indirect source control program but does not describe the District's intent as to the preferred approach nor includes a timetable for completion of that investigation;
8. 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 0.2 to 1.5 percent, and oxides of nitrogen of from 1.2 to 2.8 percent;
9. The District has included all feasible stationary and area source measures in the Plan;
10. The Plan is in compliance with the cost-effectiveness requirements of the Act;
11. The Plan conforms with the uniformity requirements to the extent appropriate within the Southeast Desert Air Basin in light of the vast physical size of the air basin, varying meteorological

conditions, and the local impacts associated with interbasin and international transport;

12. The Plan contains an acceptable contingency procedure, as required by Health and Safety Code section 40915, which provides for the District to do everything possible to accelerate the adoption and implementation of subsequent rules in the event that a proposed control measure is not adopted or implemented;
13. The Final Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of the CEQA, and 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; the Board finds that the Negative Declaration is adequate for the purposes of this planning activity and 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 4-16-92, dated April 16, 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 Imperial County Air Quality Plan, which, as identified in the Staff Report, meet the requirements of the Act and directs the District to proceed with adoption and 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.

BE IT FURTHER RESOLVED, that the Board defers action on the attainment demonstration until sufficient data or modeling capability are available to quantify transport into the Imperial County District.

BE IT FURTHER RESOLVED, that the Board approves the "moderate" area classification for Imperial County for the current planning cycle and recommends that this classification be revisited in 1994.

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the "no net increase" permit program requirements for new and modified stationary sources which have the potential to emit 25 tons or more per year, requiring best available control technology for sources with the potential to emit 25 pounds or more per day, and directs the District to

adopt and implement the required rule by no later than July 1, 1993 which mitigates all future emission increases and takes whatever actions are necessary to mitigate emission increases occurring between July 1, 1991 and the rule implementation date.

BE IT FURTHER RESOLVED, that the Board conditionally approves the retrofit control measures in the Plan and directs the District to submit a written commitment by May 18, 1993, to upgrade its control measures to BARCT levels at the time of rulemaking, where applicable.

BE IT FURTHER RESOLVED, that the Board conditionally approves the Plan's provisions to investigate the development of an indirect source control program and directs the District to report on its conclusions by May 18, 1993.

BE IT FURTHER RESOLVED, that the Board directs the District to revise the baseline emission inventory forecast used in the Plan and recalculate the estimated emission reductions by May 18, 1993.

BE IT FURTHER RESOLVED, that the Board conditionally approves the procedural approach to contingency measures in the Plan, and directs the District to submit additional information which will clarify how the contingency measures will be implemented and the conditions under which such contingency measures will be enacted.

I hereby certify that the above is a true and correct copy of Resolution 93-8, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

ATTACHMENT A

PUBLIC HEARING TO CONSIDER GUIDELINES ON THE GENERATION AND USE OF MOBILE SOURCE EMISSION REDUCTION CREDITS

Staff's Recommended Changes to the Original Proposed Guidelines

- 1) Include cost ranges and present value analysis in cost-effectiveness examples for generating credits by purchasing low-emission buses.

This change would result in new cost-effectiveness estimates for the bus purchase examples given in the guidelines. The new cost per ton range estimates for NOx reductions would be:

CNG \$ 1,300 - \$ 7,000

Methanol \$ 6,200 - \$12,000

- 2) Emphasize the need for case-specific cost evaluations in Chapter 6.

Staff propose to add a separate section to emphasize that the examples given are not intended to substitute for case-specific evaluations of individual proposed programs. A number of variables affect the total cost of purchasing and operating low-emission buses, and these can change from case to case.

- 3) Clarify aspects of the extended life credit mechanism in Chapter 6.

Staff propose to specify that the 50% adjustment to the planned emission reduction should be applied in the year 2003 and beyond and to remove item 8 on page 40 which states that bus procurement funds should be redirected if future ceiling standards fall below the originally planned credit standards.

- 4) Remove two sentences from page 5.

Staff propose to remove the following statements from page 5: "CNG low-emission buses would provide the most cost-effective NOx reductions" and "however, some ROG credits could be generated, and allowed if they are adequately quantified".

- 5) Include electric bus emission reductions in Tables 12 and 18 of Chapter 6.
- 6) Page 17 - Extend the recommended selling period from 90 days to "90 days but no more than 1 year."

Amendments Requested by Board

- 7) Page 25- Allow removal and reuse of cylinder block and other engine components that may be used in collector cars.
- 8) Page 35, Table 8- Modify the table to reflect 1/2 gram/bhp-hr credit standard increments vs. the present 1 gram/bhp-hr increments.

State of California
AIR RESOURCES BOARD

Resolution 93-9

February 19, 1993

Agenda Item No.: 93-3-1

WHEREAS, sections 39600 and 39605 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 ("districts");

WHEREAS, in California mobile sources account for approximately 60 percent of all ozone forming emissions and 90 percent of all carbon monoxide emissions;

WHEREAS, the Board has adopted the nation's most extensive and stringent motor vehicle emissions control and fuels regulations, which have resulted in, and will continue to result in, significant emission reductions;

WHEREAS, opportunities exist to further reduce emissions from mobile sources which go beyond the Board's existing regulations;

WHEREAS, the Board, the districts and other parties have expressed considerable interest in the development of methods for generating mobile source emission reduction credits to accommodate industrial and commercial growth in California;

WHEREAS, the Board is authorized to issue guidelines under authority found in section 39003 of the Health and Safety Code, which directs the Board to coordinate efforts to attain and maintain ambient air quality standards; section 39605(a) of the Health and Safety Code, which authorizes the Board to provide assistance to the districts; and sections 39500 and 41500 of the Health and Safety Code, which require the Board to coordinate, encourage, and review the efforts of governmental agencies as they relate to air pollution;

WHEREAS, in July 1992 Board staff released a concept paper entitled "Mobile Source Emission Reduction Credits: A Concept Paper on the Generation of Emission Reduction Credits from Mobile Sources" (the "Concept Paper");

WHEREAS, the Concept Paper was presented to the Board as an informational item at the August 1992 Board hearing;

WHEREAS, at the Board's direction staff has taken into consideration written and oral comments received at public consultation meetings, and has formalized the Concept Paper to produce guidelines entitled Guidelines for the Generation and Use of Mobile Source Emission Reduction Credits (the "Guidelines");

WHEREAS, the purpose of the Guidelines is to assist districts and interested parties in developing and implementing mobile source emission reduction credit programs, and to ensure that district mobile source credit programs

are not in conflict with or compromise the Board's comprehensive motor vehicle emission controls and fuels program;

WHEREAS, the staff has used the most current and accurate information available to establish calculation procedures for three viable credit generating programs;

WHEREAS, the Board finds that cost effective emission reduction credits can be generated from mobile sources for reactive organic gases (ROG) and oxides of nitrogen (NOx) and that mobile source credits have the potential to allow regulated sources to achieve required emission reductions at lower costs without adversely affecting emission reduction efforts; and

WHEREAS, the Board finds that mobile source emission reduction credits should be 1) real and surplus to existing and anticipated state, local, and federal regulations, 2) enforceable, and 3) quantifiable, with an established lifespan;

WHEREAS, the Board also finds that any credits that are granted up front for future emission reductions should take into consideration future anticipated motor vehicle emission standards, so that credit is not granted for emission reductions that would have occurred anyway under ARB regulations, which is necessary in order to prevent future degradation in air quality;

WHEREAS, the Board has held a duly noticed public meeting to consider approval of the Guidelines, and has considered the comments presented by representatives of the Board, staff, districts, affected industries, and other interested persons and agencies.

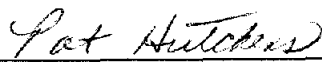
NOW, THEREFORE, BE IT RESOLVED that the Board approves the document entitled Guidelines for the Generation and Use of Mobile Source Emission Reduction Credits.

BE IT FURTHER RESOLVED that the Board encourages districts to implement mobile source emission reduction credit programs that provide increased flexibility and opportunity for cost savings by regulated sources so long as district programs do not conflict with or compromise California's motor vehicle emission control and fuels programs.

BE IT FURTHER RESOLVED that the Executive Officer is directed to forward the Guidelines to the districts and urge them to use the Guidelines in the development and implementation of district mobile source emission reduction credit programs.

BE IT FURTHER RESOLVED that the Board approves these guidelines with the changes recommended by the staff in attachment A.

I hereby certify that the above is a true and correct copy of Resolution 93-9, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-10
March 12, 1993

Agenda Item No.: 93-5-2

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 2034-174, entitled "Demonstration of a Non-Additive Lean-NOx Catalytic Converter for Heavy-Duty Diesel Vehicles," has been submitted by the Southwest Research 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:

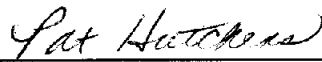
Proposal Number 2034-174, entitled "Demonstration of a Non-Additive Lean-NOx Catalytic Converter for Heavy-Duty Diesel Vehicles," submitted by the Southwest Research Institute, for a total amount not to exceed \$299,200.

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 2034-174, entitled "Demonstration of a Non-Additive Lean-NOx Catalytic Converter for Heavy-Duty Diesel Vehicles," submitted by the Southwest Research Institute, for a total amount not to exceed \$299,200.

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 \$299,200.

I hereby certify that the above is a true and correct copy of Resolution 93-10, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-11
March 12, 1993

Agenda Item No.: 93-5-2

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 2040-174, entitled "Determination of the Effects of Speed, Temperature, and Fuel Factors on Exhaust Emissions," 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 2040-174, entitled "Determination of the Effects of Speed, Temperature, and Fuel Factors on Exhaust Emissions," submitted by Automotive Testing and Development Services, Inc., for a total amount not to exceed \$449,589.

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 2040-174, entitled "Determination of the Effects of Speed, Temperature, and Fuel Factors on Exhaust Emissions," submitted by Automotive Testing and Development Services, Inc., for a total amount not to exceed \$449,589.

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 \$449,589.

I hereby certify that the above is a true and correct copy of Resolution 93-11, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-12
March 12, 1993

Agenda Item No.: 93-5-2

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 2033-173 entitled "Characterization of Vapor-Phase Organic Emissions from Heavy-Duty Diesel Engines," has been submitted by the Southwest Research 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:

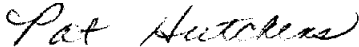
Proposal Number 2033-173, entitled "Characterization of Vapor-Phase Organic Emissions from Heavy-Duty Diesel Engines," submitted by the Southwest Research Institute, for a total amount not to exceed \$393,995.

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 2033-173, entitled "Characterization of Vapor-Phase Organic Emissions from Heavy-Duty Diesel Engines," submitted by the Southwest Research Institute, for a total amount not to exceed \$393,995.

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 \$393,995.

I hereby certify that the above is a true and correct copy of Resolution 93-12, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-13
March 12, 1993

Agenda Item No.: 93-5-2

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 2045-174, entitled "A Study to Develop Statewide and County-Level Economic Projections," submitted by the DRI/McGraw-Hill; 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 2045-174, entitled "A Study to Develop Statewide and County-Level Economic Projections," submitted by the DRI/McGraw-Hill, for a total amount not to exceed \$69,932.

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 2045-174, entitled "A Study to Develop Statewide and County-Level Economic Projections," submitted by the DRI/McGraw-Hill, for a total amount not to exceed \$69,932.

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 \$69,932.

I hereby certify that the above is a true and correct copy of Resolution 93-13, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-14
March 12, 1993

Agenda Item No.: 93-5-2

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 2037-174, entitled "Effects of Increased Highway Capacity on Travel Behavior", has been submitted by Dowling Associates; 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 2037-174, entitled "Effects of Increased Highway Capacity on Travel Behavior," submitted by Dowling Associates, for a total amount not to exceed \$95,500.

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 2037-174, entitled "Effects of Increased Highway Capacity on Travel Behavior," submitted by Dowling Associates, for a total amount not to exceed \$95,500.

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 \$95,500.

I hereby certify that the above is a true and correct copy of Resolution 93-14, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-15
March 12, 1993

Agenda Item No.: 93-5-2

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 2050-174 entitled "Proposal for Participation in the Atmospheric Free-Radical Measurements Related to Photochemical Oxidants Study: Supplementary Field Support Measurements of Formaldehyde, Hydrogen Peroxide, Nitrous Acid, Nitrogen Dioxide, Peroxyacetyl Nitrate, NO_x, Ozone, Hydrocarbons: C2-C12 and Carbonyls: C1-Benzaldehyde," has been submitted by Unisearch Associates 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 2050-174, entitled "Proposal for Participation in the Atmospheric Free-Radical Measurements Related to Photochemical Oxidants Study: Supplementary Field Support Measurements of Formaldehyde, Hydrogen Peroxide, Nitrous Acid, Nitrogen Dioxide, Peroxyacetyl Nitrate, NO_x, Ozone, Hydrocarbons: C2-C12 and Carbonyls: C1-Benzaldehyde," submitted by Unisearch Associates Inc., for a total amount not to exceed \$158,688.

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 2050-174, entitled "Proposal for Participation in the Atmospheric Free-Radical Measurements Related to Photochemical Oxidants Study: Supplementary Field Support Measurements of Formaldehyde, Hydrogen Peroxide, Nitrous Acid, Nitrogen Dioxide, Peroxyacetyl Nitrate, NO_x, Ozone, Hydrocarbons: C2-C12 and Carbonyls: C1-Benzaldehyde," submitted by the Unisearch Associates Inc., for a total amount not to exceed \$158,688.

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 \$158,688.

I hereby certify that the above is a true and correct copy of Resolution 93-15, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-16
March 12, 1993

Agenda Item No.: 93-5-2

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 2051-174, entitled "Study of Ozone Concentration and Aerosol Profiles in the Lower Troposphere in California Using WPL's Ozone Lidar," has been submitted by NOAA/ERL/Wave Propagation 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 2051-174, entitled "Study of Ozone Concentration and Aerosol Profiles in the Lower Troposphere in California Using WPL's Ozone Lidar," submitted by NOAA/ERL/Wave Propagation Laboratory, for a total amount not to exceed \$150,000.

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 2051-174, entitled "Study of Ozone Concentration and Aerosol Profiles in the Lower Troposphere in California Using WPL's Ozone Lidar," submitted by NOAA/ERL/Wave Propagation Laboratory, for a total amount not to exceed \$150,000.

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 \$150,000.

I hereby certify that the above is a true and correct copy of Resolution 93-16, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-17
March 12, 1993

Agenda Item No.: 93-5-2

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 2047-174 entitled "Comparison of In-Situ and Remotely Sensed Ozone Concentrations," 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 2047-174, entitled "Comparison of In-Situ and Remotely Sensed Ozone Concentrations," submitted by the University of California, Davis, 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 2047-174, entitled "Comparison of In-Situ and Remotely Sensed Ozone Concentrations," submitted by the University of California, Davis, 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 93-17, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-18
March 12, 1993

Agenda Item No.: 93-5-2

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 2048-174, entitled "Development and Application of an Updated Photochemical Mechanism for VOC Reactivity Assessment," 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:

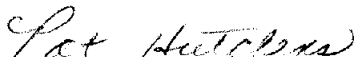
Proposal Number 2048-174, entitled "Development and Application of an Updated Photochemical Mechanism for VOC Reactivity Assessment," submitted by the University of California, Riverside, for a total amount not to exceed \$106,699.

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 2048-174, entitled "Development and Application of an Updated Photochemical Mechanism for VOC Reactivity Assessment," submitted by the University of California, Riverside, for a total amount not to exceed \$106,699.

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 \$106,699.

I hereby certify that the above is a true and correct copy of Resolution 93-18, 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**Notice of Decision and
Response to Significant Environmental Issues**

Item: Notice of Public Hearing to Consider the Revision of Emission Control Requirements to Mitigate the Impact of Transported Pollutants on Ozone Concentrations in Downwind Areas

Approved by: Executive Order G-822
Signed: September 13, 1993

Agenda Item No.: 93-4-1

Public Hearing Date: March 11, 1993

Issuing Authority: Air Resources Board

Comment: The Board found that this regulatory action may result in significant adverse environmental impacts in the affected upwind and downwind areas. Additionally, comments were received identifying significant environmental issues pertaining to this item. These comments are summarized and responded to in Chapter IV of the Final Statement of Reasons, which is incorporated by reference herein.

Response: Resolution 93-19 is 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 there are no feasible mitigation measures or alternatives available to the Board which would further substantially reduce the potential adverse impacts of the proposed regulations while at the same time providing the substantial overall public health benefit from the emissions reductions, as predicated in the Resolution. Additionally, the Board found overriding considerations extenuated the adverse environmental impacts that might result from the modified regulations. Responses to the comments identifying significant environmental issues are made in Chapter IV of the Final Statement of Reasons, which is incorporated by reference herein.

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: September 14, 1993

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Office of the Secretary

SEP 15 1993

ATTACHMENT

PROPOSED TEXT OF REGULATIONS
FOR MITIGATING THE IMPACT OF UPWIND EMISSIONS
ON DOWNWIND OZONE CONCENTRATIONS.

Amend Subchapter 1.5. Air Basins and Air Quality Standards, of Chapter 1, Title 17, California Code of Regulations, sections 70600 and 70601, as follows:

ARTICLE 6. TRANSPORT MITIGATION

70600. Emission Control Requirements

Districts within the areas of origin of transported air pollutants, as identified in section 70500(c), shall include sufficient emission control measures in their attainment plans for ozone adopted pursuant to Chapter 10 of the Health and Safety Code, Part 3, Division 26, beginning with section 40910, to mitigate the impact of pollution sources within their jurisdictions on ozone concentrations in downwind areas. At a minimum, the attainment plans for districts within the air basins or areas specified below shall conform to the following requirements:

1-(a) Broader Sacramento Area (as defined in section 70500(b)(3)) shall:

(a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emission inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.

(b2) provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources that have the potential to emit 10 tons per year or more of either oxides of nitrogen or reactive organic gases. Such program shall be adopted and implemented no later than July 1, 1991.

(c2) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the Upper Sacramento Valley, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

- (1A) are likely to produce a violation of the state ozone standard in the Upper Sacramento Valley;
- (2B) are dominated by overwhelming pollutant transport from the Broader Sacramento Area; and
- (3C) are not measurably affected by emissions of ozone precursors from sources located within the Upper Sacramento Valley.

2-(b) San Francisco Bay Area Air Basin shall:

- (a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.

- (b2) ~~provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources that have the potential to emit 10 tons per year or more of either oxides of nitrogen or reactive organic gases.~~ Such program shall be adopted and implemented no later than July 1, 1991.

- (e2) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the North Central Coast Air Basin, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

- (1A) are likely to produce a violation of the state ozone standard in the North Central Coast Air Basin;
- (2B) are dominated by overwhelming pollutant transport from the San Francisco Bay Area Air Basin; and
- (3C) are not measurably affected by emissions of ozone precursors from sources located within the North Central Coast Air Basin.

3-(c) San Joaquin Valley Air Basin shall:

- (a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code

section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.

(b2) provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources that have the potential to emit 10 tons per year or more of either oxides of nitrogen or reactive organic gases. Such program shall be adopted and implemented no later than July 1, 1991.

(e22) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the Southeast Desert Air Basin and the Great Basin Valleys, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

(1A) are likely to produce a violation of the state ozone standard in the Southeast Desert Air Basin or the Great Basin Valley;

(2B) are dominated by transported pollutants from the San Joaquin Valley Air Basin; and

(3C) are not measurably affected by emissions of ozone precursors from sources located within the Southeast Desert Air Basin or the Great Basin Valleys, as applicable.

4-(d) South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border shall, for sources located in that portion of the Basin:

(a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources no later than January 1, 1994.

(b2) provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources that have the potential to emit 10 tons per year or more of either oxides of nitrogen or reactive organic gases. Such program shall be adopted and implemented no later than July 1, 1991.

5-(e) South Coast Air Basin shall:

(a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.

(b2) provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources. Such program shall be adopted and implemented no later than July 1, 1991.

(c2) include measures sufficient to attain the state ambient air quality for ozone by the earliest practicable date within the portions of the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, the San Diego Air Basin, and the Southeast Desert Air Basin, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

(1A) are likely to produce a violation of the state ozone standard in the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, or in the San Diego Air Basin, or in the Southeast Desert Air Basin;

(2B) are dominated by transported pollutants from the South Coast Air Basin; and

(3C) are not measurably affected by emissions of ozone precursors from sources located within the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, or the San Diego Air Basin, or the Southeast Desert Air Basin, as applicable.

NOTE: AUTHORITY CITED: SECTIONS 39601, 39610(b), HEALTH AND SAFETY CODE.
REFERENCES CITED: SECTIONS 39610, 40911(b), 40912, 40913, 40921 AND 41503, HEALTH AND SAFETY CODE.

70601. Procedure For Limiting the Application of Best Available Retrofit Control Technology

A district may exclude one or more sources from the requirement to apply best available retrofit control technology as transport mitigation pursuant to section 70600 provided that the district plan prepared pursuant to Part 3, Chapter 10 (commencing with section 40910) of Division 26 of the Health and Safety Code and approved by the Board pursuant to Part 4, Chapter 1 (commencing with section 41500) of Division 26 of the Health and Safety Code demonstrates that:

- (a) emissions from the source, because of its location, do not contribute to ozone violations in any downwind area; or
- (b) emissions reductions from the source are not needed to attain the ozone standard in any downwind area; or
- (c) the district is implementing an alternative emission reduction strategy pursuant to section 40914 of the Health and Safety Code and that strategy will be at least as effective and as expeditious as the transport mitigation requirements specified in section 70600.

**NOTE: AUTHORITY CITED: SECTIONS 39601, 39610(b), HEALTH AND SAFETY CODE.
REFERENCES CITED: SECTIONS 39610, 40911(b), 40912, 40913, 40921 AND 41503, HEALTH AND SAFETY CODE.**

State of California
AIR RESOURCES BOARD

Resolution 93-19

March 11, 1993

Agenda Item No.: 93-4-1

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 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 disease;

WHEREAS, in order to attain these standards, the Act 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;

WHEREAS, section 40001 of the Health and Safety Code requires each district to adopt and enforce rules and regulations to achieve and maintain the state ozone standard in all areas affected by emission sources under its jurisdiction;

WHEREAS, the Act in 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 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 affected by transported air pollutants from upwind areas, and identified the areas of origin of the transported pollutants consistent with the requirements of the Act;

WHEREAS, the Act, in 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, transport assessment studies presented to the Board on August 10, 1990, characterized the impact of air pollutants transported from upwind areas on ambient ozone concentrations in downwind areas in which the state ozone standard is exceeded as overwhelming, significant or inconsequential;

WHEREAS, on August 10, 1990, the Board adopted emission control requirements in 17 CCR section 70600, to mitigate the impact of transported pollutants on ozone concentrations in downwind areas, applicable to upwind areas which were identified as having an overwhelming or significant impact on exceedences of the state ambient ozone standard in one or more downwind areas;

WHEREAS, 17 CCR section 70600 requires districts in the Broader Sacramento Area, the San Francisco Bay Area Air Basin, the San Joaquin Valley Air Basin, the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, and the South Coast Air Basin to adopt and implement a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources by no later than July 1, 1991;

WHEREAS, 17 CCR section 70600 also requires the same districts to adopt best available retrofit control technology (BARCT) requirements for all existing stationary sources in their jurisdictions and, at a minimum, to adopt by January 1, 1994, BARCT for the source categories that comprise 75% of the permitted stationary source emissions of reactive organic gases (ROG) and nitrogen oxides (NOx);

WHEREAS, 17 CCR section 70600 also requires that districts in the Broader Sacramento Area, the San Francisco Bay Area Air Basin, the San Joaquin Valley Air Basin, and the South Coast Air Basin include, in their attainment plans adopted pursuant to section 40910 et seq. of the Health and Safety Code, sufficient measures to attain the state ozone standard in affected downwind areas, during conditions of overwhelming transport to those downwind areas;

WHEREAS, the Act, in section 40911(b) of the Health and Safety Code, requires that any district which is a receptor or contributor of transported air pollutants, as determined by the Board, shall prepare and submit its plan for attaining and maintaining the ozone standard not later than June 30, 1991;

WHEREAS, the Act, in section 40912 of the Health and Safety Code, requires that the attainment plans for districts responsible for air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both the upwind and downwind district;

WHEREAS, section 40912 of the Health and Safety Code also requires the plan for each upwind district to contain, at a minimum, all transport mitigation requirements established by the Board pursuant to Health and Safety Code section 39610(b);

WHEREAS, the Act, in Section 39610(d) of the Health and Safety Code, requires the Board to review and update its transport analysis at least once every three years;

WHEREAS, the Act's permitting requirements (Health and Safety Code sections 40918-40920.5), applicable to all nonattainment areas, were amended by AB 2783 (Stats. 1992, chapter 925) to provide regulatory relief to the owners and operators of small sources of air pollution who may have difficulty obtaining emission offsets for new and modified sources;

WHEREAS, upwind districts subject to the current transport mitigation requirements in 17 CCR section 70600 are not eligible for the regulatory relief provided by AB 2783, unless those requirements are amended by the Board;

WHEREAS, AB 2783 did not alter the Board's responsibilities to identify and adopt regulations to mitigate the impact of transported pollutants on downwind areas;

WHEREAS, the Board staff has proposed amendments to 17 CCR section 70600, which provide a substantial degree of regulatory relief without compromising the purpose for which the mitigation requirements were established;

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

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;

WHEREAS, the Board finds that:

1. Significant and overwhelming transport to downwind areas must be mitigated in order for those downwind areas to achieve the state ambient air quality standard for ozone by the earliest practicable date.

2. The existing transport mitigation requirements are guided by the principle that upwind districts should do at least as much as downwind areas to abate the ozone violations to which they contribute.
3. At the time they were adopted, the existing transport mitigation requirements were found to be all of the following: supported by available data, reasonable, and a preliminary step toward full mitigation of transport impacts (refer to Resolution 90-53, incorporated by reference herein).
4. No event or evidence has changed the basis of those findings with respect to the BARCT provisions of the transport mitigation requirements.
5. Similarly, no event or evidence has affected the findings with respect to the requirement that districts which are the source of overwhelming transport demonstrate that their plans are sufficient to attain the state ozone standard in downwind areas on which they have an overwhelming impact.
6. By contrast, AB 2783 granted prospective regulatory relief to all but "extreme" nonattainment areas of the state, requiring those areas to mitigate only those emissions increases from permitted stationary sources with the potential to emit 25, 15, or 10 tons per year in "moderate", "serious" and "severe" areas, respectively; "extreme" areas must still mitigate all emissions increases.
7. The regulatory relief provided by AB 2783 can be effectuated for upwind transport areas only if the permit program provisions in 17 CCR section 70600 are amended.
8. Information presented to the Board indicates that the economic pressures which prompted AB 2783 are present throughout the state as evidenced by rates of job loss and business failure that are above the national average.
9. Deleting the "no net increase" provisions of the transport mitigation requirements will provide relief to the owners and operators of facilities with low levels of emissions, a large majority of which are small businesses.
10. A number of districts did not adopt a "no net increase" permit program by July 1, 1991, as required by the Act and the Board's transport regulations.
11. All districts, including upwind transport districts, are required to comply with the Act's permitting requirements both before and after the AB 2783 amendments, and must mitigate the impacts of emissions increases from new and modified sources from July 1, 1991, to the extent required by the Act and ARB regulations.

12. Deleting the "no net increase" provisions of the transport mitigation requirements will allow some unmitigated emission increases, thereby causing the overall regulation to produce fewer emission reductions than would otherwise be achieved.
13. The Board is prohibited from providing relief in excess of the minimum statutory requirements for moderate, serious, severe, and extreme areas; therefore the South Coast Air Basin must continue to comply with the "no net increase" requirement for all new and modified sources as set forth in Health and Safety Code section 40920.5.
14. Deleting the "no net increase" provision would provide substantial relief to areas where such relief is legally permissible.
15. Staff estimates that deleting the "no net increase" provision would result in an estimated emissions increase of 0.2 to 2.6 tons per day, by the year 2000, in each upwind area, compared to the existing requirements.
16. The 0.2 to 2.6 tons per day estimated emissions increase represents less than one-half of one percent of the total stationary source inventory, for each area, in the year 2000.
17. By the year 2000, the four affected upwind areas have committed to adopting measures which reduce ozone precursors by a combined 523.2 tons per day.
18. The proposed amendments to 17 CCR section 70600 may result in significant adverse environmental impacts in the affected upwind and downwind areas.
19. No feasible alternative or mitigation measure exists which will achieve the objective of the proposed change without simultaneously causing or allowing to occur the potential significant adverse environmental effects described above.
20. The need for economic relief in the upwind areas affected by these proposed changes overrides any potential significant adverse environmental impacts that may result from making the proposed changes.
21. Adoption of the proposed amendments will not have a significant adverse economic impact on small businesses; rather, it will have a positive impact insofar as districts in the Broader Sacramento Area, the San Francisco Bay Area Basin, the San Joaquin Valley Air Basin, and the South Central Coast Air Basin South of the Santa Barbara-San Luis Obispo County border will be able to permit new or modified small facilities without obtaining offsets to mitigate the resulting emission increases.

22. 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.
23. The proposed amendments will be revisited periodically and amended, as appropriate, to reflect additional information on the contribution of transported pollutants to downwind ambient ozone concentrations.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to section 70600, Title 17, California Code of Regulations as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED, that the Board intends the amendments to operate prospectively only, and Districts shall comply with the permit provision previously set forth in 17 CCR section 70600 by mitigating emission increases from July 1, 1991, as required therein, to the extent they have not already adopted permit programs which have done so.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to monitor the actual emission increases resulting from amendments to 17 CCR section 70600, to report back to the Board at regular intervals, and to make whatever recommendations may be appropriate to ensure that significant and overwhelming transport impacts on downwind areas are mitigated as required under state law.

BE IF 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 adopt the amendments to the regulations set forth in Attachment A after responding to the comments presented to the Board which raise significant environmental issues, and to present the amendments to the regulations to the Board for further consideration if he determines that this is warranted in light of the comments.

I hereby certify that the above is a true and correct copy of Resolution 93-19, as adopted by the Air Resources Board.

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SEP 15 1993

RESOURCES AGENCY OF CALIFORNIA



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-20

March 12, 1993

Agenda Item No.: 93-5-1

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, 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 (Stats. 1992, Chapter 945), 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 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 40921.5 states that a district's air pollution is to be classified as "moderate" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are 0.09 to 0.12 parts per million (ppm) for ozone or 9.0 to 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states that a district's air pollution is to be classified as "serious" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are 0.13 to 0.15 ppm for ozone or greater than 12.7 ppm for carbon monoxide;

WHEREAS, the Broader Sacramento Area portion of the Placer County Air Pollution Control District is currently unclassified for the carbon monoxide standard, and, on the basis of ambient pollution concentrations, is classified as "serious" nonattainment for ozone pursuant to AB 2783;

WHEREAS, section 40919 of the Health and Safety Code requires each district classified as a serious nonattainment 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 (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit, or have the potential to emit, 15 tons or more per year, and (2) the use of best available control technology for any new or modified stationary source which has the potential to emit 10 pounds per day or more of any nonattainment pollutant or its precursors;
- (2) application of the best available retrofit control technology (BARCT) to all existing permitted 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) reasonably available transportation control measures which substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

- (7) transportation control measures which substantially reduce the rate of increase in vehicle trips and miles traveled per trip, which achieve an average during weekday commute hours of 1.4 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997, if the district is located within, or contains all, or part of, a standard statistical metropolitan area with a population of 250,000 or more based on the 1990 census;
- (8) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets.

WHEREAS, the Broader Sacramento Area, including portions of the Placer County Air Pollution Control District, has been identified as contributing to exceedences of the state ozone standard in the downwind areas of the Upper Sacramento Valley, the San Joaquin Valley Air Basin, and the San Francisco Bay Area, and therefore transport mitigation measures are required as specified in the Board's transport mitigation regulations (Title 17, California Code of Regulations (CCR), section 70600);

WHEREAS, on March 11, 1993 the Board modified the transport mitigation regulations to delete the "no net increase" permitting requirement, thereby allowing upwind districts to utilize the permitting thresholds set forth in AB 2783 (Health and Safety Code sections 40918 to 40920);

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, section 41503(a) of the Health and Safety Code requires the Board, within 12 months of receiving the final plan, to determine whether the attainment date specified in the plan represents the earliest practicable date and whether the measures contained in the plan are sufficient to achieve and maintain state ambient air quality standards;

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; or, if one or more adverse impacts remain, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the District Board adopted a Negative Declaration and the Placer County Air Pollution Control District's 1991 Air Quality Attainment Plan (the "Plan") on April 7, 1992; both documents were officially transmitted by the District to the Air Resources Board on April 16, 1992, and additional supporting information was submitted by the District on January 5, 1993;

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 Negative Declaration 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. an 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 25 stationary source categories with control equipment between 1993 and the year 1998;
3. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
4. a commitment to develop a total of 17 area source control measures to be adopted between 1993 and the year 1998;
5. provisions to develop an indirect source control program, and a commitment to expand it to all jurisdictions by the end of 1994;
6. a commitment to adopt reasonably available transportation control measures (TCMs) within the District's jurisdiction and to work with implementing agencies to pursue other TCMs in the Regional Transportation Plan - Congestion Management Plan;
7. cost-effectiveness rankings for stationary, area, and transportation control measures;
8. a commitment to accelerate rule adoption as a contingency procedure;
9. a commitment to implement a public education measure by 1994;

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 environmental documentation, 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 is exceeded in the Placer 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's proposal to adopt 42 stationary and area source rules between 1993 and 1998 represents an expeditious adoption schedule;
4. The Plan includes provisions to develop an indirect source control program;
5. The Plan complies with the BARCT component of the Board's transport mitigation requirements;
6. The Plan includes provisions for a public education program;
7. The Plan, in combination with the 1992 Regional Transportation Plan-Congestion Management Plan, addresses all reasonably available transportation control measures given the circumstances which prevail in the District;
8. The Board concurs with the District's finding that there will be no net increase in vehicle emissions after 1997;
9. The Plan does not address the requirement that the reasonably available transportation control measures substantially reduce the increase in trips and vehicle miles traveled (VMT);
10. The Plan does not currently satisfy the requirement of a 1.4 person average vehicle occupancy by the year 1999;
11. The District has not adopted the amendments to its New Source Review Rule required by section 40919(b) of the Health and Safety Code;

12. The combination of state and local measures in the Plan does not meet the 5 percent per year reductions for ozone and its precursors. The Board finds that the Plan provides for annual ROG reductions of 3.2% through 1994; and conditionally approves the annual NOx emission reduction estimate of 2.2% through the year 1994 pending confirmation from the District that the NOx reduction estimates in the Plan are consistent with the updated rulemaking schedule;
13. The District has included all feasible transportation, stationary and area source measures in the Plan and the District's updated rulemaking schedule provides for their expeditious adoption;
14. The Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because, although the Plan does not achieve emission reductions of 5 percent per year, it does provide for the expeditious adoption of all feasible control measures given the circumstances which prevail in the District;
15. The District is in compliance with the requirement that the Plan include a cost-effectiveness ranking; the District has not submitted the required finding that the plan is a cost-effective strategy to attain the state ozone standard at the earliest practicable date;
16. The Plan is not in full compliance with the uniformity requirement of the Act;
17. The District needs to provide further implementation detail before the proposal for accelerated rule adoption will fully meet the Act's contingency requirements;
18. The Plan does not include a commitment by the District Board to adopt and implement an employer trip reduction rule should any local jurisdiction fail to adopt the proposed model rule (or its equivalent);
19. The Initial Study and Negative Declaration 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;
20. The Board is a responsible agency for purposes of CEQA. The Board finds that the Negative Declaration is adequate for the purposes of this planning activity. There is no evidence that adoption of the Plan will have a significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Placer County Air Pollution Control District's 1991 Air Quality Attainment Plan, which, as identified in the Staff Report, meet the

requirements of the Act, and directs the District to proceed with the adoption and 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 or as modified below, for those Plan provisions where further actions are needed to comply with the Act;

BE IT FURTHER RESOLVED, that the Board defers action on the ozone attainment demonstration until a photochemical model is available for use by the District;

BE IT FURTHER RESOLVED, that the Board approves the "serious" area classification for ozone for the portion of the Placer County Air Pollution Control District within the Broader Sacramento Area;

BE IT FURTHER RESOLVED, that the Board directs the District to adopt by July 1, 1993 a permitting program designed to achieve a no net increase in emissions from all permitted new and modified stationary sources which have the potential to emit 15 tons or more per year of ozone precursors;

BE IT FURTHER RESOLVED, that the permitting program adopted by the District shall provide for the mitigation of emission increases that occur before the program implementation date, as follows: (1) for any emission increases from new and modified stationary sources that occurred between July 1, 1991 and January 1, 1993, all such emission increases shall be fully mitigated, and (2) for any emission increases that may occur between January 1, 1993 and the program implementation date, all such emission increases from sources emitting 15 tons or more per year of ozone precursors shall be fully mitigated;

BE IT FURTHER RESOLVED, that the Board conditionally approves the transportation control measures, and directs the District to secure agreements with appropriate agencies as needed in order to implement the individual measures as specified in Appendix B of the staff report;

BE IT FURTHER RESOLVED, that the Board directs the District to work with SACOG and other area districts to address the requirement that the Plan contain reasonably available transportation control measures sufficient to substantially reduce trips and vehicle miles traveled, and to address this performance standard in the 1994 Plan update;

BE IT FURTHER RESOLVED, that the Board directs the District to work with SACOG and the other Districts within the Broader Sacramento Area to develop better information on baseline travel conditions, establish a monitoring network, and to develop an analytical framework for assessing regional average vehicle occupancy levels, and to incorporate this information in the 1994 update to the Plan;

BE IT FURTHER RESOLVED, that the Board directs the District to submit by June 12, 1993 a commitment to adopt and implement an employer trip reduction rule, to be triggered if any local jurisdiction does not adopt the proposed model rule (or its equivalent);

BE IT FURTHER RESOLVED, that the Board directs the District to submit confirmation that the NOx reductions in the Plan are consistent with the updated rulemaking schedule by no later than June 11, 1993;

BE IT FURTHER RESOLVED, that the Board directs the District to develop a mechanism for ensuring uniformity with the Sacramento Metropolitan Air Quality Management District, to the extent that the Sacramento District's rules are the most stringent within the Broader Sacramento Area, and to report on progress in implementing this mechanism in the 1994 Plan update;

BE IT FURTHER RESOLVED, that the Board conditionally approves the District's procedure for accelerated rulemaking, and directs the District to provide further details on how it will be implemented in the 1994 Plan update;

BE IT FURTHER RESOLVED, that the Board directs the Placer County Air Pollution Control District Board to determine whether the Plan is a cost-effective strategy for attaining California ambient air quality standards by September 30, 1993.

I hereby certify that the above is a true and correct copy of Resolution 93-20, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF PERMIT FEE REGULATIONS
FOR NONVEHICULAR SOURCES PURSUANT TO THE CALIFORNIA CLEAN AIR ACT

Agenda Item No.: 93-6-1

Public Hearing Date: April 8, 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: 5/3/93

State of California
AIR RESOURCES BOARD

Resolution 93-21

April 8, 1993

Agenda Item No.: 93-6-1

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 1993-94 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 1993-94 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 1993-94 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 1991;

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 1993-94 of implementing nonvehicular source related activities under the Act;

The excess fees collected in Fiscal Year 1991-92 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 90800.4 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 90800.4 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 1994, 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 93-21, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

RECEIVED BY
Office of the Secretary
MAY 27 1993
AIR RESOURCES AGENCY OF CALIFORNIA

Attachment A

PERMIT FEE REGULATIONS FOR NONVEHICULAR SOURCES
PURSUANT TO THE CALIFORNIA CLEAN AIR ACT
REVISED REGULATIONS

NOTE: The existing regulations are not being repealed. The adopted new section 90800.4 and amendment to existing section 90803 are being proposed and are shown in underline and strikeout format. Single underlines indicate those additions and amendments to the regulations that were originally proposed in the staff report. Changes presented at the April 8, 1993, Board meeting to reflect new information received since the staff report was published are shown with strikeouts to indicate deletions from and double underlines to indicate additions to the originally proposed regulations.

PROPOSED

CALIFORNIA CLEAN AIR ACT
NONVEHICULAR SOURCE FEE REGULATIONS

Adopt New Section 90800.4
and Amend Section 90803
Subchapter 3.8, California Clean Air Act
Nonvehicular Source Fee Regulations¹,
as follows:

90800. Fee Requirements for Fiscal Year 1989-90.

(a) No later than 180 days after the effective date of Sections 90800-90803, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1987, through December 31, 1987, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be nine dollars and ninety-two cents (\$9.92) per ton.

(1) Bay Area Air Quality Management District: six hundred seven thousand two hundred ninety-five dollars (\$607,295);

1/ The current regulations are not being repealed! The proposed new section 90800/4 and amendment to existing section 90803 are shown in underline to indicate additions to existing regulations!

- (2) Butte County Air Pollution Control District: eight thousand nine hundred fifty-eight dollars (\$8,958);
- (3) Fresno County Air Pollution Control District: thirty-four thousand one hundred fifty-five dollars (\$34,155);
- (4) Kern County Air Pollution Control District: four hundred eighty-eight thousand eight hundred fifty-eight dollars (\$488,858);
- (5) Kings County Air Pollution Control District: six thousand two hundred ninety-nine dollars (\$6,299);
- (6) Monterey Bay Unified Air Pollution Control District: seventy-six thousand three hundred thirty-six dollars (\$76,336);
- (7) North Coast Unified Air Pollution Control District: forty-nine thousand five hundred seventy-one dollars (\$49,571);
- (8) Sacramento County Air Pollution Control District: eleven thousand nine hundred fourteen dollars (\$11,914);
- (9) San Bernardino County Air Pollution Control District: two hundred six thousand one hundred forty-two dollars (\$206,142);
- (10) San Diego County Air Pollution Control District: fifty-three thousand six hundred thirty-nine dollars (\$53,639);
- (11) San Joaquin County Air Pollution Control District: thirty-three thousand two hundred thirteen dollars (\$33,213);
- (12) San Luis Obispo County Air Pollution Control District: eighty-nine thousand two hundred thirty-two dollars (\$89,232);
- (13) Santa Barbara County Air Pollution Control District: twenty-four thousand eight hundred eighty dollars (\$24,880);

- (14) Shasta County Air Pollution Control District:
thirteen thousand nine hundred forty-eight dollars
(\$13,948);
 - (15) South Coast Air Quality Management District: five
hundred eighty-five thousand five hundred ninety
dollars (\$585,590);
 - (16) Stanislaus County Air Pollution Control District:
nine thousand seven hundred fifty-two dollars
(\$9,752);
 - (17) Ventura County Air Pollution Control District:
forty-eight thousand seven hundred eighteen dollars
(\$48,718).
- (b) Emissions from facilities identified on or before June 12, 1989, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1987, through December 31, 1987, shall be used to determine compliance with these regulations.
- (c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after June 12, 1989, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1987, through December 31, 1987, transmit to the Board for deposit into the Air Pollution Control Fund nine dollars and ninety-two cents (\$9.92) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612 , Health and Safety Code.

90800.1 Fee Requirements for Fiscal Year 1990-91.

(a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1988, through December 31, 1988, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be twelve dollars and eighty-nine cents (\$12.89).

- (1) Bay Area Air Quality Management District: eight hundred fifty-four thousand five hundred six dollars (\$854,506);
- (2) Fresno County Air Pollution Control District: forty-eight thousand seven hundred thirty-nine dollars (\$48,739);
- (3) Imperial County Air Pollution Control District: ten thousand four hundred three dollars (\$10,403);
- (4) Kern County Air Pollution Control District: six hundred thirteen thousand one hundred twenty dollars (\$613,120);
- (5) Kings County Air Pollution Control District: eight thousand seven hundred seventy-eight dollars (\$8,778);
- (6) Monterey Bay Unified Air Pollution Control District: one hundred fifty-three thousand four hundred forty-eight dollars (\$153,448);
- (7) North Coast Unified Air Pollution Control District: seventy thousand one hundred sixty-three dollars (\$70,163);

- (8) Sacramento County Air Pollution Control District: twenty-three thousand nine hundred fifty dollars (\$23,950);
 - (9) San Bernardino County Air Pollution Control District: three hundred forty-two thousand nine hundred eleven dollars (\$342,911);
 - (10) San Diego County Air Pollution Control District: eighty-eight thousand eight hundred two dollars (\$88,802);
 - (11) San Joaquin County Air Pollution Control District: forty-nine thousand two hundred ninety-three dollars (\$49,293);
 - (12) San Luis Obispo County Air Pollution Control District: one hundred forty-six thousand three hundred seventy-one dollars (\$146,371);
 - (13) Santa Barbara County Air Pollution Control District: eighteen thousand nine hundred eighty-eight dollars (\$18,988);
 - (14) Shasta County Air Pollution Control District: seventeen thousand seven hundred fifty dollars (\$17,750);
 - (15) South Coast Air Quality Management District: seven hundred eighty-one thousand one hundred eight dollars (\$781,108);
 - (16) Stanislaus County Air Pollution Control District: fourteen thousand five hundred sixty-six dollars (\$14,566);
 - (17) Ventura County Air Pollution Control District: fifty-seven thousand one hundred five dollars (\$57,105).
- (b) Emissions from facilities identified by the Air Resources Board on or before November 28, 1990, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1988, through December 31, 1988, shall be used to determine compliance with these regulations.

- (c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after November 28, 1990, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1988, through December 31, 1988, transmit to the Board for deposit into the Air Pollution Control Fund twelve dollars and eighty-nine cents (\$12.89) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612 Health and Safety Code.

90800.2 Fee Requirements for Fiscal Year 1991-92.

- (a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1989, through December 31, 1989, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be eleven dollars and ninety cents (\$11.90) per ton.

- (1) Bay Area Air Quality Management District: eight hundred eleven thousand five hundred seven dollars (\$811,507);
- (2) Imperial County Air Pollution Control District: fifteen thousand five dollars (\$15,005);

- (3) Kern County Air Pollution Control District (SEDAB):
seventy thousand four hundred sixty dollars
(\$70,460);
- (4) Monterey Bay Unified Air Pollution Control District:
one hundred twenty-three thousand seven hundred forty-
nine dollars (\$123,749);
- (5) North Coast Unified Air Quality Management District:
sixty-four thousand one hundred ninety-five dollars
(\$64,195);
- (6) Sacramento Metropolitan Air Quality Management
District: sixty-four thousand fifty-two dollars
(\$64,052);
- (7) San Bernardino County Air Pollution Control District:
three hundred seventeen thousand seven hundred sixty-
one dollars (\$317,761);

- (8) San Diego County Air Pollution Control District:
eighty-eight thousand seven hundred eighteen dollars
(\$88,718);
- (9) San Joaquin Valley Unified Air Pollution Control
District:
Fresno County Zone: seventy-seven thousand one
hundred twenty-nine dollars (\$77,129);
Kern County Zone: four hundred thirty-nine thousand
five hundred seventy-five dollars (\$439,575);
Kings County Zone: ten thousand one hundred sixty-two
dollars (\$10,162);
Madera County Zone: eight thousand eight hundred five
dollars (\$8,805);
San Joaquin County Zone: forty thousand sixteen
dollars (\$40,016);
Stanislaus County Zone: fourteen thousand one hundred
ninety-five dollars (\$14,195);
- (10) San Luis Obispo County Air Pollution Control District:
one hundred twenty-seven thousand one hundred seventy-
six dollars (\$127,176);

- (11) Santa Barbara County Air Pollution Control District: twenty-three thousand one hundred twenty dollars (\$23,120);
 - (12) Shasta County Air Pollution Control District: seven thousand nine hundred ninety-six dollars (\$7,996);
 - (13) South Coast Air Quality Management District: seven hundred forty-three thousand eight hundred twenty-five dollars (\$743,825);
 - (14) Ventura County Air Pollution Control District: forty-five thousand four hundred forty-two dollars (\$45,442).
- (b) Emissions from facilities identified by the Air Resources Board on or before April 11, 1991, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1989, through December 31, 1989, shall be used to determine compliance with these regulations.
- (c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after April 11, 1991, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1989, through December 31, 1989, transmit to the Board for deposit into the Air Pollution Control Fund eleven dollars and ninety cents (\$11.90) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612. Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612. Health and Safety Code.

90800.3 Fee Requirements for Fiscal Year 1992-93.

- (a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into

the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1990, through December 31, 1990, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be thirteen dollars and twenty-nine cents (\$13.29) per ton.

- (1) Bay Area Air Quality Management District: eight hundred eight thousand six hundred fifty-eight dollars (\$808,658);
- (2) Imperial County Air Pollution Control District: twenty-seven thousand two hundred eighty-seven dollars (\$27,287);
- (3) Kern County Air Pollution Control District (SEDAB): ninety-five thousand three hundred sixty dollars (\$95,360);
- (4) Monterey Bay Unified Air Pollution Control District: one hundred twenty-two thousand sixty-three dollars (\$122,063);
- (5) North Coast Unified Air Quality Management District: thirty-seven thousand two hundred seventy-eight dollars (\$37,278);
- (6) Sacramento Metropolitan Air Quality Management District: fifty-five thousand one hundred nineteen dollars (\$55,119);

(7) San Bernardino County Air Pollution Control District:
three hundred thirty-nine thousand eighty-six dollars
(\$339,086);

(8) San Diego County Air Pollution Control District:
eighty-four thousand eight hundred sixty-five dollars
(\$84,865);

(9) San Joaquin Valley Unified Air Pollution Control
District: six hundred sixty thousand five hundred
fifty-seven dollars (\$660,557), apportioned as
follows:

Fresno County Zone: eighty-three thousand nine
hundred twenty-one dollars (\$83,921);

Kern County Zone: four hundred ninety-six thousand
eighty-nine dollars (\$496,089);

Kings County Zone: sixteen thousand four hundred
sixty dollars (\$16,460);

Madera County Zone: ten thousand eight hundred
ninety-four dollars (\$10,894);

San Joaquin County Zone: forty thousand one hundred
thirty-four dollars (\$40,134);

Stanislaus County Zone: thirteen thousand fifty-nine
dollars (\$13,059);

(10) San Luis Obispo County Air Pollution Control District:
one hundred fifteen thousand four hundred seventy-
three dollars (\$115,473);

(11) South Coast Air Quality Management District: six hundred twenty-eight thousand eight hundred six dollars (\$628,806);

(12) Ventura County Air Pollution Control District: twenty-eight thousand four hundred forty-three dollars (\$28,443).

(b) Emissions from facilities identified by the Air Resources Board on or before April 9, 1992, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1990, through December 31, 1990, shall be used to determine compliance with these regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after April 9, 1992, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1990, through December 31, 1990, transmit to the Board for deposit into the Air Pollution Control Fund thirteen dollars and twenty-nine cents (\$13.29) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612. Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612. Health and Safety Code.

90800.4 Fee Requirements for Fiscal Year 1993-94.

(a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1991, through December 31, 1991, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be ~~sixteen dollars and eleven cents (\$16/11)~~ sixteen dollars and thirty-nine cents (\$16.39) per ton.

(1) Bay Area Air Quality Management District: ~~nine hundred seventy/one thousand nine hundred fifty/one dollars (\$971/951)~~ nine hundred eighty-eight thousand eight hundred twenty-one dollars (\$988,821);

(2) Imperial County Air Pollution Control District: ~~thirty/two thousand five hundred twenty/five dollars (\$32/525)~~ thirty-three thousand eighty-nine dollars (\$33,089);

(3) Kern County Air Pollution Control District (SEDAB): ~~one hundred forty/four thousand one hundred seventy/eight dollars (\$144/178)~~ one hundred forty-six thousand six hundred eighty dollars (\$146,680);

(4) Monterey Bay Unified Air Pollution Control District: ~~ninety/six thousand three hundred one dollars (\$96/301)~~ ninety-seven thousand nine hundred seventy-two dollars (\$97,972);

- (5) North Coast Unified Air Quality Management District:
twenty/eight thousand three hundred thirty/six dollars
(\$28/336) eight thousand five hundred fifty-five
dollars (\$8,555);
- (6) Sacramento Metropolitan Air Quality Management
District: ninety/six thousand ninety/two dollars
(\$96/092) ninety-seven thousand seven hundred
fifty-nine dollars (\$97,759);
- (7) San Bernardino County Air Pollution Control District:
three hundred sixty/six thousand eight hundred eight
dollars (\$366/808) three hundred seventy-three
thousand one hundred seventy-four dollars (\$373,174);
- (8) San Diego County Air Pollution Control District:
ninety/two thousand nine hundred ninety/two dollars
(\$95/995) ninety-seven thousand six hundred sixty-one
dollars (\$97,661);
- (9) San Joaquin Valley Unified Air Pollution Control
District: six hundred thirty/two thousand one hundred
ninety one dollars (\$632/191) six hundred twenty
thousand four hundred thirty-two dollars (\$620,432);
- (10) San Luis Obispo County Air Pollution Control District:
one hundred twenty/one thousand two hundred fifty/four
dollars (\$121/254) one hundred twenty-three thousand
three hundred fifty-nine dollars (\$123,359);
- (11) South Coast Air Quality Management District: six
hundred thirty/three thousand four hundred ninety six
dollars (\$633/496) six hundred thirty-one thousand
two hundred dollars (\$631,200);

(12) Ventura County Air Pollution Control District:
Twenty-four thousand four hundred seventy dollars
(\$24,470) twenty-four thousand eight hundred
ninety-five dollars (\$24,895);

(13) Amador County Air Pollution Control District,
Butte County Air Pollution Control District,
Calaveras County Air Pollution Control District,
Colusa County Air Pollution Control District,
El Dorado County Air Pollution Control District,
Feather River Air Quality Management District,
Glenn County Air Pollution Control District,
Great Basin Unified Air Pollution Control District,
Mariposa County Air Pollution Control District,
Mendocino County Air Pollution Control District,
Modoc County Air Pollution Control District,
Northern Sierra Air Quality Management District,
Northern Sonoma County Air Pollution Control District,
Placer County Air Pollution Control District,
Santa Barbara County Air Pollution Control District,
Shasta County Air Quality Management District,
Siskiyou County Air Pollution Control District,
Tehama County Air Pollution Control District,
Tuolumne County Air Pollution Control District,
Yolo-Solano Air Pollution Control District:
zero dollars (\$0).

(b) Emissions from facilities identified by the Air Resources
Board on or before ~~January 29, 1991~~ April 8, 1993, as
having emitted 500 tons or more per year of any
nonattainment pollutant or precursors during the period
January 1, 1991, through December 31, 1991, shall be used to
determine compliance with these regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after ~~January 29/ 1993~~ April 8, 1993, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1991, through December 31, 1991, transmit to the Board for deposit into the Air Pollution Control Fund ~~sixteen dollars and eleven cents (\$16/11)~~ sixteen dollars and thirty-nine cents (\$16.39) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

90801. Definitions.

- (a) "Facility" means any nonvehicular source which requires a permit from the district.
- (b) "Nonattainment pollutant" means any substance for which an area has been designated in sections 60200-60209 as not having attained a state ambient air quality standard listed in section 70200, Title 17, California Code of Regulations, as of July 1 of the fiscal year for which fees are being collected.
- (c) "Nonattainment precursor" means any substance which reacts in the atmosphere to contribute to the production of a nonattainment pollutant or pollutants in an area designated in sections 60200-60209 as not having attained a state ambient air quality standard listed in section 70200, Title 17, California Code of Regulations, as of July 1 of the fiscal year for which fees are being collected.

(d) For the purposes of this regulation, "nonattainment pollutants and precursors" shall be defined as follows:

Substance (as listed in Section 70200, Title 17, CCR):	nonattainment pollutant/precursor:
Ozone	reactive organic gases, oxides of nitrogen
Sulfur Dioxide	oxides of sulfur
Sulfates	oxides of sulfur
Nitrogen Dioxide	oxides of nitrogen
Carbon Monoxide	carbon monoxide
Suspended Particulate Matter (PM ₁₀)	suspended particulate matter (PM ₁₀), oxides of nitrogen, oxides of sulfur reactive organic gases
Visibility Reducing Particles	suspended particulate matter (PM ₁₀), oxides of nitrogen, oxides of sulfur reactive organic gases
Hydrogen Sulfide	hydrogen sulfide
Lead	lead

e) "Operator" means the person who owns or operates a facility or part of a facility.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

90802. Fee Payment and Collection.

- (a) Each district shall notify and assess the operator of each facility subject to permit fees, as provided for in these regulations, in writing of the fee due. The fee shall be past due 60 days after receipt by the operator of the fee assessment notice.
- (b) Each district shall assess an additional fee on operators failing to pay the fee within 60 days of receipt of the fee assessment notice. The district shall set the late fee in an amount sufficient to pay the district's additional expenses incurred by the operator's untimely payment.
- (c) Any fees submitted to the state which exceed costs to the state of additional state programs authorized or required by the California Clean Air Act of 1988 related to nonvehicular sources, shall be carried over by the state for expenditure for these purposes.
- (d) Each district may recover administrative costs to the district of collecting the fees pursuant to these regulations. At the request of the State Board, a district shall provide to the State Board, within 30 days of the request, substantiation of administrative costs.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

90803. Failure of Facility to Pay Fees.

In the event any district is unable to collect the assessed fee from any source due to circumstances beyond the control of the district, including but not limited to facility closure or refusal of the operator to pay despite permit revocation and/or other enforcement action, such district shall notify the Executive Officer of the State Board. For demonstrated good cause, the district may be relieved from that portion of the fees the district is required to collect and remit to the state as set forth in section 90800 or section 90800.1 or section 90800.2 or section 90800.3 or section 90800.4. Nothing herein shall relieve the operator from any obligation to pay any fees assessed pursuant to this regulation.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF FEE REGULATIONS PURSUANT
TO THE ATMOSPHERIC ACIDITY PROTECTION FEES

Agenda Item No.: 93-6-2

Public Hearing Date: April 8, 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:

5/3/93

State of California
AIR RESOURCES BOARD

Resolution 93-22

April 8, 1993

Agenda Item No.: 93-6-2

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 or more per year of sulfur oxides or nitrogen oxides to recover the costs of the 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 industries, has developed the proposed fee regulations for Fiscal Year 1993-94;

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 1993-94 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 the 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 1993-94 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 1991;

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 A DELAY IN THE IMPLEMENTATION DATE OF THE UTILITY AND LAWN AND GARDEN ENGINE EMISSION REGULATIONS

Agenda Item No.: 93-6-3

Public Hearing Date: April 8, 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:

August 20, 1993

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State of California
AIR RESOURCES BOARD

Resolution 93-23

April 8, 1993

Agenda Item No.: 93-6-3

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 a 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 (ARB or 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 of the Health and Safety Code authorizes the Board to adopt standards and regulations for the control of contaminants from off-road sources, including utility engines;

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;

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 onto itself;

WHEREAS, on March 20, 1992, the Board adopted regulations under Title 13, California Code of Regulations (CCR) section 2400 et seq. and test procedures incorporated by reference therein for 1994 and subsequent model

utility and lawn and garden equipment engines, and such regulations and procedures became operative on June 1, 1992;

WHEREAS, section 209(e) of the Federal Clean Air Act (CAA), as amended in 1990, 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, the ARB submitted a request for authorization to EPA on December 27, 1990, EPA has to date not granted such authorization because, inter alia, federal regulations defining the scope of the preemption of section 209(e) of the CAA have not become final;

WHEREAS, on or about August 4, 1992, the Portable Power Equipment Manufacturers Association petitioned the Board and requested a hearing for the Board to consider a one-year extension in the implementation of Title 13, CCR, sections 2400 et seq. The petition contended that manufacturers are experiencing difficulties in meeting the 1994 implementation date because of uncertainties that exist because the final rules defining the scope of the preemption of section 209(e) of the CAA have not been promulgated and authorization from EPA delineating the authority of the ARB to regulate specific equipment has not been granted;

WHEREAS, on December 18, 1992, the Executive Officer found that good cause exists for the granting of the petition;

WHEREAS, the staff has proposed adoption of amendments to Title 13, CCR, section 2400 et seq. which would delay general implementation of the regulation to January 1, 1995 and delay implementation of the quality audit provisions of section 2407 from January 1, 1995 to January 1, 1996;

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(e) of the Health and Safety Code, the Board has considered the effects of the proposed standards 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;

WHEREAS, the Board finds that:

Because the EPA has, to date, not promulgated final rules defining the scope of the preemption set forth in section 209(e) of the CAA, arguable uncertainties exist as to which engines and equipment would be subject to the aforementioned California regulation;

The proposed amendments to Title 13, CCR, section 2400 et seq. are necessary, cost-effective, and technologically feasible to carry out the purposes of the California Clean Air Act;

The proposed amendments to Title 13, CCR, section 2400 et seq. do not affect the Board's earlier findings set forth in Resolution 90-80 that the regulations will result in emission reductions that will help attain and maintain national and air quality standards for ozone, carbon monoxide and nitrogen dioxide;

WHEREAS, the Board has determined, in accordance with the California Environmental Quality Act and Board regulations, that the proposed amendments to Title 13, CCR, section 2400 et seq. will not have significant adverse environmental impacts; and

WHEREAS, the reporting requirements of Title 13, CCR, section 2400 et seq. which apply to small businesses continue to be necessary for the health, safety, and welfare of the people of the state and are not affected by the proposed amendments;


NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendments to sections 2400-2407, Title 13, California Code of Regulations and the test procedures incorporated therein, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments adopted 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 amendment adopted herein to the Administrator of EPA with a request that California be given authorization to adopt and enforce such amendments.

BE IT FURTHER RESOLVED that the Board, pursuant to its direction in Resolution 90-80, directs staff to continue to consult with industry through workshops and report back to the Board in 1994 and 1996 on the status of compliance with the 1999 standards, sections 2400-2407 and the incorporated documents therein.

I hereby certify that the above is a true and correct copy of Resolution 93-23, as adopted by the Air Resources Board.


 Pat Hutchens
 Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-24

April 8, 1993

Agenda Item No.: 93-6-4

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 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;

WHEREAS, Health and Safety Code section 39606(b) requires the Board to adopt standards of ambient air quality in consideration of the public health, safety and welfare, including but not limited to health, illness, irritation to the senses, aesthetic value, interference with visibility, and effects on the economy;

WHEREAS, the existing Lake Tahoe Air Basin ambient air quality standard for carbon monoxide (CO), which was established in 1976, is six parts per million (ppm) averaged over eight hours and is based upon evidence of aggravation of angina and other aspects of coronary heart disease at carboxyhemoglobin (COHb) levels of 2.0 percent or greater which may be produced by breathing CO at levels slightly higher than this standard while at altitudes approximately equal to that of the Lake Tahoe Air Basin (about 6,300 feet);

WHEREAS, the Board has sponsored research to determine combined effects of altitude and exposure to CO in subjects with angina;

WHEREAS, the Board finds that:

The results from the most recent research on the combined effects of altitude and exposure to CO indicate that the angina-aggravating effects of altitude and of CO are additive, thus providing a qualitative basis for a more protective CO standard for areas above sea-level;

Knowledgeable staff of the Office of Environmental Health Hazard Assessment (OEHHA) have reviewed this study and find it to be credible evidence of an additive effect of altitude and CO on aggravation of angina;

Further studies with a larger number of subjects would be needed to enable the Board to quantitatively determine the precise level of a CO standard for the Lake Tahoe Air Basin that would provide the same degree of protection afforded by the statewide CO standard at sea-level;

The current Lake Tahoe Air Basin CO standard does provide more protection to sensitive members of the public unacclimated to the altitude of the Basin than is provided by the statewide CO standard.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby affirms that recently completed studies add to the basis for a Lake Tahoe Air Basin carbon monoxide ambient air quality standard more protective than the current statewide carbon monoxide ambient air quality standard of 9.0 parts per million averaged over eight hours.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to undertake the steps necessary to secure the additional research necessary to quantitatively determine the precise level of a CO standard for the Lake Tahoe Air Basin that would provide the same degree of protection afforded by the statewide CO standard at sea-level.

BE IT FURTHER RESOLVED that, until the results of the research to quantitatively determine level of such a standard for the Lake Tahoe Air Basin are available, the Board hereby affirms that the existing Lake Tahoe Air Basin ambient air quality standard for carbon monoxide is adequate to protect the public health, and regulatory action is not necessary to revise the standard at this time.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to continue to monitor research efforts and regulatory issues relevant to this standard and to inform the Board of any significant developments.

BE IT FURTHER RESOLVED that the Board also directs the Executive Officer to review this standard again in five years, or sooner if new information indicates the existing standard may no longer be appropriate.

I hereby certify that the above is a true and correct copy of Resolution 93-24, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-25

April 8, 1993

Agenda Item No.: 93-6-5

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, 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 40921.5(b) states that a district's air pollution is to be classified as "moderate" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are 9.0 to 12.7 parts per million for carbon monoxide;

WHEREAS, section 40921.5(b) states that a district's air pollution is to be classified as "serious" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are greater than 12.7 parts per million for carbon monoxide;

WHEREAS, the El Dorado County portion of the Lake Tahoe Air Basin, on the basis of ambient pollutant concentrations, is classified as "moderate" nonattainment for carbon monoxide, pursuant to section 40921.5(b) of the Health and Safety Code;

WHEREAS, section 40918 of the Health and Safety Code requires each district classified as a moderate nonattainment 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 (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit, or have the potential to emit, 25 tons or more per year, and (2) the use of best available control technology for any new or modified stationary source which has the potential to emit 25 pounds per day or more of any nonattainment pollutant or its precursors;
- (2) application of the reasonably available control technology (RACT) to all existing permitted stationary sources, except for stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year which shall be equipped with best available retrofit control technology (BARCT);
- (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) reasonably available transportation control measures which substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

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 of the Health and Safety Code, a district may enter into an agreement with a regional agency to develop transportation control measures required in an air quality plan;

WHEREAS, pursuant to an agreement with the El Dorado County Air Pollution Control District (District), the Tahoe Regional Planning Agency (TRPA) prepared the carbon monoxide plan (the "Plan") for the Lake Tahoe Air Basin;

WHEREAS, TRPA adopted the carbon monoxide plan as part of its Regional Transportation-Air Quality Plan and submitted it to the District on May 27, 1992;

WHEREAS, the District adopted the carbon monoxide plan on September 21, 1992, and submitted it to the Air Resources Board on October 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, the environmental impact report (EIR) prepared and submitted by TRPA, 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. an attainment demonstration which predicts attainment of the state's 6 ppm eight-hour carbon monoxide standard for Lake Tahoe by 1997;
2. an emission inventory which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
3. provisions to adopt stationary, area, and indirect source controls to the extent necessary to meet the Act's requirements;
4. provisions to adopt transportation control measures in excess of statutory requirements for nonattainment areas with urban populations less than 50,000;
5. a cost-effectiveness ranking for transportation control measures;
6. provisions for a public education program;

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 environmental documentation, 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 carbon monoxide standard for the Lake Tahoe Air Basin is exceeded in the El Dorado County portion of the Basin;
2. Carbon monoxide emissions in the Lake Tahoe Air Basin are overwhelmingly motor vehicle related;
3. The attainment demonstration in the Plan is technically supportable and represents the earliest practicable date for achieving the 6 ppm standard;
4. The Plan provides for the implementation of several transportation control measures including, employer-based trip reduction, visitor shuttle services, parking management, transit improvements, and bicycle and pedestrian facilities;
5. The transportation control measures in the Plan may be used to satisfy the Act's contingency measure requirement;

6. The Plan addresses stationary, area, and indirect source control to the extent necessary to meet the Act's planning requirements;
7. TRPA has satisfied the provisions for public education in the Lake Tahoe planning area;
8. The Plan includes all feasible transportation measures and provides for expeditious progress toward attainment;
9. The Act's uniformity requirement does not apply to the Lake Tahoe Air Basin given the localized nature of the carbon monoxide problem;
10. The District is in compliance with the requirement that the Plan include a cost-effectiveness ranking; however, the District has not submitted the required finding that the Plan is a cost-effective strategy for attaining the state carbon monoxide standard for Lake Tahoe by the earliest practicable date;
11. The combination of state and local measures in the Plan does not meet the 5 percent per year reduction for carbon monoxide. The Board finds that state measures will account for a 4.2% reduction through the year 1994 and that any additional reductions from local transportation control measures will not be enough to meet the 5% target for the 1987-1994 averaging period;
12. The Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because although the measures in the Plan do not achieve emission reductions of 5% per year, the Plan includes all feasible measures and demonstrates expeditious progress, in consideration of the factors affecting attainment of the state carbon monoxide standard for Lake Tahoe;
13. The District is not in compliance with the Act's permitting requirements for new and modified stationary sources which have the potential to emit 25 tons or more per year of carbon monoxide.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the carbon monoxide plan for the Lake Tahoe Air Basin which, as identified in the Staff Report, meet the requirements of the Act.

BE IT FURTHER RESOLVED, that the Board directs the District, in coordination with TRPA, 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 "moderate" area classification for carbon monoxide for the Lake Tahoe Air Basin (El Dorado County portion).

BE IT FURTHER RESOLVED, that the Board approves the carbon monoxide attainment demonstration contained in the Plan.

BE IT FURTHER RESOLVED, that the Board directs the District to adopt by July 8, 1993 a permitting program for the Lake Tahoe carbon monoxide nonattainment area which provides for no net increases in emissions from new and modified stationary sources which have the potential to emit 25 tons or more per year of carbon monoxide.

BE IT FURTHER RESOLVED, that the Board directs the District Board to determine by October 8, 1993, whether the Plan is a cost-effective strategy for attaining the state carbon monoxide standard for Lake Tahoe by the earliest practicable date.

BE IT FURTHER RESOLVED, that the Board directs the District to work with TRPA to identify which transportation control measures in the plan will serve as contingency measures should the area fail to meet attainment by the year 1997.

I hereby certify that the above is a true and correct copy of Resolution 93-25, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-26

April 8, 1993

Agenda Item No.: 93-6-6

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 September 1992, AB 2728, was signed by the Governor and became effective January 1993 (Tanner, Chapter 1161, statutes of 1992);

WHEREAS, AB 2728 amends the AB 1807 (Tanner, Chapter 1047, statutes of 1983) program for the identification and control of toxic air contaminants (TACs) by requiring the Air Resources Board to designate, by regulation, federal hazardous air pollutants (HAPs) pursuant to subsection (b) of section 112 of the federal Clean Air Act Amendments (CAA) (42 U.S.C. sec. 7412 (b)) as TACs;

WHEREAS, pursuant to AB 2728, a regulation which designates a HAP as a TAC shall be deemed to be a regulation mandated by federal law and is not subject to section 11346.7 of the Government Code, Article 6 (commencing with section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, or Article 3 (commencing with section 39660);

WHEREAS, the California Environmental Quality Act and Board regulations require 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;

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, at a public hearing on April 8, 1993, the Air Resources Board (the "Board"), as authorized by AB 2728, has considered identifying all federal HAPs as TACs;

WHEREAS, in consideration of the staff report, including the requirements of AB 2728, public comments and the staff recommendations, the Board finds that:

1. A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of section 112 of the federal act (42 U.S.C. sec. 7412 (b)) is a toxic air contaminant for the purposes of California law;

2. A regulation that designates a hazardous air pollutant as a toxic air contaminant pursuant to Health and Safety Code section 39658 is not subject to section 11346.7 of the Government Code, Article 6 (commencing with section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, or Article 3 (commencing with section 39660);
3. The State board shall identify substances not listed as HAPs as toxic air contaminants which are emitted into the ambient air of the state using the procedures and following the requirements prescribed by Article 3 of AB 2728 (commencing with section 39660); and
4. 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 of other businesses.

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;

WHEREAS, the Board approves the amended Toxic Air Contaminant Identification List for the TAC program in which the 189 HAPs are placed in Category I, "Substances Identified as Toxic Air Contaminants by the Air Resources Board";

WHEREAS, the Board directs the staff to work with the Office of Environmental Health Hazard Assessment and the Scientific Review Panel on developing health assessment values for the HAPs, for the use in the development of toxic control measures, using a full public participatory process including public comment periods and workshops;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts section 93001, Titles 17 and 26, California Code of Regulations, as set forth in Attachment A hereto.

I hereby certify that the above is a true and correct copy of Resolution 93-26, as adopted by the Air Resources Board.

RECEIVED BY
Office of the Secretary


Pat Hutchens, Board Secretary

FEB 07 1994

RESOURCES AGENCY OF CALIFORNIA

PROPOSED REGULATION ORDER

Add to Titles 17 and 26, California Code of Regulations, Section 93001 to read as follows:

93001. Hazardous Air Pollutants Identified as Toxic Air Contaminants. Each substance listed in this section has been identified as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal Clean Air Act (42 U.S.C. Section 7412 (b)) and has been designated by the State Board to be a toxic air contaminant pursuant to Health and Safety Code Section 39657.

Substance

Acetaldehyde
Acetamide
Acetonitrile
Acetophenone
2-Acetylaminofluorene
Acrolein
Acrylamide
Acrylic acid
Acrylonitrile
Allyl chloride
4-Aminobiphenyl
Aniline
o-Anisidine
Asbestos
Benzene (including benzene from gasoline)
Benzidine
Benzotrichloride
Benzyl chloride
Biphenyl
Bis(2-ethylhexyl)phthalate (DEHP)
Bis(chloromethyl)ether
Bromoform
1,3-Butadiene
Calcium cyanamide
Caprolactam
Captan
Carbaryl
Carbon disulfide
Carbon tetrachloride
Carbonyl sulfide
Catechol
Chloramben
Chlordane
Chlorine
Chloroacetic acid
2-Chloroacetophenone
Chlorobenzene
Chlorobenzilate
Chloroform
Chloromethyl methyl ether

Chloroprene
Cresols/Cresylic acid (isomers and mixture)
o-Cresol
m-Cresol
p-Cresol
Cumene
2,4-D. salts and esters
DDE
Diazomethane
Dibenzofurans
1,2-Dibromo-3-chloropropane
Dibutylphthalate
1,4-Dichlorobenzene(p)
3,3-Dichlorobenzidene
Dichloroethyl ether (Bis(2-chloroethyl)ether)
1,3-Dichloropropene
Dichlorvos
Diethanolamine
N,N-Diethyl aniline (N,N-Dimethylaniline)
Diethyl sulfate
3,3-Dimethoxybenzidine
Dimethyl aminoazobenzene
3,3-Dimethyl benzidine
Dimethyl carbamoyl chloride
Dimethyl formamide
1,1-Dimethyl hydrazine
Dimethyl phthalate
Dimethyl sulfate
4,6-Dinitro-o-cresol, and salts
2,4-Dinitrophenol
2,4-Dinitrotoluene
1,4-Dioxane (1,4-Diethyleneoxide)
1,2-Diphenylhydrazine
Epichlorohydrin (1-Chloro-2,3-epoxypropane)
1,2-Epoxybutane
Ethyl acrylate
Ethyl benzene
Ethyl carbamate (Urethane)
Ethyl chloride (Chloroethane)
Ethylene dibromide (Dibromoethane)
Ethylene dichloride (1,2-Dichloroethane)
Ethylene glycol
Ethylene imine (Aziridine)
Ethylene oxide
Ethylene thiourea
Ethylidene dichloride (1,1-Dichloroethane)
Formaldehyde
Heptachlor
Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hexachloroethane
Hexamethylene-1,6-diisocyanate
Hexamethylphosphoramide
Hexane
Hydrazine

Hydrochloric acid
Hydrogen fluoride (Hydrofluoric acid)
Hydroquinone
Isophorone
Lindane (all isomers)
Maleic anhydride
Methanol
Methoxychlor
Methyl bromide (Bromomethane)
Methyl chloride (Chloromethane)
Methyl chloroform (1,1,1-Trichloroethane)
Methyl ethyl ketone (2-Butanone)
Methyl hydrazine
Methyl iodide (Iodomethane)
Methyl isobutyl ketone (Hexone)
Methyl isocyanate
Methyl methacrylate
Methyl tert butyl ether
4,4-Methylene bis(2-chloroaniline)
Methylene chloride (Dichloromethane)
Methylene diphenyl diisocyanate (MDI)
4,4-Methylenedianiline
Naphthalene
Nitrobenzene
4-Nitrobiphenyl
4-Nitrophenol
2-Nitropropane
N-Nitroso-N-methylurea
N-Nitrosodimethylamine
N-Nitrosomorpholine
Parathion
Pentachloronitrobenzene (Quintobenzene)
Pentachlorophenol
Phenol
p-Phenylenediamine
Phosgene
Phosphine
Phosphorus
Phthalic anhydride
Polychlorinated biphenyls (Aroclors)
1,3-Propane sultone
beta-Propiolactone
Propionaldehyde
Propoxur (Baygon)
Propylene dichloride (1,2-Dichloropropane)
Propylene oxide
1,2-Propylenimine (2-Methylaziridine)
Quinoline
Quinone
Styrene
Styrene oxide
2,3,7,8-Tetrachlorodibenzo-p-dioxin
1,1,2,2-Tetrachloroethane
Tetrachloroethylene (Perchloroethylene)
Titanium tetrachloride
Toluene

2,4-Toluene diamine
2,4-Toluene diisocyanate
o-Toluidine
Toxaphene (chlorinated camphene)
1,2,4-Trichlorobenzene
1,1,2-Trichloroethane
Trichloroethylene
2,4,5-Trichlorophenol
2,4,6-Trichlorophenol
Triethylamine
Trifluralin
2,2,4-Trimethylpentane
Vinyl acetate
Vinyl bromide
Vinyl chloride
Vinylidene chloride (1,1-Dichloroethylene)
Xylenes (isomers and mixture)
o-Xylenes
m-Xylenes
p-Xylenes
Antimony Compounds
Arsenic Compounds (inorganic including arsine)
Beryllium Compounds
Cadmium Compounds
Chromium Compounds
Cobalt Compounds
Coke Oven Emissions
Cyanide Compounds¹
Glycol ethers²
Lead Compounds
Manganese Compounds
Mercury Compounds
Fine mineral fibers³
Nickel Compounds
Polycyclic Organic Matter⁴
Radionuclides (including radon)⁵
Selenium Compounds

NOTE: For all listing above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc) as part of that chemical's infrastructure.

¹X'CN where X=H' or any other group where a formal dissociation may occur. For example KCN or Ca(CN)₂

²includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol (R(OCH₂CH₂)_n-OR' where

n = 1, 2 or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: $R(OCH_2CH_2)_n-OH$. Polymers are excluded from the glycol category.

³ includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

⁴ includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

⁵ a type of atom which spontaneously undergoes radioactive decay.

NOTE: Authority cited: Sections 39657, 39600, 39601 and 39662, Health and Safety Code. Reference: Sections 39650, 39655, 39656, 39657, 39658, 39659, 39660, 39661 and 39662, Health and Safety Code.

State of California

AIR RESOURCES BOARD

Resolution 93-27
April 8, 1993

Agenda Item No.: 93-6-7

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 unsolicited research proposal, Number 246-48 entitled "Ecosystem-Level Alterations in Soil Nutrient Cycling: The Integrated Measure of Accumulative Effects of Acid Deposition on a Mixed Conifer Forest in Southern California," has been submitted by the U.S. Forest Service; 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 246-48, entitled "Ecosystem-Level Alterations in Soil Nutrient Cycling: The Integrated Measure of Accumulative Effects of Acid Deposition on a Mixed Conifer Forest in Southern California," submitted by the U.S. Forest Service, for a total amount not to exceed \$147,835.

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 246-48, entitled "Ecosystem-Level Alterations in Soil Nutrient Cycling: The Integrated Measure of Accumulative Effects of Acid Deposition on a Mixed Conifer Forest in Southern California," submitted by the U.S. Forest Service, for a total amount not to exceed \$147,835.

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 \$147,835.

I hereby certify that the above is a true and correct copy of Resolution 93-27, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-28
April 8, 1993

Agenda Item No.: 93-6-7

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 unsolicited research proposal, Number 247-48 entitled "Monitoring for Acidic Pollutants in Support of Epidemiological Studies in the South Coast Air Basin of California," has been submitted by the Desert Research Institute; 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 247-48 entitled "Monitoring for Acidic Pollutants in Support of Epidemiological Studies in the South Coast Air Basin of California," has been submitted by the Desert Research Institute, for a total amount not to exceed \$53,982.

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 247-48 entitled "Monitoring for Acidic Pollutants in Support of Epidemiological Studies in the South Coast Air Basin of California," has been submitted by the Desert Research Institute, for a total amount not to exceed \$53,982.

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 \$53,982.

I hereby certify that the above is a true and correct copy of Resolution 93-28, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-29
April 8, 1993

Agenda Item No.: 93-6-7

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 research proposal, Number 248-48 entitled "Nitric Acid Airway Toxicity: Potential for Particle and Ozone Interactions," 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:

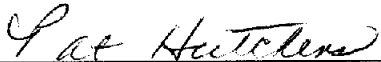
Proposal Number 248-48, entitled "Nitric Acid Airway Toxicity: Potential for Particle and Ozone Interactions," submitted by the University of California, Irvine, for a total amount not to exceed \$190,180.

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 248-48, entitled "Nitric Acid Airway Toxicity: Potential for Particle and Ozone Interactions," submitted by the University of California, Irvine, for a total amount not to exceed \$190,180.

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 \$190,180.

I hereby certify that the above is a true and correct copy of Resolution 93-29, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-30

June 10, 1993

Agenda Item No.: 93-7-1

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: 1993 Update, 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: 1993 Update.

I hereby certify that the above is a true and correct copy of Resolution 93-31, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-31
June 10, 1993

Agenda Item No.: 93-7-2

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 2072-175, entitled "Development of Toxics Emission Factors from Source Test Data Collected Under the Air Toxics Hot Spots Program," has been submitted by Energy and Environmental 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 2072-175, entitled "Development of Toxics Emission Factors from Source Test Data Collected Under the Air Toxics Hot Spots Program," submitted by Energy and Environmental Research Corporation, for a total amount not to exceed \$254,985.

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 2072-175, entitled "Development of Toxics Emission Factors from Source Test Data Collected Under the Air Toxics Hot Spots Program," submitted by Energy and Environmental Research Corporation, for a total amount not to exceed \$254,985.

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 \$254,985.

I hereby certify that the above is a true and correct copy of Resolution 93-31, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-32
June 10, 1993

Agenda Item No.: 93-7-2

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 2059-175, entitled "Testing of Architectural and Industrial Maintenance Coatings," has been submitted by Harlan Associates, Inc.

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 2059-175, entitled "Testing of Architectural and Industrial Maintenance Coatings," submitted by Harlan Associates, Inc., for a total amount not to exceed \$122,483.

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 2059-175, entitled "Testing of Architectural and Industrial Maintenance Coatings," submitted by Harlan Associates, Inc., for a total amount not to exceed \$122,483.

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 \$122,483.

I hereby certify that the above is a true and correct copy of Resolution 93-32, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-33
June 10, 1993

Agenda Item No.: 93-7-2

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 2082-175, entitled "Bioassay and Chemical Characterization of Vapor and Particulate Phase of Heavy-Duty Diesel Exhaust Using Reformulated Fuels," 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:

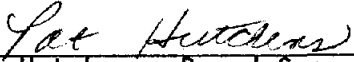
Proposal Number 2082-175, entitled "Bioassay and Chemical Characterization of Vapor and Particulate Phase of Heavy-Duty Diesel Exhaust Using Reformulated Fuels," submitted by the University of California, Davis, for a total amount not to exceed \$76,846.

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 2082-175, entitled "Bioassay and Chemical Characterization of Vapor and Particulate Phase of Heavy-Duty Diesel Exhaust Using Reformulated Fuels," submitted by the University of California, Davis, for a total amount not to exceed \$76,846.

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 \$76,846.

I hereby certify that the above is a true and correct copy of Resolution 93-33, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-34
June 10, 1993

Agenda Item No.: 93-7-2

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 proposal Number 2096-176 entitled "Intermedia Transfer Factors for Toxic Air Pollutants: Development and Validation of Predictive Capabilities," 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 2096-176, entitled "Intermedia Transfer Factors for Toxic Air Pollutants: Development and Validation of Predictive Capabilities," submitted by the University of California, Los Angeles, for a total amount not to exceed \$116,794.

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 2096-176, entitled "Intermedia Transfer Factors for Toxic Air Pollutants: Development and Validation of Predictive Capabilities," submitted by the University of California, Los Angeles, for a total amount not to exceed \$116,794.

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 \$116,794.

I hereby certify that the above is a true and correct copy of Resolution 93-34, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-35
June 10, 1993

Agenda Item No.: 93-7-2

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 2098-176, entitled "Experimental Studies in Support of the Development of an Updated Photochemical Mechanism for VOC Reactivity Assessment," 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 2098-176, entitled "Experimental Studies in Support of the Development of an Updated Photochemical Mechanism for VOC Reactivity Assessment," submitted by the University of California, Riverside, for a total amount not to exceed \$129,656.

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 2098-176, entitled "Experimental Studies in Support of the Development of an Updated Photochemical Mechanism for VOC Reactivity Assessment," submitted by the University of California, Riverside, for a total amount not to exceed \$129,656.

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 \$129,656.

I hereby certify that the above is a true and correct copy of Resolution 93-35, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-36
June 10, 1993

Agenda Item No.: 93-7-2

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 research proposal, Number 2097-176, entitled "A Study to Evaluate the Impact of California Air Pollution Control Regulations on Businesses' Location Decisions," has been submitted by the California State University, Fullerton Foundation; 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 2097-176, entitled "A Study to Evaluate the Impact of California Air Pollution Control Regulations on Businesses' Location Decisions," submitted by the California State University, Fullerton Foundation, for a total amount not to exceed \$194,723.

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 2097-176, entitled "A Study to Evaluate the Impact of California Air Pollution Control Regulations on Businesses' Location Decisions," submitted by the California State University, Fullerton Foundation, for a total amount not to exceed \$194,723.

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 \$194,723.

I hereby certify that the above is a true and correct copy of Resolution 93-36, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-37
June 10, 1993

Agenda Item No.: 93-7-2

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 2090-176 entitled "Indirect Source Emission Minimization Strategies," has been submitted by JHK and Associates; 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 2090-176, entitled "Indirect Source Emission Minimization Strategies," submitted by JHK and Associates, for a total amount not to exceed \$119,647.

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 2090-176, entitled "Indirect Source Emission Minimization Strategies," submitted by JHK and Associates, for a total amount not to exceed \$119,647.

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 \$119,647.

I hereby certify that the above is a true and correct copy of Resolution 93-37, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-38
June 10, 1993

Agenda Item No.: 93-7-2

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 2083-175, entitled "Colloquium on Particulate Air Pollution and Human Mortality and Morbidity," 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 Research Screening Committee has reviewed and recommends for funding:

Proposal Number 2083-175, entitled "Colloquium on Particulate Air Pollution and Human Mortality and Morbidity," submitted by the University of California, Irvine, for a total amount not to exceed \$70,000.

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 2083-175, entitled "Colloquium on Particulate Air Pollution and Human Mortality and Morbidity," submitted by the University of California, Irvine, for a total amount not to exceed \$70,000.

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 \$70,000.

I hereby certify that the above is a true and correct copy of Resolution 93-38, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-39
June 10, 1993

Agenda Item No.: 93-7-2

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 proposal, Number 2099-176, entitled "Statewide Crop Losses from Air Pollution," 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 2099-176, entitled "Statewide Crop Losses from Air Pollution," submitted by the University of California, Riverside, for a total amount not to exceed \$98,133.

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 2099-176, entitled "Statewide Crop Losses from Air Pollution," submitted by the University of California, Riverside, for a total amount not to exceed \$98,133.

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 \$98,133.

I hereby certify that the above is a true and correct copy of Resolution 93-39, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-40
June 10, 1993

Agenda Item No.: 93-7-2

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 proposal, Number 2084-175, entitled "Evaluation and Demonstration of Methods for Reducing PM10 Levels in the Antelope Valley (Western Mojave Desert) by Suppression of Fugitive Dust," 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:

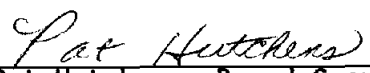
Proposal Number 2084-175, entitled "Evaluation and Demonstration of Methods for Reducing PM10 Levels in the Antelope Valley (Western Mojave Desert) by Suppression of Fugitive Dust," submitted by the University of California, Riverside, for a total amount not to exceed \$88,068.

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 2084-175, entitled "Evaluation and Demonstration of Methods for Reducing PM10 Levels in the Antelope Valley (Western Mojave Desert) by Suppression of Fugitive Dust," submitted by the University of California, Riverside, for a total amount not to exceed \$88,068.

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 \$88,068.

I hereby certify that the above is a true and correct copy of Resolution 93-40, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-41
June 10, 1993

Agenda Item No.: 93-7-2

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 proposal, Number 2062-175, entitled "Use of Sputum Induction to Obtain Airway Lining Fluid After Ozone Exposure; A pilot Study to Validate Sputum Induction as an Alternative to Bronchoscopy," 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 2062-175, entitled "Use of Sputum Induction to Obtain Airway Lining Fluid After Ozone Exposure; A pilot Study to Validate Sputum Induction as an Alternative to Bronchoscopy," submitted by the University of California, San Francisco, for a total amount not to exceed \$57,644.

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 2062-175, entitled "Use of Sputum Induction to Obtain Airway Lining Fluid After Ozone Exposure; A pilot Study to Validate Sputum Induction as an Alternative to Bronchoscopy," submitted by the University of California, San Francisco, for a total amount not to exceed \$57,644.

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 \$57,644.

I hereby certify that the above is a true and correct copy of Resolution 93-41, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-42
June 10, 1993

Agenda Item No.: 93-7-2

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 2095-176, entitled "Sierra Cooperative Ozone Impact Assessment Study (Year 4)," 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 2095-176, entitled "Sierra Cooperative Ozone Impact Assessment Study (Year 4)," submitted by the University of California, Davis, for a total amount not to exceed \$144,631.

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 2095-176, entitled "Sierra Cooperative Ozone Impact Assessment Study (Year 4)," submitted by the University of California, Davis, for a total amount not to exceed \$144,631.

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 \$144,631.

I hereby certify that the above is a true and correct copy of Resolution 93-42, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-43
June 10, 1993

Agenda Item No.: 93-7-2

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 39900 through 39911; and

WHEREAS, an unsolicited research proposal, Number 252-49 entitled "Proposal for Measurement of Nitric Acid (HNO_3) at Several Acid Deposition Sites in the South Coast Air Basin," has been submitted by Unisearch Associates Inc.; 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 252-49, entitled "Proposal for Measurement of Nitric Acid (HNO_3) at Several Acid Deposition Sites in the South Coast Air Basin," submitted by Unisearch Associates Inc., for a total amount not to exceed \$49,655.

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 252-49, entitled "Proposal for Measurement of Nitric Acid (HNO_3) at Several Acid Deposition Sites in the South Coast Air Basin," submitted by Unisearch Associates Inc., for a total amount not to exceed \$49,655.

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 \$49,655.

I hereby certify that the above is a true and correct copy of Resolution 93-43, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

93-44

Not Used

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 the adoption of amendments to the Emission Inventory Criteria and Guidelines regulation developed pursuant to requirements of the Air Toxics "Hot Spots" Information and Assessment Act of 1987

Approved by: Resolution 93-45

Agenda Item No.: 93-7-3

Public Hearing Date: June 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: November 24, 1993

State of California
AIR RESOURCES BOARD

Resolution 93-45

June 10, 1993

Agenda Item No.: 93-7-3

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 found in the Air Toxics "Hot Spots" Information and Assessment Act of 1987 ("the Act", AB 2588, Connelly, Chapter 1252, Statutes of 1987, 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 ("program" or "Air Toxics Hot Spots Program") to develop air toxics emission inventories and to assess the risk to public health from exposure to air toxics;

WHEREAS, pursuant to Health and Safety Code Section 44342, the Board approved criteria and guidelines for site-specific air toxics emission inventory plans and reports on April 14, 1989;

WHEREAS, pursuant to Health and Safety Code Section 44344, the Board approved procedures for the biennial update of the emission inventories on June 14, 1990;

WHEREAS, pursuant to Health and Safety Code Section 44322(c), the Board identified those classes of facilities that emit less than 10 tons per year of criteria pollutants to be included in the Air Toxics Hot Spots Program and specified a timetable for their inclusion on June 14, 1990;

WHEREAS, the Board staff, in consultation with representatives of the air pollution control and air quality management districts ("districts") and the Office of Environmental Health Hazard Assessment, and in response to comments from affected industry representatives and other interested persons, has proposed a number of amendments to the emission inventory criteria and guidelines regulation, which have been discussed with the public at six consultation meetings, and at other meetings with industry and district representatives;

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;


WHEREAS, the Board finds that:

1. The proposed amendments to the criteria and guidelines regulation for site-specific air toxics emission inventory plans comply with Health and Safety Code Section 44342 and improve the regulation by annotating the list of substances (Appendix A) to simplify reporting and updating emissions, and by clarifying the regulation's definitions, language, instructions to the reporting forms (Appendix B), and source test requirements (Appendix D).
2. The proposed amendments to streamline procedures for the biennial updates to the emission inventories comply with Health and Safety Code Section 44344 and ensure that facility information adequately reflects the health risk the current facility emissions may pose to the public, and includes information on any new operations at facilities and emissions of any additional listed substances.
3. The proposed amendments to the regulation which allow facilities to be removed from the program that no longer meet applicability requirements comply with the Health and Safety Code Sections 44320 and 44322.
4. The proposed amendments will result in cost reductions to affected facilities.
5. This regulatory action will not have a significant adverse impact on the environment and may benefit air quality by stimulating a reduction in emissions of both toxic and criteria pollutants and by providing information which will be used by the Board and others for control purposes.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts Sections 93300-93355, Titles 17 and 26, California Code of Regulations, including Appendices A through E thereof, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the adopted regulations to the districts for appropriate action in reviewing the emission inventory plans and reports submitted by facility operators.

I hereby certify that the above is a true and correct copy of Resolution 93-45, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

AIR RESOURCES BOARD220 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95814-2815State of California
AIR RESOURCES BOARD**Notice of Decision and
Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATIONS REGARDING CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR 1985 AND SUBSEQUENT MODEL HEAVY-DUTY DIESEL-ENGINES AND VEHICLES, TO SPECIFY STANDARDS FOR 1994 AND SUBSEQUENT URBAN BUS ENGINES.

Approved by: Resolution 93-46

Adopted by: Executive Order G-893
Dated: March 24, 1994

Agenda Item No.: 93-7-4


Public Hearing Date: June 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:


Artavia M. Edwards
Regulations Coordinator

Date:

25 Mar 94

RECEIVED BY
Office of the Secretary

MAR 31 1994

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 93-46

June 10, 1993

Agenda Item No.: 93-7-4

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 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, Sections 43013, 43101, and 43104 of the Health and Safety Code authorize 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 1991 enacted Section 43806 of the Health and Safety Code, mandating that the Board adopt emission standards and test procedures, applicable to new heavy-duty engines used in transit buses, to be effective on or before January 1, 1996;

WHEREAS, Section 43806 of the Health and Safety Code requires the Board, in adopting the standards, to consider the engine and fuel as a system, to reflect the use of the best emission control technology expected to be available at the time the standards and procedures become effective, and consider the projected costs and availability of cleaner burning alternative fuels and low-emission vehicles compared with other air pollution control measures;

WHEREAS, pursuant to Section 43806 of the Health and Safety Code, the staff has proposed the adoption of amendments to Sections 1956.8, 1965, and 2112, Title 13, California Code of Regulations, to establish new emission standards and test procedures for heavy-duty engines, specifically used in urban buses;

WHEREAS, the transit bus regulations proposed by the staff set forth the engines and vehicles to which the regulations would apply; standards and test procedures; and labeling requirements;

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 to 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;

WHEREAS, the Board finds that:

Emissions from heavy-duty engines and vehicles contribute significantly to the serious air pollution problem in this state;

Oxides of nitrogen and particulate emissions of heavy-duty engines and vehicles are a significant source of ozone formation and air contaminants, respectively;

Attainment of the state ambient air quality standards cannot be accomplished by the earliest practicable date without the reduction of emissions from heavy-duty engines and vehicles;

While the existing standards have been effective in controlling emissions from heavy-duty engines and vehicles, additional action is required to further reduce emissions from heavy-duty engines and vehicles, including transit buses;

The proposed transit bus regulations will further reduce oxides of nitrogen and particulate emissions from urban buses;

It is necessary and appropriate to adopt the proposed transit bus regulations in order to fulfill the mandate of Health and Safety Code Section 43806;

It is necessary and appropriate that the proposed transit bus regulations apply to urban buses, normally powered by heavy heavy-duty engines, which are owned or operated by California transit agencies;

It is necessary and appropriate that the proposed transit bus regulations require manufacturers to certify heavy-duty engines, used in California urban buses, to the proposed mandatory oxides of nitrogen and particulate emission standards in order to align with federal particulate standards and provide for reductions of oxides of nitrogen;

It is necessary and appropriate that the proposed transit bus regulations adopt an extended useful life of 10 years for the 1994 and later model year urban bus particulate standard in order to align with federal requirements.

It is necessary and appropriate that the proposed transit bus regulations establish the proposed optional oxides of nitrogen emission standards to allow the potential generation and use of oxides of nitrogen emission credits.

It is necessary and appropriate that the proposed transit bus regulations require manufacturers to comply with the proposed labeling requirements which would help identify an urban bus engine by the optional oxides of nitrogen standard to which it is certified.

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 amendments to sections 1956.8, 1965, and 2112, Title 13, California Code of Regulations, as set forth in Attachments A, B, and C hereto.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations approved herein will not cause 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 approved 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 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 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 93-46, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

RECEIVED BY
Office of the Secretary

MAR 31 1994

RESOURCES AGENCY OF CALIFORNIA

ATTACHMENT A

SECTION 1956.8, TITLE 13, CCR

Amend Title 13, California Code of Regulations, sections 1956.8, 1965, and 2112, to read as follows:

Note: The regulatory amendments proposed in this rulemaking are shown in underline to indicate additions to the text and ~~strikeout~~ to indicate deletions. Additions to the originally proposed text are shown in **bolded and underlined italics**.

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

(a)(1) The exhaust emissions (A) from new 1985 and subsequent model heavy-duty diesel engines (except methanol-fueled engines) and heavy-duty natural-gas-fueled and liquefied-petroleum-gas-fueled engines derived from diesel-cycle engines, (B) from new 1991 and subsequent model heavy-duty methanol-fueled diesel transit bus engines, and (C) from all new 1993 and subsequent model heavy-duty methanol-fueled, diesel engines, except in all cases engines used in medium-duty vehicles, shall not exceed:

Exhaust Emission Standards
(grams per brake horsepower-hour)

Model Year	Total Hydrocarbons or OMHCE ^A	Optional Non-methane Hydrocarbons ^A	Carbon Monoxide	Oxides of Nitrogen	Particulates
1985-1986	1.3		15.5	5.1	---
1987 ^B	1.3		15.5	5.1	---
1988-1989	1.3		15.5	6.0	0.60
1990	1.3	1.2	15.5	6.0	0.60
1991-1993 ^C	1.3	1.2	15.5	5.0	0.10
1991-1993 ^D	1.3	1.2	15.5	5.0	0.25 ^E
1994 and subsequent	1.3	1.2	15.5	5.0	0.10 ^E
<u>1994-1995^E</u>	<u>1.3</u>	<u>1.2</u>	<u>15.5</u>	<u>5.0</u>	<u>0.07</u>
<u>1994-1995^G</u>	<u>1.3</u>	<u>1.2</u>	<u>15.5</u>	<u>3.5 to 0.5</u>	<u>0.07</u>
<u>1996 and^E subsequent</u>	<u>1.3</u>	<u>1.2</u>	<u>15.5</u>	<u>4.0^I</u>	<u>0.05^H</u>
<u>1996 and^G subsequent</u>	<u>1.3</u>	<u>1.2</u>	<u>15.5</u>	<u>2.5 to 0.5</u>	<u>0.05^H</u>

- A The total or optional non-methane hydrocarbon standards apply to petroleum-fueled, natural-gas-fueled and liquified-petroleum-gas-fueled engines. The Organic Material Hydrocarbon Equivalent, or OMHCE, standards apply to methanol-fueled engines.
- B As an option a manufacturer may elect to certify to the 1988 model-year emission standards one year early, for the 1987 model year.
- C These standards apply to urban bus engines only.
- D For engines other than urban bus engines. For methanol-fueled engines, these standards shall be applicable beginning with the 1993 model year.
- E Emissions averaging may be used to meet this standard. Averaging is restricted to within each useful life subclass and is applicable only through the 1995 model year. Emissions from engines used in urban buses shall not be included in the averaging program. However, emissions from methanol-fueled, natural-gas-fueled and liquified petroleum-gas-fueled urban bus engines certified to a 0.10 grams per brake horsepower-hour standard for particulates for the 1991-1993 model years, and certified to a 0.07 grams per brake horsepower-hour standard for particulates for the 1994-1995 model years, may be included in the averaging program for petroleum-fueled engines other than urban bus engines.
- F These mandatory standards apply to urban bus engines only.
- G These optional standards apply to urban bus engines only. A manufacturer may elect to certify to an optional NOx standard by 0.5 grams per brake horsepower-hour increments.
- H For in-use testing, a 0.07 gram per brake horsepower-hour standard for particulates shall apply.
- I A manufacturer may apply to the Executive Officer for an exemption from the 4.0 gram per brake horsepower-hour standard for oxides of nitrogen for 1996 and 1997 model year urban bus engines for which the manufacturer can demonstrate a technological need for the exemption. The exemption or exemptions shall not exceed 10 percent of the average of the manufacturer's total urban bus engine sales in California for the three model years prior to the model year for which an exemption is requested. The manufacturer shall submit technical justification for each engine model and shall provide the number of urban bus engine sales in California for the engine model for which the exemption is requested (if any) and for all urban bus engine models for the three preceding model years, to the Executive Officer when the manufacturer applies for the exemption.

(2) Formaldehyde exhaust emissions from new 1993 and subsequent model methanol-fueled diesel engines, shall not exceed:

Model Year	Formaldehyde (g/bhp-hr)
1993-1995	0.10
1996 and Subsequent	0.05

(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, and 43806, Health and Safety Code, and Vehicle Code section 28114. Reference: Sections 39002, 39003, 43000, 43013, 43018, 43100, 43101, 43101.5, 43102, 43103, 43104, 43106, and 43204, and 43806, Health and Safety Code.

1965. Emission Control Labels - 1979 and Subsequent Model-Year Motor Vehicles.

In addition to all other requirements, emission control labels required by California certification procedures shall conform to the "California Motor Vehicle Emission Control Label Specifications", adopted March 1, 1978, as last amended July 12, 1991[insert date of amendment], which is incorporated herein by reference.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43013, 43100, 43101, 43102, 43103, 43104, and 43107, Health and Safety Code.

2112. Definitions.

(a) through (k) [No Change]

(1) "Useful life" means, for the purposes of this Article:

(1) For Class I motorcycles and motorcycle engines (50 to 169 cc or 3.1 to 10.4 cu. in.), a period of use of five years or 12,000 kilometers (7,456 miles), whichever first occurs.

(2) For Class II motorcycles and motorcycle engines (170 to 279 cc or 10.4 to 17.1 cu. in.), a period of use of five years or 18,000 kilometers (11,185 miles), whichever first occurs.

(3) For Class III motorcycles and motorcycle engines (280 cc and larger or 17.1 cu. in. and larger), a period of use of five years or 30,000 kilometers (18,641 miles), whichever first occurs.

(4) For 1982 through 1984 model-year diesel heavy-duty vehicles (except medium-duty vehicles), and 1982 through 1984 model-year motor vehicle engines used in such vehicles, a period of use of five years, 100,000 miles, or 3000 hours of operation, whichever first occurs.

(5) For 1982 through 1987 model-year gasoline heavy-duty vehicles (except medium-duty vehicles) certified using the steady-state emission standards and test procedures, and 1982 through 1987 model-year gasoline heavy-duty motor vehicle engines certified using the steady-state emission standards and test procedures, a period of use of five years or 50,000 miles, whichever first occurs.

(6) For 1987 and subsequent model-year gasoline heavy-duty vehicles (except medium-duty vehicles) certified to the transient emission standards and test procedures, and 1987 and subsequent model-year gasoline heavy-duty motor vehicle engines certified using the transient emission standards and test procedures, a period of use of eight years or 110,000 miles, whichever first occurs.

(7) For 1985 and subsequent model-year diesel heavy-duty vehicles (except medium-duty vehicles), and 1985 and subsequent model-year motor vehicle engines used in such vehicles, a period of use of eight years or 110,000 miles, whichever first occurs, for diesel light, heavy-duty vehicles; eight years or 185,000 miles, whichever first occurs, for diesel medium, heavy-duty vehicles; and eight years or 290,000 miles, whichever first occurs, for diesel heavy, heavy-duty vehicles, except as provided in paragraph (11); or any alternative useful life period approved by the Executive Officer. (The classes of diesel light, medium, and heavy, heavy-duty vehicles are defined in 40 CFR section 86.085-2, as amended November 16, 1983.)

(8) For light-duty and medium-duty vehicles certified under the Optional 100,000 Mile Certification Procedure, and motor vehicle engines used in such vehicles, a period of use of ten years or 100,000 miles, whichever first occurs.

(9) For 1995 and subsequent model-year medium-duty vehicles, and motor vehicle engines used in such vehicles and 1992 and subsequent model-year medium-duty low-emission and ultra-low-emission vehicles, and motor vehicle engines used in such vehicles, a period of use of eleven years or 120,000 miles, whichever occurs first.

(10) For all other light-duty and medium-duty vehicles, and motor vehicle engines used in such vehicles, a period of use of five years or 50,000 miles, whichever first occurs. For those passenger cars, light-duty trucks and medium-duty vehicles certified pursuant to section 1960.1.5, Title 13, California Code of Regulations, the useful life shall be seven years or 75,000 miles, whichever first occurs; however, the manufacturer's reporting and recall responsibility beyond 5 years or 50,000 miles shall be limited, as provided in section 1960.1.5. For those passenger cars and light-duty trucks certified pursuant to Title 13, California Code of Regulations, section 1960.1(f) and section 1960.1(g), the useful life shall be ten years or 100,000 miles, whichever first occurs; however, for those vehicles certified under section 1960.1(f), the manufacturer's warranty failure and defects reporting and recall responsibility shall be subject to the conditions and standards specified in section 1960.1(f).

(11) For 1994 and subsequent model-year heavy heavy-duty diesel urban buses, and 1994 and subsequent model-year heavy heavy-duty diesel engines to be used in urban buses, for the particulate standard, a period of use of ten years or 290,000 miles, whichever first occurs; or any alternative useful life period approved by the Executive Officer.

(m) [No Change]

(n) [No Change]

Appendix A to Article 2.1 [No Change]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104, and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43103, 43104, 43105, 43106, 43107, and 43204-43205.5 Health and Safety Code.

ATTACHMENT B

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: October 23, 1992
Amended: []
Amended: _____

NOTE: This document is printed in a style to indicate amendments to the existing standards and test procedures. The amendments made in the present rulemaking are shown in underline to indicate additions to the text and ~~strikeout~~ to indicate deletions. Additions to the originally proposed text are shown in **bolded and underlined italics**.

This document incorporates by reference various sections of the Code of Federal Regulations, some with modifications. Federal language for a specific section which is not to be included in these procedures is denoted by the word "DELETE". The symbols "*****" mean 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. For those portions of federal provisions incorporated in this document with modifications, the new federal provisions are underlined and the modifications to those provisions are displayed in double underline and ~~strikeout~~ to indicate additions to and deletions from the federal language. 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 December 10, 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 amendments made in the December 1992 action are shown in *italics*.

CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 1985 AND SUBSEQUENT MODEL
HEAVY-DUTY DIESEL-ENGINES AND VEHICLES

The following provisions of Subparts A, I, and N, Part 86, Title 40, Code of Federal Regulations, as adopted or amended by the U.S. Environmental Protection Agency on the date listed, and only to the extent they pertain to the testing and compliance of exhaust emissions from heavy-duty Diesel-engines and vehicles, are adopted and incorporated herein by this reference as the California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles, except as altered or replaced by the provisions set forth below.

#

86.093-2 Definitions. March 24, 1993.

The definitions of 86.092-2 remain effective. The definitions listed in this section apply beginning with the 1993 model year.

* * * * *

Urban bus means a passenger-carrying vehicle powered by a heavy heavy-duty diesel engine, or of a type normally powered by a heavy heavy-duty diesel engine, with a load capacity of fifteen or more passengers and intended primarily for intra-city operation, i.e., within the confines of a city or greater metropolitan area. Urban bus operation is characterized by short rides and frequent stops. To facilitate this type of operation, more than one set of quick-operating entrance and exit doors would normally be installed. Since fares are usually paid in cash or tokens, rather than purchased in advance in the form of tickets, urban buses would normally have equipment installed for collection of fares. Urban buses are also typically characterized by the absence of equipment and facilities for long distance travel, e.g., rest rooms, large luggage compartments, and facilities for stowing carry-on luggage. The useful life for urban buses is the same as the useful life for other heavy heavy-duty diesel engines.

* * * * *

86.094-2 Definitions. March 24, 1993.

* * * * *

Useful life means:

* * * * *

(d) For a diesel heavy-duty engine family:

(1) For light heavy-duty diesel engines, a period of use of 8 years or 110,000 miles, whichever first occurs.

(2) For medium heavy-duty diesel engines, a period of use of 8 years or 185,000 miles, whichever first occurs.

(3) For heavy heavy-duty diesel engines, a period of use of 8 years or 290,000 miles, whichever first occurs, except as provided in paragraph (4).

(4) For heavy heavy-duty diesel engines used in urban buses, for the particulate standard, a period of use of 10 years or 290,000 miles, whichever first occurs.

* * * * *
#

86.094-11 Emission standards for 1994 and later model year diesel heavy-duty engines and vehicles. ~~April 11, 1989~~ March 24, 1993.

* * * * *

(a)(1)(iv) Particulate. (A) For diesel engines to be used in urban buses, 0.07 gram per brake horsepower-hour (0.026 gram per megajoule), as measured under transient operating conditions.

(B) For all other diesel engines only, 0.10 gram per brake horsepower-hour (0.037 gram per megajoule), as measured under transient operating conditions.

(a)(1)(iv)(B)(C) A manufacturer may elect to include all or some of its diesel heavy-duty engine families in the appropriate heavy-duty particulate averaging program (petroleum or methanol or gaseous fuel), provided that engines produced for sale in California or in 49-state areas may be averaged only within each of those areas. Dual-fuel and multi-fuel engines may not be included in the diesel particulate averaging program. With the exceptions regarding methanol-fueled or gaseous-fuel diesel urban bus engines as noted below, averaging is not permitted between fuel types. Non-methanol-fueled and non-gaseous-fuel engines for use in urban buses may not be included in either heavy-duty particulate averaging program. Emissions from methanol-fueled and dedicated gaseous-fuel urban bus engines certified to 0.10 grams per brake horsepower-hour particulates for 1991-1993 model years, and certified to 0.07 grams per brake horsepower-hour particulates for 1994-1995 model years, may be included in the averaging program for petroleum fueled engines other than urban bus engines. Averaging is limited to engines within a given primary service class as defined in 86.085-2. Averaging across primary service classes is not permitted. If the manufacturer elects to participate in either averaging program, individual family particulate limits may not exceed 0.60 gram per brake horsepower-hour (0.22 grams per megajoule). Heavy-duty diesel engines converted to methanol fuel or gaseous fuel may be used to comply with

the urban bus particulate standard and may be used in the diesel particulate averaging program. Such engines must comply with all applicable heavy-duty diesel engine emission standards and test procedures in this Part.

* * * * *

(a)(2) A manufacturer may elect to certify 1994 and 1995 model year heavy heavy-duty diesel engines to be used in urban buses to an optional oxides of nitrogen emission standard between 0.5 grams per brake horsepower-hour and 3.5 grams per brake horsepower-hour at 0.5 grams per brake horsepower-hour increments, as measured under transient operating conditions.

(b)(1) The opacity of smoke emission from new 1994 and later model year petroleum-fueled diesel heavy-duty engines shall not exceed:

* * * * *

86.096-11 Emission standards for 1996 and later model year diesel heavy-duty engines and vehicles. March 24, 1993.

(a) Exhaust emission from new 1996 and later model year diesel heavy-duty engines shall not exceed the following:

(1)(i) Hydrocarbons (for petroleum-fueled diesel engines). 1.3 grams per brake horsepower-hour (0.48 gram per megajoule), as measured under transient operating conditions.

(ii) Organic Material Hydrocarbon Equivalent (for methanol-fueled diesel engines). 1.3 grams per brake horsepower-hour (0.48 gram per megajoule), as measured under transient operating conditions.

(iii) Non-methane hydrocarbons (an option for diesel, natural gas, or liquefied petroleum gas engines). 1.2 grams per brake horsepower-hour, as measured under transient operating conditions.

(2) Carbon monoxide. (i) 15.5 grams per brake horsepower-hour (5.77 grams per megajoule), as measured under transient operating conditions.

(ii) 0.50 percent of exhaust gas flow at curb idle (methanol-fueled diesel only).

(3) Oxides of Nitrogen. (i) For diesel engines to be used in urban buses, 4.0 grams per brake horsepower-hour, as measured under transient operating conditions.

(+) (ii) For all other diesel engines only, 5.0 grams per brake horsepower-hour (1.9 grams per megajoule), as measured under transient operating conditions.

(++) (iii) DELETE

(iv) A manufacturer may apply to the Executive Officer for an exemption from the 4.0 gram per brake horsepower-hour standard for oxides of nitrogen for 1996 and 1997 model year urban bus engines for which the manufacturer can demonstrate a technological need for the exemption. The exemption or exemptions shall not exceed 10 percent of the average of the manufacturer's total urban bus engine sales in California for the three model years prior to the model year for which an exemption is requested. The manufacturer shall submit technical justification for each engine model and shall provide the number of urban bus engine sales in California for the engine model for which the exemption is requested (if any) and for all urban bus engine models for the three preceding model years, to the Executive Officer when the manufacturer applies for the exemption.

(4) Particulate. (i) For diesel engines to be used in urban buses, 0.05 gram per brake horsepower-hour (0.019 gram per megajoule) for certification testing and selective enforcement audit testing, and 0.07 gram per brake horsepower-hour (0.026 gram per megajoule) for in-use testing, as measured under transient operating conditions.

(ii) For all other diesel engines only, 0.10 gram per brake horsepower-hour (0.037 gram per megajoule), as measured under transient operating conditions.

(iii) DELETE

(5) A manufacturer may elect to certify 1996 and later model year heavy heavy-duty diesel engines to be used in urban buses to an optional oxides of nitrogen emission standard between 0.5 grams per brake horsepower-hour and 2.5 grams per brake horsepower-hour at 0.5 grams per brake horsepower-hour increments, as measured under transient operating conditions.

(b)(1) The opacity of smoke emission from new 1996 and later model year petroleum-fueled diesel heavy-duty engines shall not exceed:

* * * * *

#

86.085-35 Labeling. Labels shall comply with the requirements set forth in the "California Motor Vehicle Emission Control Label Specifications", as last amended July 12, 1991[insert date of amendment].

#

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, and for 1996 and 1997 model-year urban bus engines only, 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, and for 1996 and 1997 model-year urban bus engines only, diesel fuel representative of commercial diesel fuel which will be generally available through retail outlets shall be used in service accumulation.

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Additional Requirements

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- 7. Non-methane hydrocarbon emissions shall be measured in accordance with the "California Non-methane Hydrocarbon Test Procedures" as last amended May 15, 1990 July 12, 1991, which is incorporated herein by reference.

#

ATTACHMENT C

PROPOSED

State of California
AIR RESOURCES BOARD

CALIFORNIA MOTOR VEHICLE
EMISSION CONTROL LABEL SPECIFICATIONS

Adopted: March 1, 1978
Amended: June 16, 1982
Amended: April 26, 1984
Amended: April 8, 1985
Amended: April 25, 1986
Amended: June 2, 1988
Amended: July 21, 1988
Amended: January 22, 1990
Amended: May 15, 1990
Amended: July 12, 1991
Amended: _____

NOTE: Amendments to the labeling specifications made in this rulemaking are shown in underline to indicate additions.

State of California

AIR RESOURCES BOARD

California Motor Vehicle Emission Control

Label Specifications

1. through 3. [No Change]

3. Label Content and Location.

(a) The tune-up label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

i. through viii. [No Change]

ix. An unconditional statement of compliance with the appropriate model-year California regulations; for example, "This vehicle (or engine, as applicable) conforms to California regulations applicable to _____ model-year new _____ (for 1992 and subsequent model-years, specify TLEV, LEV, ULEV, or ZEV, as applicable) _____ (specify motorcycles, passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty otto-cycle engines, or heavy-duty diesel engines, as applicable)." For federally certified vehicles certified for sale in California the statement must include the phrase "conforms to U.S. EPA regulations and is

certified for sale in California." For Class III motorcycles for sale in California, the statement must include the phrase "is certified to _____ HC engine family exhaust emission standard in California." For incomplete light-duty truck and incomplete medium-duty vehicles the label shall contain the following statement in lieu of the above:

"This vehicle conforms to California regulations applicable to _____ model-year new _____ (for 1992 and subsequent model-years specify LEV or ULEV as applicable) vehicles when completed at a maximum curb weight of _____ pounds and a maximum frontal area of _____ square feet."

For 1994 and later model year heavy heavy-duty diesel engines to be used in urban buses that are certified to the optional emission standards, the label shall contain the following statement in lieu of the above:

"This engine conforms to California regulations applicable to _____ model-year new urban bus engines and is certified to a NOx emission standard of _____ g/bhp-hr (for optional emission standards specify between 0.5 and 3.5 at 0.5 g/bhp-hr increments for 1994 and 1995 model years and between 0.5 and 2.5 at 0.5 g/bhp-hr increments for 1996 and later model years)."

Manufacturers may elect to use a supplemental label in addition to the original label if there is not sufficient space to include all the required information. The

RISK MANAGEMENT GUIDELINES FOR
NEW AND MODIFIED SOURCES OF TOXIC AIR POLLUTANTS

State of California
AIR RESOURCES BOARD

Resolution 93-47

July 8, 1993

Agenda Item No.: 93-8-1

WHEREAS, Health and Safety Code sections 39600 and 39605 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 (the "districts");

WHEREAS, the Board has held a duly noticed public meeting to consider approval of the Proposed Risk Management Guidelines for New and Modified Sources of Toxic Air Pollutants (the "Proposed Guidelines") and has heard and considered the written comments and public testimony from affected industries, districts, and other interested persons;

WHEREAS, the Board staff has proposed these guidelines in response to the Board's direction to work with all interested parties to develop tools and methods to assist risk managers in making risk management decisions;

WHEREAS, the Board finds that:

The Proposed Guidelines will provide risk managers with greater flexibility by allowing a number of relevant factors, identified in a Specific Findings Report, to be considered when making permitting decisions; and

The Proposed Guidelines will promote a uniform framework that will provide businesses and industries with a consistent regulatory approach to risk management decision-making statewide.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Proposed Risk Management Guidelines for New and Modified Sources of Toxic Air Pollutants, as set forth in Attachment A to this resolution.

BE IT FURTHER RESOLVED that the Executive Officer is directed to forward the Proposed Guidelines to the districts for consideration when developing risk-based toxic new source review rules or policies.

BE IT FURTHER RESOLVED that the Executive Officer is directed to provide assistance to any district requesting assistance in interpreting or implementing the risk management methodology described in the Proposed Guidelines.

AIR RESOURCES BOARD

2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95814-2815



**Notice of Decision and
Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER ADOPTION OF AMENDMENTS TO THE AIR TOXICS "HOT SPOTS" PROGRAM FEE REGULATION FOR FISCAL YEAR 1993-94.

Approved by: Resolution 93-48

Adopted by: Executive Order G-94-008
Dated: May 6, 1994

Agenda Item No.: 93-8-2

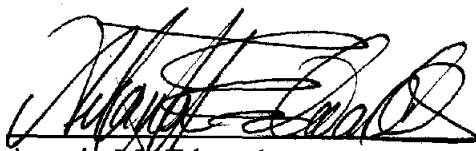
Public Hearing Date: July 8, 1993

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:


Artavia M. Edwards
Regulations Coordinator

Date:

20 May 1994

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 93-48

July 8, 1993

Agenda Item No.: 93-8-2

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 1992-93 fee schedule approved by the Board on August 14, 1992 and adopted by the Board on May 7, 1993, 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 1992-93;

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 1993-94 which have been discussed with the public at seven 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 facility program categories, 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 facility program categories;
2. The Calaveras, Kern, Lassen, Placer, San Bernardino, Santa Barbara, and Tuolumne Air Pollution Control Districts (APCDs), the Great Basin and San Joaquin Valley Unified APCDs, and the Mendocino, Sacramento Metropolitan and South Coast Air Quality Management Districts (AQMDs) 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, 1993, 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 facility program categories; or on fees otherwise determined by the district to be reasonable for facilities designated as Survey or Industrywide;
3. The Amador, Butte, Colusa, El Dorado, Glenn, Imperial, Mariposa, Modoc, Northern Sonoma, San Diego, San Luis Obispo, Shasta, Siskiyou, Tehama and Ventura County APCDs, the Feather River, Monterey Bay Unified, and Yolo-Solano APCDs, and the Bay Area, Lake, North Coast Unified, and Northern Sierra AQMDs will be

adopting district Air Toxics Hot Spots Program fee rules for fiscal year 1993-94;

4. 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 1993-1994;
5. 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 businesses, or on private persons directly affected by the regulation; and
6. Because the Board is sensitive to current adverse economic conditions, we are proposing a reduction from the Governor's proposed budget for the Air Toxics Hot Spots Program for fiscal year 1993-94 of \$457,000; and
7. 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 appendix 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 facility program categories as necessary to reflect needed revisions brought to the Board's attention through July 8 only, and to accept no further revisions after that date.

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 direct the Air Resources Board to work with the Office of Environmental

State of California
AIR RESOURCES BOARD

Resolution 93-49

July 8, 1993

Agenda Item No.: 93-8-3

WHEREAS, Health and Safety Code section 40924(b) requires the districts to assess on a triennial basis the extent of air quality improvement achieved during the preceding three years, based in part on air quality-related indicators (indicators) identified by the Air Resources Board (ARB or Board) for that purpose;

WHEREAS, Health and Safety Code section 40924(c) requires the air pollution control and air quality management districts (districts) to report to the Board and make available to the public their progress toward attainment of the State standards, as measured by two or more standards of measurement as determined by the Board;

WHEREAS, Health and Safety Code section 30607(f) requires the Board to evaluate potential indicators in consultation with the districts and other interested parties and to identify one or more indicators to be used by the districts in assessing progress as required by Health and Safety Code section 40924(b);

WHEREAS, in November 1990, the Board endorsed a plan for approving indicators which outlines the important criteria that an indicator must satisfy;

WHEREAS, the Board staff has consulted with the interested parties and now proposes three indicators that are appropriate for the districts to use in assessing their progress toward attainment of the State standards;

WHEREAS, the three proposed indicators include a peak "hot spot" indicator, a "population-weighted" exposure indicator, and an "area-weighted" exposure indicator, and the definition and characteristics of these three proposed indicators are consistent with the relevant criteria the Board endorsed in November 1990.

WHEREAS, the three proposed indicators are described in detail in the "Proposed Guidance for Using Air Quality-Related Indicators in Reporting Progress in Attaining the State Ambient Air Quality Standards" (ARB, 1993).

NOW, THEREFORE, BE IT RESOLVED, that the Board identifies three indicators as appropriate for the districts to use in assessing progress toward attainment of the State standards as required by Health and Safety Code section 40924(b) and (c).

I hereby certify that the above is a true and correct copy of Resolution 93-49, 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 FORD MOTOR COMPANY'S PETITION FOR LIMITED RELIEF FROM 1994/1995 ON-BOARD DIAGNOSTIC II (OBD II) PROVISIONS

Agenda Item No.: 93-9-1

Public Hearing Date: July 9, 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:

August 16, 1993

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STATE OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 93-50

July 9, 1993

Agenda Item No.: 93-9-1

WHEREAS, sections 39002 and 39003 of the Health and Safety Code charge the Board with the responsibility for systematically attacking the serious air pollution problem caused by motor vehicles;

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 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;

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 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 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;

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 onto itself;

WHEREAS, the Board adopted and the Office of Administrative Law has approved regulations regarding "Malfunction and Diagnostic System Requirements--1994 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines," Title 13, CCR, section 1968.1, for monitoring catalyst efficiency, engine misfire, evaporative system integrity, secondary air injection, and chlorofluorocarbon (CFC) containment; for improving current monitoring of the fuel system, oxygen sensor, EGR system, and other emission-related components of the on-board diagnostic system; and for

standardizing fault codes, diagnostic repair equipment, the vehicle connector used for attaching the repair equipment to the vehicle, and the protocol for downloading repair information in order to improve the effectiveness of emission control system repairs;

WHEREAS, on or about March 29, 1993, Ford Motor Company petitioned the Board and requested a hearing for the Board to consider exemption from specific monitoring requirements for the 1994 and 1995 model years, based on a demonstrated good faith effort to comply with the malfunction and diagnostic requirements within the time frame specified in section 1968.1.

WHEREAS, on April 29, 1993, the Executive Officer found that reasonable cause exists for granting of the petition;

WHEREAS, the staff has proposed adoption of amendments to Title 13, CCR, section 1968.1, which would give the Executive Officer authority to certify 1994 model year vehicles required to comply with the malfunction and diagnostic requirements of the section, but do not fully meet the minimum requirements in one or more areas;

WHEREAS, the staff has further proposed adoption of amendments to Title 13, CCR, section 1968.1, which would give the Executive Officer authority to conditionally certify 1995 model year vehicles required to comply with the malfunction and diagnostic requirements of the section, but do not fully meet the minimum requirements in one or more areas, provided that the manufacturers of such vehicles pay a fine for such nonconformance pursuant to section 43016 of the California Health and Safety Code;

WHEREAS, the California Environmental Quality Act and Board regulations require 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;

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, 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:

One or more vehicle manufacturers will be unable to comply fully with the requirements of section 1968.1, in the 1994, and possibly, the 1995 model years despite a good faith effort to develop and implement monitoring technology capable of satisfying the requirements;

Such vehicles, even with the potential monitoring system deficiencies that have been identified, will be significantly more effective in reducing in-use vehicle emissions than malfunction and diagnostic systems complying with previous requirements;

The certification of such vehicles would help to maximize the effectiveness of Title 13, CCR, section 1968.1, during the permitted phase-in period for complying with the specified malfunction and diagnostic requirements;

The certification of such vehicles would also minimize economic hardship for vehicle manufacturers, and distributors of such vehicles within California;

The proposed fines to be implemented as a condition for certification of noncomplying 1995 vehicles is appropriate in that by the 1995 model year, technology for the enhanced monitoring system will have been demonstrated and noncompliance is likely to occur more as a result of manufacturers not devoting sufficient resources to the implementation of the system; the proposed fines should help assure that manufacturers who do not devote the necessary resources will not gain a competitive advantage over their competitors; and

The proposed amendments to Title 13, CCR, section 1968.1, do not affect the Board's earlier findings that the regulation will result in emission reductions that will help attain and maintain national and air quality standards for ozone, carbon monoxide and nitrogen dioxide.

WHEREAS, the Board has determined, in accordance with the California Environmental Quality Act and Board regulations, that the proposed amendments to Title 13, CCR, section 1968.1, will not have significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board directs the Executive Officer to adopt Section 1968.1, Title 13, California Code of Regulations, after making the modified regulatory language and additional supporting documents and information available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modification and additional supporting documents and information 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 approves the amendments to section 1968.1, Title 13, California Code of Regulations as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations approved herein, in conjunction with the rest of the California motor vehicle emission regulations, will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards, are

necessary to meet compelling and extraordinary conditions in California, and are not inconsistent with section 202(a) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the amended subsections to Title 13, CCR, section 1968.1, to the Administrator of the Environmental Protection Agency with a request for a waiver of federal preemption pursuant to section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Board directs the staff to closely monitor vehicle manufacturers' efforts to evaluate all credible misfire detection technologies which would be available at reasonable costs to ensure that every effort is made by manufacturers to comply fully with the 1997 and later model year misfire monitoring requirements specified in section 1968.1, Title 13, CCR.

I hereby certify that the above is a true and correct copy of Resolution 93-50, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens
Board Secretary

RECEIVED BY
Office of the Secretary

AUG 18 1993

APPROVED FOR SIGNATURE

State of California
AIR RESOURCES BOARD

Resolution 93-51

August 12, 1993

Agenda Item No.: 93-10-1

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 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, Sections 43013, 43101, and 43104 of the Health and Safety Code authorize 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, Section 43013 of the Health and Safety Code requires the Board to adopt standards and regulations as expeditiously as is feasible to reduce NOx emissions from heavy-duty vehicles while considering the effect of the standards and regulations on the state economy;

WHEREAS, Section 43701 of the Health and Safety Code requires that the Board conduct a public hearing to consider adopting regulations for low-emission heavy-duty vehicles;

WHEREAS, the staff has presented an update on the feasibility of reducing oxides of nitrogen (NOx) and particulate matter (PM) emissions from heavy-duty vehicles;

WHEREAS, the Board finds that:

Emissions from heavy-duty engines and vehicles contribute significantly to the serious air pollution problem in this state;

NOx emissions from diesel-powered heavy-duty vehicles represent 20 percent of the total NOx emissions statewide and contribute to the formation of ozone; PM emissions from diesel-powered vehicles are of concern due to their potential toxicity;

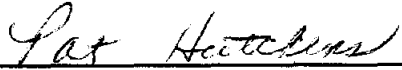
Attainment of the state ambient air quality standards by the earliest practicable date will require further reductions of emissions from heavy-duty engines and vehicles;

The staff has initiated a program to develop regulations that will require lower emissions from heavy-duty vehicles starting at the turn of the century; and

The development of low-emission heavy-duty vehicle regulations presents challenging issues of equity between California businesses that would be required to use California-certified heavy-duty vehicles and out-of-state businesses that can operate federally-certified vehicles with higher emissions.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby directs the staff to develop a proposed low-emission program for heavy-duty vehicles giving special consideration to the use of market and economic incentives, and to pursue a complementary federal strategy, for consideration by the Board by July 1, 1995.

I hereby certify that the above is a true and correct copy of Resolution 93-51, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

AIR RESOURCES BOARD1020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95814-2815**Notice of Decision and
Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER THE TRIENNIAL REPORT OF ASSESSMENT AND MITIGATION OF THE IMPACTS OF TRANSPORTED POLLUTANTS ON OZONE CONCENTRATIONS IN CALIFORNIA AND TO CONSIDER AMENDMENTS TO THE TRANSPORT IDENTIFICATION AND MITIGATION REGULATIONS.

Approved by: Resolution 93-52

Adopted by: Executive Order G-94-007

Dated: May 20, 1994

Agenda Item No.: 93-10-2

Public Hearing Date: August 12, 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:

A handwritten signature in black ink, appearing to read "Artavia M. Edwards".

Artavia M. Edwards
Regulations Coordinator

Date:

24 Jun 94

State of California
AIR RESOURCES BOARD

Resolution 93-52

August 12, 1993

Agenda Item No.: 93-10-2

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 local air pollution control and air quality management districts ("districts") in areas where the standards have not been attained;

WHEREAS, the Act in section 39610 (a) of the Health and Safety Code directs the state board to identify each air basin or subregion thereof in which transported air pollutants from upwind areas outside the air basin or subregion cause or contribute to a violation of the state ambient air quality standard for ozone, and to identify the district 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, which identifies, consistent with the requirements of the Act, the areas affected by transported air pollutants from upwind areas, and the areas of origin of the transported pollutants;

WHEREAS, the Act in 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 ozone 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 approved a qualitative assessment of the relative contributions of upwind emissions to downwind ozone concentrations, and in that assessment the relative contributions for specified geographical areas were classified as "overwhelming", "significant", or "inconsequential";

WHEREAS, section 70600, Title 17, California Code of Regulations, was approved by the Board on August 10, 1993 and subsequently amended on March 11, 1993; section 70600 establishes mitigation requirements for upwind districts within the areas of origin of transported air pollutants, consistent with the requirements of section 39610(b) of the Health and Safety Code;

WHEREAS, section 39610(d) of the Health and Safety Code requires the Board to review and update its transport analysis at least once every three years;

WHEREAS, in order to fulfill the requirements of section 39610(d) of the Health and Safety Code, the staff has proposed an updated transport analysis, and has proposed amendments to sections 70500 and 70600, Title 17, California Code of Regulations, consistent with this updated analysis;

WHEREAS, the staff consulted with districts and has provided opportunities for public comment and considered such comments before proposing regulations to the Board;

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;

WHEREAS, the Board finds that:

1. The relative contribution of upwind emissions to downwind ambient pollutant levels has been assessed to the extent permitted by available data;
2. The assessment reveals that the transport of upwind emissions to downwind areas significantly contributes to, and in some instances is the cause of, violations of the state ambient air quality standard for ozone in that downwind area;
3. An evaluation of routine meteorological, air quality and emission data, and data from special studies for the period 1990-1992 reveals that an update to the initial 1990 transport assessment is warranted;
4. Based on this analysis of routine and special studies data, the following six additional transport couples have been identified:

The San Joaquin Valley Air Basin to the South Central Coast Air Basin, Mexico to the San Diego Air Basin, Mexico to the Southeast Desert Air Basin, the Broader Sacramento Area to the Mountain Counties Air Basin, the San Joaquin Valley Air Basin to the Mountain Counties Air Basin, and the San Francisco Bay Area Air Basin to the Mountain Counties Air Basin;

5. Section 70500 should be amended to identify the San Joaquin Valley Air Basin as the source of the transport pollutants affecting the Great Basin Valley Air Basin, rather than leaving it as "undetermined";
6. Updates to the severity of impacts for some couples and corresponding changes to the transport mitigation regulations are warranted;
7. Because of the limitations of the data and the inherent difficulties in understanding and characterizing the mechanisms that result in ozone formation and transport, these findings are qualitative as they were in the 1990 transport assessment;
8. A qualitative assessment is consistent with the language of the Health and Safety Code section 39610(a) and (b), which provides for assessments "to the extent permitted by available data;"
9. It is appropriate to characterize the impact of transported ozone or ozone precursor on downwind ambient ozone concentration as "overwhelming", "significant", or "inconsequential";
10. Changes to the mitigation regulation for two transport couples are warranted, and a new finding of "overwhelming" transport in addition to the previous findings of "significant" is warranted for the San Francisco Bay Area Air Basin to parts of the San Joaquin Valley Air Basin couple, and for the San Francisco Bay Area Air Basin to parts of the Broader Sacramento Area couple;
11. The reevaluation of transport from the South Coast Air Basin to the Southeast Desert Air Basin warrants a finding of "significant" transport for the South Coast Air Basin to Imperial County couple;
12. A reevaluation of the transport from the Broader Sacramento Area to the Upper Sacramento Valley at Yuba City is warranted due to the redefinition of the boundary separating the two areas, and the transport is "overwhelming" from the Broader Sacramento area to the Upper Sacramento Valley at Yuba City;
13. An evaluation of the impact of transport from the San Francisco Bay Area Air Basin on ozone concentration at the Pinnacles in the North Central Coast Air Basin is warranted because Pinnacles was not considered in the 1990 assessment. However, this evaluation did not result in any new findings for the San Francisco Bay Area Air Basin to the north Central Coast Air Basin couple;
14. Based on review of a recent transport assessment of the South Coast Air Basin to the San Diego Air Basin which was conducted by the San Diego County Air Pollution Control District, the 1990 findings are still valid;
15. Based on a reevaluation of transport from the San Joaquin Valley Air Basin to the Southeast Desert Air Basin, the 1990 findings are still valid;

16. Two other prospective couples were assessed, but no evidence of transport of ozone precursors or ozone on the downwind basins was found for the Southeast Desert Air Basin to the South Coast Air Basin couple or the San Luis Obispo County to the San Joaquin Valley Air Basin couple;
17. Based on the evaluation of routine meteorological and air quality data, along with special studies data for 1990-1992, the transport impacts of the six new couples are characterized as "overwhelming" from the Broader Sacramento Area to the Mountain Counties Air Basin, as "overwhelming" from the San Joaquin Valley Air Basin to the Mountain Counties Air Basin, as "significant" from the San Francisco Bay Area Air Basin to the Mountain Counties Air Basin, as both "overwhelming" and "significant" from Mexico to the Southeast Desert Air Basin, as "overwhelming", "significant", and "inconsequential" from Mexico to the San Diego Air Basin, and as both "significant" and "inconsequential" from the San Joaquin Valley Air Basin to the South Central Coast Air Basin;
18. There are no other new findings to warrant a change in the 1990 assessment of transport severity for the remaining couples;

WHEREAS, the Board further finds that:

19. Mitigation responsibilities should be assigned to the upwind areas based on new findings of "overwhelming" transport;
20. It is appropriate that those upwind air basins identified as causing "overwhelming" impacts shall adopt control measures sufficient to attain the ozone standard within the impacted areas;
21. An upwind air basin that is identified as causing "overwhelming" impacts in portions of a downwind air basin, should be responsible only for attainment in those portions of the downwind air basin and under those conditions that are impacted by overwhelming transport, and not for attainment throughout the downwind air basin;
22. The regulations proposed by the staff as modified by the Board fulfill the requirements of Health and Safety Code section 39610;
23. The proposed mitigation requirements will be revisited periodically and amended, as appropriate, to reflect additional information on the contribution of transported pollutants to downwind ambient ozone concentrations;

WHEREAS, the Board further finds that:

24. The implementation of required mitigation measures in upwind areas will have positive environmental impacts in the downwind and in most of the upwind areas;
25. 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 sections 70500 and 70600, 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 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 endorses the recommendations for additional information and studies set forth in the Staff Report and directs the Executive Officer to make all reasonable efforts to supply air pollutant transport information to the affected districts as it becomes available.

I hereby certify that the above is a true and correct copy of Resolution 93-52, as adopted by the Air Resources Board

Pat Hutchens
Pat Hutchens, Board Secretary

State of California

AIR RESOURCES BOARD

Resolution 93-53

August 12, 1993

Agenda Item No.: 93-10-3

WHEREAS, the Atmospheric Acidity Protection Act of 1988 (Stats. 1988, ch. 1518, Health and Safety Code sections 39900-39911) directs the Air Resources 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 that may be expected to result from atmospheric acidity and to develop measures that 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 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 and regional air pollution control 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 a report titled Atmospheric Acidity Protection Program: Annual Report to the Governor and the Legislature, 1992, dated August 1993, which reports the recent progress of the Air Resources Board towards implementing the Atmospheric Acidity Protection Program;

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)).

WHEREAS, the Air Resources Board has reviewed the report, staff recommendation, and comments received, and has held a public meeting.

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 Deposition, approves the report Atmospheric Acidity Protection Program: Annual Report to the Governor and the Legislature, 1992, dated August 1993, and submits this report to the Governor and the Legislature.

I hereby certify that the above is a true and correct copy of Resolution 93-53, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

AIR RESOURCES BOARD

1020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95814-2815



State of California
AIR RESOURCES BOARD

**Notice of Decision and
Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO REGULATIONS REGARDING THE OXYGEN CONTENT OF GASOLINE, AND REGARDING EXEMPTIONS FROM MOTOR VEHICLE FUELS REQUIREMENTS FOR FUELS USED IN TEST PROGRAMS

Approved by: Executive Order G-871
Signed: January 28, 1994

and

Executive Order G-94-039
Signed: July 21, 1994

Agenda Item: 93-11-1


Public Hearing Date: September 9, 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:


Artavia M. Edwards
Regulations Coordinator

Date: July 21, 1994

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JUL 21 1994

RESOURCES AGENCY OF CALIFORNIA



State of California
AIR RESOURCES BOARD

Resolution 93-54

September 9, 1993

Agenda Item No.: 93-11-1

WHEREAS, Health and Safety Code sections 39600 and 39601 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), 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, Health and Safety Code section 43018(b) directs the Board 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 emission of oxides of nitrogen (NO_x) from motor vehicles, and the maximum feasible reductions in particulates (PM), carbon monoxide (CO), and toxic air contaminants for vehicular sources;

WHEREAS, Health and Safety Code section 43018(c) 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 the specifications of vehicular fuel composition;

WHEREAS, Health and Safety Code section 43013 authorizes the Board to adopt and implement motor vehicle fuel specifications for the control of air contaminants and sources of air pollution which the Board has found to be necessary, cost-effective, and technologically feasible to carry out the purpose of Division 26 of the Health and Safety Code;

WHEREAS, section 211(m) of the federal Clean Air Act as amended in 1990 requires states containing specified CO nonattainment areas to submit revisions to their State Implementation Plans (SIPs) requiring that gasoline sold for use in the CO nonattainment areas contain no less than 2.7 percent oxygen by weight during the high CO winter period specified by the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) starting November 1, 1992, or such other date in 1992 established by the

Administrator, and eight areas in California are among those for which such SIP revisions must be submitted;

WHEREAS, section 211(m)(3)(A) of the federal Clean Air Act directs the U.S. EPA Administrator to waive, in whole or part, the SIP revision requirements pertaining to the minimum oxygen content of gasoline upon a demonstration by a state to the Administrator's satisfaction that the use of oxygenated gasoline would prevent or interfere with the attainment by the areas of a national primary ambient air quality standard, or a state ambient air quality standard, for any pollutant other than CO;

WHEREAS, on December 12, 1991, by Resolution 91-57, the Board approved sections 2258 and 2298 of Title 13, California Code of Regulations (the wintertime oxygenates regulations), requiring motor vehicle gasoline to have an oxygen content of not less than 1.8 percent and not more than 2.2 percent by weight during specified periods in the wintertime starting November 1, 1992; these regulations were subsequently adopted by Executive Order G-720 and became effective on October 14, 1992;

WHEREAS, the Board has requested that the U.S. EPA partially waive the federal 2.7 weight percent oxygen content for California because gasoline containing an oxygen content exceeding 2.2 weight percent would increase wintertime emissions of oxides of nitrogen (NO_x) and interfere with attainment of state and federal ambient air quality standards for PM₁₀, nitrogen dioxide (NO₂) and ozone;

WHEREAS, the Board has submitted the wintertime oxygenate regulations to the U.S. EPA as a revision to the California SIP;

WHEREAS, during the first implementation period of the wintertime oxygenates regulations, the Board's staff became aware of concerns regarding applications of the regulations;

WHEREAS, during the first implementation period of the wintertime oxygenates regulations the staff received comments and suggestions regarding application of the regulations;

WHEREAS, the staff conducted a public workshop on April 15, 1993, regarding the effectiveness of the wintertime oxygenates regulations;

WHEREAS, The Air Pollution Control Officer of the San Luis Obispo County Air Pollution Control District has requested that the Board revise the oxygenate control period applicable in the San Luis Obispo County;

WHEREAS, The Western Petroleum Association (WSPA) has petitioned the Board to amend the wintertime oxygenates regulations to replace American Society for Testing and Materials (ASTM) Method 4815-89 with ASTM Method D 4815-93;

WHEREAS, in response to comments received in connection with the public workshop, the staff has proposed amendments to the wintertime oxygenates

regulations to enhance the effectiveness of the regulations and to make implementation more practical; these amendments include the following elements:

Revising the wintertime oxygenates control period for San Luis Obispo County from November 1 through February 29, to October 1 through January 31;

Exempting gasoline sold by a small gasoline retailer that meets the following criteria: the retailer receives its gasoline supply from a final distribution facility outside of California, the retail facility is located outside of CO nonattainment areas and is within one of the counties bordering Nevada, the retail facility's storage tank has a volume of 2,500 gallons or less, the gasoline is delivered by cargo tank trucks having a total capacity of 4,000 gallons or less, and the monthly output of the retail station is 10,000 gallons or less;

Allowing a distributor to deliver to a retail outlet gasoline with an oxygen content exceeding 2.2 weight percent during the first 15 days of a control period upon a demonstration that the delivery is being made pursuant to a prior agreement to bring the outlet's gasoline into compliance by the end of the 15 days;

Imposing a less stringent 8.8 pound per square inch (psi) Reid vapor pressure (RVP) standard in place of the otherwise applicable 7.8 psi standard for gasoline which contains at least 4.9 volume percent ethanol, if the gasoline is supplied due to calibration of ethanol blending equipment during the 15-days prior to the start of a control period;

Identifying ASTM Method D 4815-93 in place of ASTM Method D 4815-89 for determining gasoline oxygen content, and repealing the section 2298 table for converting the volume percent of oxygenates to the weight percent of oxygen;

WHEREAS, the Board's regulation on the RVP of gasoline sold before 1996 and the Phase 2 reformulated gasoline regulations contain provisions authorizing the Executive Officer to exempt up to 5000 gallons of gasoline used in certain research programs;

WHEREAS, the staff has proposed the deletion of the provisions in the RVP and Phase 2 reformulated gasoline regulations that exempt gasoline used in research programs, and the adoption of a regulation which will establish a mechanism for a person to obtain an exemption from any of the Board's motor vehicle fuel standards if the applicant can demonstrate the following:

The proposed test program is being conducted for the purpose of research or emissions certification;

For each specific fuel requirement that would be violated by the test program, a demonstration that the stated purpose of the test program could not be achieved in a practical manner without violating the identified fuel requirement(s);

The proposed test program has a duration of reasonable length, affects a reasonable number of vehicles or engines, and utilizes a reasonable amount of noncomplying fuel; and

The proposed test program exhibits a degree of control consistent with the purpose of the program and the ARB's monitoring requirements;

WHEREAS, the staff's regulatory proposal would be effected by the amendment of Title 13, California Code of Regulations, sections 2251.5, 2258, 2263, and 2267, the adoption of Title 13, California Code of Regulations, sections 2259, 2283, and 2293.5, and the repeal of Title 13, California Code of Regulations, section 2298 as set forth in Attachment A;

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, 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;

WHEREAS, the Board finds that:

Changing the wintertime oxygenates control period for San Luis Obispo County from November 1 through February 29 to October 1 through January 31, will make it more closely aligned with the existing gasoline distribution network in the area;

The amendments approved herein regarding sales of gasoline during the wintertime control period by small retailers supplied from distribution facilities outside California in narrowly-defined circumstances will eliminate the potentially excessive compliance costs that may occur in those circumstances;

The amendments approved herein regarding deliveries of gasoline containing greater than 2.2 weight percent oxygen to retailers during the first 15 days of the wintertime oxygenate season will provide greater flexibility to distributors and retailers coming into compliance at the beginning of each season;

ASTM Method D 4815-93 is more precise than ASTM Method D 4815-89 and will permit enforcement of the wintertime oxygenates regulations to tighter tolerances;

The amendments approved herein regarding the RVP limits for gasoline supplied during the calibration of ethanol blending equipment will make it more practical for gasoline oxygenated with ethanol to be supplied at the beginning of the wintertime season;

The other amendments to the wintertime oxygenates and related regulations approved herein will enhance their effectiveness and make their implementation more practical;

The amendments to the wintertime oxygenates regulations approved herein will not reduce the minimum oxygen content requirements for federal CO nonattainment areas in the existing regulations, and accordingly will not affect California's qualification for a waiver under section 211(m)(3)(A) of the federal Clean Air Act;

The regulatory actions approved herein pertaining to exemptions from the Board's motor vehicle fuels regulations for fuel used in research or emissions certification programs are closely patterned after a recently enacted U.S. EPA regulation, 40 C.F.R. section 80.27(e), and will help avoid undue constraints on research and other test programs while assuring that exemptions apply only where they are necessary and appropriate.

The amendments approved herein will not result in a significant adverse environmental impact.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to sections 2251.5, 2258, 2263 and 2267, Title 13, California Code of Regulations, the adoption of section 2259, 2283, 2293.5, California Code of Regulations, and the repeal of section 2298, Title 13, California Code of Regulations, as set forth in Attachment A hereto, with the modifications set forth in Attachment B hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the regulations as set forth in Attachment A hereto with the modifications set forth in Attachment B hereto, after making the modifications available to the public for a supplemental written comment 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 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, following approval by the Office of Administrative Law of the amendments to the wintertime oxygenates regulations adopted herein, the Executive Officer is directed, as appropriate, to adopt the amendments as part of the California SIP and to submit to the U.S. Environmental Protection Agency as a revision to the California SIP.

I hereby certify that the above is a true and correct copy of Resolution 93-54 as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

RECEIVED BY
Office of the Secretary

JUL 21 1994

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-871

WHEREAS, on September 9, 1993, the Air Resources Board (ARB/Board) conducted a public hearing to consider the adoption of regulatory amendments regarding the required oxygen content of gasoline;

WHEREAS, following the public hearing on September 9, 1993, the Board adopted Resolution 93-54, in which the Board approved the amendments to sections 2251.5, 2258, and 2263, Title 13, California Code of Regulations, and the repeal of section 2298, Title 13, California Code of Regulations, as set forth in Attachment A thereto, with the modifications to section 2258 set forth in Attachment B thereto;

WHEREAS, Resolution 93-54 directed the Executive Officer to adopt the regulations as set forth in Attachment A thereto with the modifications set forth in Attachment B thereto, after making the modifications available to the public for a supplemental written comment 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 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 text of section 2258, Title 13, California Code of Regulations, with the Board-approved modifications to the originally proposed text clearly indicated, was made available to the public for a 15-day comment period;

WHEREAS, no written comments were received during the 15-day comment period; and

WHEREAS, Attachment A hereto contains the amendments to sections 2251.5, 2258, and 2263, Title 13, California Code of Regulations, and the repeal of section 2298, Title 13, California Code of Regulations, as modified and approved by the Board.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 93-54 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 93-54 and Health and Safety Code sections 39515 and 39516, the amendments to sections 2251.5, 2258, and 2263, Title 13, California Code of Regulations, and the repeal of section 2298, Title 13, California Code of Regulations, are hereby adopted as set forth in Attachment A hereto.

IT IS FURTHER ORDERED, that the regulatory amendments approved by the Board in Resolution 93-54 pertaining to test program exemptions from the Board's

State of California
AIR RESOURCES BOARD

Executive Order G-94-039

WHEREAS, on September 9, 1993, the Air Resources Board (ARB) conducted a public hearing to consider the adoption of regulatory amendments regarding exemptions from ARB motor vehicle fuels requirements for fuels used in test programs, and regarding the required oxygen content of gasoline;

WHEREAS, following the public hearing on September 9, 1993, the Board adopted Resolution 93-54, in which the Board approved the amendments to sections 2251.5, 2258, 2263 and 2267, the adoption of sections 2259, 2283, and 2293.5, and the repeal of section 2298 of Title 13, California Code of Regulations, as set forth in Attachment A thereto, with the modifications to section 2258 and 2259 set forth in Attachment B thereto;

WHEREAS, Resolution 93-54 directed the Executive Officer to adopt the regulations as set forth in Attachment A thereto with the modifications set forth in Attachment B thereto, after making the modifications available to the public for a supplemental written comment 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 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 text of sections 2258 and 2259, Title 13, California Code of Regulations, with the Board-approved modifications to the originally proposed text clearly indicated, was made available to the public for a 15-day comment period;

WHEREAS, no written comments were received during the 15-day comment period; and

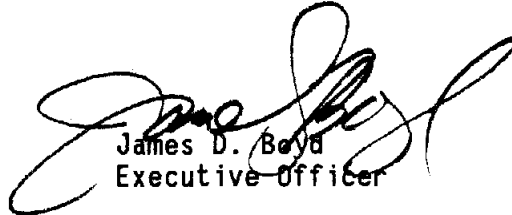
WHEREAS, in Executive Order G-871, issued January 28, 1994, the Executive Officer adopted the regulatory changes pertaining to the required oxygen content of gasoline, namely the amendments to sections 2251.5(a) and (c), 2258, and 2263, Title 13, California Code of Regulations, and the repeal of section 2298, Title 13, California Code of Regulations, as set forth in Attachment A hereto.

WHEREAS, Attachment A hereto also contains the regulatory changes approved by the Board pertaining to exemptions from motor vehicle fuels requirements for fuels used in test programs, namely the amendments to sections 2251.5(e) and 2267, Title 13, California Code of Regulations, and the adoption of sections 2259, 2283 and 2293.5, Title 13, California Code of Regulations;

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 93-54 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 93-54 and Health and Safety Code sections 39515 and 39516, that the amendments to sections 2251.5(e) and 2267, Title 13, California Code of Regulations, and new sections 2259, 2283 and 2293.5, Title 13, California Code of Regulations, are hereby adopted as set forth in Attachment A hereto.

Executed this 21st day of July, 1994, at Sacramento, California.



James D. Boyd
Executive Officer

Attachments

RECEIVED BY
Office of the Secretary

JUL 21 1994

RESOURCES AGENCY OF CALIFORNIA

ATTACHMENT B

PROPOSED REGULATORY MODIFICATIONS

Title 13, California Code of Regulations, Sections 2258 and 2259

NOTE: The originally proposed regulatory text is shown in underline to indicate new language and ~~strikeout~~ to indicate deletions. The modifications to the originally proposed text is shown by ***bold italics*** to indicate additions and ~~slashes~~ to indicate deletions.

The only modifications are in sections 2258(a)(6) and (7), 2258(b)(10), and 2259(a)(3), (d) and (h).

Amend section 2258, Title 13, California Code of Regulations, to read as follows:

Section 2258. **Oxygen Content of Gasoline in the Wintertime**

(a) **Regulatory Standard.**

(1) Starting November 1, 1992, within each of the air basins during the regulatory control period set forth in section (a)(2), no person shall sell, offer for sale, supply, offer for supply, or transport California gasoline unless the gasoline has an oxygen content of not less than 1.8 percent by weight and not more than 2.2 percent by weight.

(2) **Regulatory Control Periods.**

- (A) **October 1 through February 29**
South Coast Air Basin and Ventura County
- (B) **October 1 through January 31**
Sacramento Valley Air Basin
San Joaquin Valley Air Basin
San Francisco Bay Area Air Basin
Lake Tahoe Air Basin
Great Basin Valley Air Basin
Mountain Counties Air Basin
North Coast Air Basin
Lake County Air Basin
Northeast Plateau Air Basin

North Central Coast Air Basin

San Luis Obispo County

(C) November 1 through February 29

San Diego Air Basin

South Central Coast Air Basin (Excluding Ventura County)

Southeast Desert Air Basin

Santa Barbara County

(3) Section (a)(1) shall not apply to transactions involving gasoline not meeting the minimum oxygen content standard where the person selling, supplying, or offering the gasoline demonstrates by affirmative defense that: [i] the gasoline has not yet been supplied from the final distribution facility, and [ii] the documents accompanying such gasoline clearly state that it does not comply with the minimum oxygen content standard in section (a)(1), and either [iii] the person has taken reasonably prudent precautions to assure that he or she will bring the gasoline within the standards in section (a)(1) before it is supplied from the final distribution facility, or [iv] at or before the time of the transaction the person has obtained a written statement from the purchaser, recipient, or offeree of the gasoline stating that he or she will take reasonably prudent precautions to assure that the gasoline brought within the standards of section (a)(1) before it is supplied from the final distribution facility.

(4) Section (a)(1) shall not apply to a transaction occurring in an air basin during the regulatory control period where the person selling, supplying, or offering the gasoline demonstrates as an affirmative defense that, prior to the transaction, he or she has taken reasonably prudent precautions to assure that the gasoline will be delivered to a retail service station or bulk purchaser-consumer's fueling facility when the station or facility is not subject to a basic regulatory control period.

(5) Section (a)(1) shall not apply to a transaction occurring in an air basin during the regulatory control period where the transaction involves the transfer of gasoline from a stationary storage tank to a motor vehicle fuel tank and the person selling, supplying, or offering the gasoline demonstrates as an affirmative defense that the last delivery of

officer for the purpose of research, of motor vehicle or engine emissions certification, or fuels certification.

(b) (1) In order for an exemption to be granted, the applicant must demonstrate the following:

(A) The proposed test program has a purpose that constitutes an appropriate basis for exemption;

(B) The proposed program necessitates the granting of an exemption;

(C) The proposed test program exhibits reasonableness in scope; and

(D) The proposed test program exhibits a degree of control consistent with the purpose of the program and the state board's monitoring requirements.

(2) Paragraphs (c), (d), (e), and (f) of this section describe what constitutes a sufficient demonstration for each of the four elements in paragraphs (b)(2)(A) through (D) of this section.

(c) An appropriate purpose is limited to research or emissions certification. The exemption application must include a concise statement of the purpose(s) of the program.

(d) With respect to the necessity for an exemption, the applicant must identify each specific fuel requirement that would be violated by the test program, and demonstrate an inability to achieve the stated purpose in a practical manner without violating the identified fuel requirement(s). If any site of the proposed test program is located in an area that has been classified as a nonattainment area for purpose of the state's ambient air quality standards, the applicant must also demonstrate *in a practical* inability to perform the test program in an area that is in attainment.

(e) With respect to reasonableness, a test program must exhibit a duration of reasonable length, affect a reasonable number of vehicles or engines, and utilize a reasonable amount of noncomplying fuel. In this regard, the application for exemption must include:

(1) An estimate of the program's duration;

(2) An estimate of the maximum number of vehicles or engines involved in the program;

(3) The time or mileage duration of the test program;

(4) The range of the noncomplying properties of the fuel expected to be used in the program, and

gasoline to the stationary storage tank occurred more than fourteen days before the start of the regulatory control period.

(6)(A) The regulatory standards in section (a)(1) shall not apply to a transaction occurring in an air basin during a transition period, where the transaction involves the transfer of gasoline from a stationary storage tank to a motor vehicle fuel tank and the person selling, supplying, or offering the gasoline demonstrates as an affirmative defense that he or she has made, prior to the transaction, specific arrangements with a gasoline distributor for the delivery of an oxygenated or nonoxygenated gasoline blend containing oxygenates in quantities that will result in gasoline in the stationary storage tanks at the facility having an oxygen content of from 1.8 percent to 2.2 percent by weight by the end of the transition period.

(B) The ~~minimum oxygen content~~ regulatory standards in section (a)(1) shall not apply to a transaction occurring in an air basin during a transition period, where the transaction involves the sale, offer for sale, supply, offer for supply, or transport of gasoline to a retail gasoline outlet or bulk purchaser-consumer's facility and the person selling, supplying, or offering the gasoline demonstrates as an affirmative defense that the gasoline is being distributed pursuant to a prior arrangement to deliver *oxygenated or* nonoxygenated gasoline to bring the retail gasoline outlet or bulk purchaser-consumer's facility into compliance with the regulatory standards in section (a)(1) by the end of the transition period.

(7) Section (a)(1) shall not apply to a transaction involving the sale, offer for sale, supply, or offer for supply of gasoline to a stationary storage tank at a retail gasoline outlet, or the transfer of gasoline from a stationary storage tank at a retail gasoline outlet to a motor vehicle fuel tank, if the person selling, offering, or supplying the gasoline demonstrates by affirmative defense all of the following:

(A) The retail gasoline outlet is within Modoc, Lassen, Sierra, Nevada, Placer, El Dorado, Alpine, Mono, Inyo, or San Bernardino counties, and is not within the Lake Tahoe or Sacramento Valley Air Basins.

(B) The final distribution facility from which the gasoline is being or has been delivered is outside California.

(C) The gasoline is being or has been delivered to the stationary storage tank by a tank truck having a total capacity not exceeding 4000 4500 gallons.

(D) The stationary storage tank at the retail gasoline outlet has a total capacity not exceeding 2500 gallons, and

(E) The retail gasoline outlet has a monthly throughput not exceeding 10,000 gallons.

~~(7)~~(8) For the purposes of section (a)(1), each sale of California gasoline at retail, and each dispensing of California gasoline into a motor vehicle fuel tank, shall also be deemed a sale or supply by any person who previously sold or supplied such gasoline in violation of section (a)(1).

(b) Definitions.

For the purposes of this section:

(1) "Bulk purchaser-consumer" means a person who purchases or otherwise obtains gasoline in bulk and then dispenses it into the fuel tanks of motor vehicles owned or operated by the person.

(2) "California gasoline" means gasoline sold or intended for sale as a motor vehicle fuel in California.

(3) "Distributor" means any person engaged in the business of transporting and delivering gasoline to a retail gasoline outlet or bulk purchaser-consumer's facility.

(4) "Final distribution facility" means the stationary gasoline transfer point from which gasoline is transferred into the cargo tank truck, pipeline, or other delivery vessel from which the gasoline will be delivered to the facility at which the gasoline will be dispensed into motor vehicles; except that a cargo tank truck is the final distribution facility where the cargo tank truck is used to transport gasoline and carries written documentation demonstrating that oxygenates, in quantities that will bring the gasoline into compliance with section 2258(a)(1), will be or have been blended directly into the cargo tank truck prior to delivery of the gasoline from the cargo tank truck to the facility at which the gasoline will be dispensed into motor vehicles.

(5) "Gasoline" means any fuel which is commonly or commercially known or sold as gasoline.

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

(7) "Northern California" means the area of California not contained within the South Central Coast, South Coast, Southeast Desert and San Diego Air Basins.

(8) "Southern California" means the area of California contained within the South Central Coast, South Coast, Southeast Desert and San Diego Air Basins.

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

(10) "Transition period" means:

[i] the first 15 days of any October regulatory control period,

[ii] November 1 to November 15, 1992, and

[iii] November 1 through November 15 of 1993, 1994, or 1995 in the San Diego Air Basin, the Southeast Desert Air Basin, and ~~THE SOUTH CENTRAL COAST AIR BASIN (EXCLUDING VENTURA COUNTY)~~ Santa Barbara County.

(c) Sampling, Procedures and Test Methods, and Oxygen Content Calculations.

In determining compliance with the oxygen content standards in this regulation, the oxygen content of gasoline by weight shall be determined by:

(1) Use of an applicable sampling methodology set forth in Title 13, California Code of Regulations, section 2296, and

(2) Use of American Society for Testing and Materials Method ASTM D 4815-89 4815-93, which is incorporated herein by reference. This method is used to determine the volume percent of each oxygenate in the gasoline sampled. Another test method may be used following a determination by the executive officer that the other method produces results equivalent to the results obtained with ASTM D ~~4815-89~~-4815-93.

(3) Use of the tables in section 2298 to determine the gasoline oxygen content attributable to the volume percent of each oxygenate present in the gasoline sampled, and adding the oxygen contents attributable to each such oxygenate.

(4) All volume measurements shall be adjusted to 60 degrees Fahrenheit.

(d) Inability to Produce Conforming Gasoline in Extraordinary Circumstances.

In appropriate extreme and unusual circumstances (e.g., natural disaster or Act of God) which are clearly outside the control of the refiner, importer, or oxygenate blender and which could not have been avoided by the exercise of prudence, diligence, and due care, the executive officer may permit a refiner, importer, or oxygenate blender, for a brief period, to distribute gasoline which does not meet the requirements in section (a)(1) if:

(1) It is in the public interest to do so (e.g., distribution of the nonconforming gasoline is necessary to meet projected shortfalls which cannot otherwise be compensated for);

(2) The refiner, importer, or oxygenate blender exercised prudent planning and was not able to avoid the violation and has taken all reasonable steps to minimize the extent of the nonconformity;

(3) The refiner, importer, or oxygenate blender can show how the requirements for oxygenated gasoline will be expeditiously achieved;

(4) The refiner, importer, or oxygenate blender agrees to make up air quality detriment associated with the nonconforming gasoline, where practical; and

(5) The refiner, importer, or oxygenate blender pays to the Air Pollution Control Fund an amount equal to the economic benefit of the nonconformity minus the amount expended, pursuant to section (d)(4), in making up the air quality detriment.

(e) Effect of Supply Waiver Under Federal Clean Air Act.

(1) If the Administrator of the U.S. Environmental Protection Agency issues, pursuant to 42 U.S.C. section 7545(m)(3)(C), a waiver of the requirements of 42 U.S.C. section 7545(m)(2) applicable to a geographic area or areas of California, the requirements of section (a)(1) shall not apply in any air basin containing an area covered by the waiver, during the effective period of the waiver.

(2) If the Administrator of the U.S. Environmental Protection Agency issues, pursuant to 42 U.S.C. section 7545(m)(3)(C), a waiver of the

requirements of 42 U.S.C. section 7545(m)(2) applicable to a geographic area or areas within Southern California, section (a)(1) shall not apply, during the effective period of the waiver, in any air basin in Southern California not containing any area required under 42 U.S.C. section 7545(m) to have a wintertime oxygenates program.

(3) If the Administrator of the U.S. Environmental Protection Agency issues, pursuant to 42 U.S.C. section 7545(m)(3)(C), a waiver of the requirements of 42 U.S.C. section 7545(m)(2) applicable to a geographic area or areas within Northern California, section (a)(1) shall not apply, during the effective period of the waiver, in any air basin in Northern California not containing any area required under 42 U.S.C. section 7545(m) to have a wintertime oxygenates program.

(f) **Sunset.**

This section shall not apply to gasoline sold or supplied after February 29, 1996.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, and 43101 of the 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, 39500, 39515, 39516, 41511, 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).

Adopt new section 2259 Title 13, California Code of Regulations, to read as follows:

Section 2259. Exemptions for Motor Vehicle Fuel Used in Test Programs

(a) (1) Any person may request an exemption for fuel used in a test program by submitting an application to the executive officer that includes all the information listed in paragraphs (c)(d),(e),and (f) of this section.

(2) For the purpose of this section, "fuels requirement" means any requirement for a motor vehicle fuel established in Chapter 5 (Standards for Motor Vehicle Fuels) of Division 3, Title 13, California Code of Regulations.

(3) For the purpose of this section, "exemption" means an exemption from one or more fuels requirements that is granted by the executive

(5) The quantity of fuel which exceeds the applicable standard that is expected to be used in the program.

(f) With respect to control, a program must be capable of affording the executive officer a monitoring capability. At a minimum, the application for exemption must also include:

(1) The technical nature of the test program;

(2) The site(s) of the program (including the street address, city, county, and zip code);

(3) The manner in which information on vehicles and engines used in the program will be recorded and made available to the executive officer;

(4) The manner in which results of the program will be recorded and made available to the executive officer;

(5) The manner in which information on the fuel used in the test program (including noncomplying properties, name, address, telephone number, and contact person of supplier, quantity, date received from the supplier) will be recorded and made available to the executive officer;

(6) The manner in which the distribution pumps will be labeled to insure proper use of the test fuel;

(7) The name, address, telephone number and title of the person(s) in the organization requesting an exemption from whom further information on the request may be obtained; and

(8) The name, address, telephone number and title of the person(s) in the organization requesting an exemption who will be responsible for recording and making the information specified in paragraphs (f)(3),(4), and (5) of this section available to the executive officer and the location in which such information will be maintained.

(g) An exemption shall be granted by the executive officer upon a demonstration that the requirements of paragraphs (b),(c),(d),(e) and (f) of this section have been met. The exemption will be granted in the form of memorandum of exemption signed by the applicant and the executive officer (or his delegate), which shall include such terms and conditions as the executive officer determines necessary to monitor the exemption and to carry out the purpose of the section. Any violation of such term or condition shall cause the exemption to be void.

(h) The fuels requirements do not apply to fuel used for an engine or vehicle dynamometer test.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, and 43101 of the 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, 39500, 39515, 39516, 41511, 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).

State of California

AIR RESOURCES BOARD

Resolution 93-55
September 9, 1993

Agenda Item No.: 93-11-2

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 39900 through 39911; and

WHEREAS, an interagency research proposal, Number 253-50, entitled "The Effects of Multi-day Exposures to Nitric Acid Vapor and Its Influence on Ozone-induced Inflammation in Human Lungs," 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 has reviewed and recommends for funding:

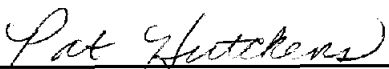
Proposal Number 253-50, entitled "The Effects of Multi-day Exposures to Nitric Acid Vapor and Its Influence on Ozone-induced Inflammation in Human Lungs," submitted by the University of California, San Francisco, for a total amount not to exceed \$453,146.

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 and approves the following:

Proposal Number 253-50, entitled "The Effects of Multi-day Exposures to Nitric Acid Vapor and Its Influence on Ozone-induced Inflammation in Human Lungs," submitted by the University of California, San Francisco, for a total amount not to exceed \$453,146.

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 \$453,146.

I hereby certify that the above is a true and correct copy of Resolution 93-55, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-56

October 14, 1993

Agenda Item No.: 93-12-1

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, 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% 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 40921.5(b) states that a district's air pollution is to be classified as "moderate" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are 9.0 to 12.7 parts per million for carbon monoxide;

WHEREAS, section 40921.5(b) states that a district's air pollution is to be classified as "serious" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are greater than 12.7 parts per million for carbon monoxide;

WHEREAS, the Chico urban area of Butte County, on the basis of ambient pollutant concentrations, is classified as "moderate" nonattainment for carbon monoxide, pursuant to section 40921.5(b) of the Health and Safety Code;

WHEREAS, section 40918 of the Health and Safety Code requires each district classified as a moderate nonattainment 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 (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit, or have the potential to emit, 25 tons or more per year, and (2) the use of best available control technology for any new or modified stationary source which has the potential to emit 25 pounds per day or more of any nonattainment pollutant or its precursors;
- (2) application of the reasonably available control technology (RACT) to all existing permitted stationary sources, except that stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year shall be equipped with best available retrofit control technology (BARCT);
- (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) reasonably available transportation control measures which substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

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, the Chico Urban Area Carbon Monoxide Plan (the Plan) was approved by the Chico City Council on July 7, 1992 and by the Butte County Association of Governments on August 20, 1992;

WHEREAS, the Butte County Air Pollution Control District (District) adopted the Plan on November 17, 1992, and submitted it to the Air Resources Board on December 2, 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 Negative Declaration 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. an attainment demonstration which predicts attainment of the state eight-hour carbon monoxide standard by 1994 based on adopted ARB motor vehicle and fuel regulations, including oxygenated fuel;
2. a contingency measure (employer-based trip reduction) to be implemented in the event that the area does not attain the state carbon monoxide standard by 1994;

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 environmental documentation, 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 carbon monoxide standard is exceeded in the Chico urban area of Butte County infrequently and by a small margin;
2. Carbon monoxide emissions in the Chico area are overwhelmingly motor vehicle in origin;
3. The Plan demonstrates attainment by 1994 based on adopted ARB motor vehicle and fuel regulations, including oxygenated fuel, and 1994 represents the earliest practicable date for attainment of the state carbon monoxide standard in the Chico urban area;
4. The attainment demonstration reflects a design value of 9.2 parts per million, derived from air quality data for the 1989-1990 and 1990-1991 winter seasons, as required by Health and Safety Code section 40921.5;
5. The Plan includes reasonably available transportation control measures, to the extent necessary for attainment of the state carbon monoxide standard;
6. The Plan addresses stationary, area, and indirect source control to the extent necessary for attainment of the state carbon monoxide standard;
7. The Plan satisfies the Act's provisions for public education programs;
8. The Plan meets the Act's cost-effectiveness requirements;
9. The Act's intrabasin uniformity requirement does not apply given the localized nature of the carbon monoxide problem;
10. The district's permitting program for carbon monoxide sources does not meet the Act's threshold requirement for best available control technology; however, more stringent stationary source measures are not necessary for attainment;
11. The Plan provides for less than a 5% annual reduction in carbon monoxide emissions; however, fewer reductions are needed for attainment;

12. The Plan provides for expeditious progress and includes all feasible measures within the meaning of the Act;
13. The Plan satisfies the Act's contingency measure requirement;
14. The Initial Study and Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of CEQA.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the Chico Urban Area Carbon Monoxide Plan as meeting the requirements of the Act.

I hereby certify that the above is a true and correct copy of Resolution 93-56 as adopted by the Air Resources Board

Pat Hutchens

Pat Hutchens

AIR RESOURCES BOARD1020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95814-2815**Notice of Decision and
Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN AIRBORNE TOXIC CONTROL MEASURE FOR PERCHLOROETHYLENE EMISSIONS FROM DRY CLEANING OPERATIONS AND A REGULATION FOR AN ENVIRONMENTAL TRAINING PROGRAM FOR PERCHLOROETHYLENE DRY CLEANING OPERATIONS.

Approved by: Resolution 93-57

Adopted by: Executive Order G-894
Dated: March 9, 1994

Agenda Item No.: 93-12-2

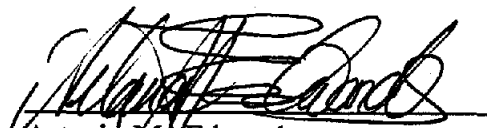
Public Hearing Date: October 14, 1993

Issuing Authority: Air Resources Board

Comment: Some members of the public expressed a need for the regulations to be more stringent.

Response: As determined in the Resolution, adoption of the proposed ATCM and Environmental Training Regulations is not expected to result in any significant adverse environmental impacts. The Staff Report identified no adverse environmental effects.

Certified:


Artavia M. Edwards
Regulations Coordinator

Date:

March 22, 1994

**RECEIVED BY
Office of the Secretary**

MAR 23 1994

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 93-57

October 14, 1993

Agenda Item No: 93-12-2

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, on October 10, 1991, pursuant to Article 3 (commencing with Section 39660) of Chapter 3.5 of Division 26 of the Health and Safety Code, the Board identified perchloroethylene as a toxic air contaminant for which there is not sufficient available scientific evidence to support identification of a threshold exposure level below which no significant adverse health effects are anticipated (see Title 17, California Code of Regulations, Section 93000);

WHEREAS, sections 39658 and 39665 of the Health and Safety Code require the Board to establish airborne toxic control measures for substances identified as toxic air contaminants;

WHEREAS, following identification of perchloroethylene (Perc) as a toxic air contaminant, the Executive Officer, with the participation of the air pollution control districts and air quality management districts (districts), the affected industry, and the public, is required by Health and Safety Code Section 39665 to prepare a report on the need for, and appropriate degree of, control of this toxic air contaminant;

WHEREAS, the staff has worked closely with the districts through the statewide Technical Review Group (TRG), affected sources, and other parties to develop as expeditiously as practical an airborne toxic control measure (ATCM) and Environmental Training Regulation for emissions of Perc from commercial and industrial dry cleaning facilities;

WHEREAS, the staff has proposed an ATCM and Environmental Training Regulation for Perc dry cleaning which would significantly reduce the quantity of Perc emitted to the atmosphere through a combination of requirements for equipment, training, good operating practices, and record-keeping and reporting;

WHEREAS, the staff has prepared the document titled "Proposed Airborne Toxic Control Measure and Proposed Environmental Training Program for Perchloroethylene Dry Cleaning Operations" (Staff Report and Technical Support Document), which constitutes the report required by Health and Safety Code Section 39665 and includes: estimates of Perc emissions, public exposure, and potential cancer risk; a discussion of the technical feasibility of control; information about dry cleaning equipment and emission controls; a discussion of the need for, and necessary provisions of an environmental training program for Perc dry cleaners; an estimate of the cost to comply with the ATCM and obtain training; a discussion of the anticipated effect of the proposed regulations on public exposure to Perc and the associated potential risk; a discussion of alternatives to the ATCM; and identification of any potential adverse environmental or economic effects of the ATCM and possible mitigation measures;

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

WHEREAS, the proposed ATCM and Environmental Training Regulation were developed through discussions of draft versions made available to the public for review and comment at public meetings on January 14 and 16, 1992, September 18 and 23, 1992, March 23 and 25, 1993, and June 29 and 30, 1993;

WHEREAS, in accordance with Health and Safety Code Section 39665(c), the Staff Report, Technical Support Document, proposed ATCM, and proposed Environmental Training Regulation were made available for public review and comment 45 days prior to the public hearing to consider the proposed ATCM and Environmental Training Regulation;

WHEREAS, a public hearing and other administrative proceedings were 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, 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. Perc emissions from dry cleaning facilities are not currently regulated to a degree that adequately protects the public health statewide;
2. Perc emissions from dry cleaning facilities result in public exposure;
3. The proposed ATCM and Environmental Training Regulation would reduce Perc emissions from dry cleaners by over 75% statewide;
4. Lifetime exposure (70 years) to Perc emitted from dry cleaning facilities contributes an additional 250 potential cancer cases to the statewide incidence of cancer;

5. The proposed ATCM would require Perc dry cleaning facilities to reduce their Perc emissions to the lowest level achievable through the application of the best available control technology (BACT) in consideration of cost and risk, as required by Health and Safety Code Section 39666(c), and therefore complies with the requirements of state law for the control of sources of toxic air contaminants identified by the Board;
6. No alternative considered would be either more effective at carrying out the purpose for which the ATCM and Environmental Training Regulation are proposed, or both as effective and less burdensome to affected private persons, than the proposed ATCM and Environmental Training Regulation;
7. Adoption of the proposed ATCM and Environmental Training Regulation will not have a significant adverse economic impact on most small businesses. About half of the dry cleaners already have the machines specified by the ATCM. Of the remaining dry cleaners, almost all have older machines that will reach or be near the end of their estimated service life under the specified phase-in time. For some small businesses that are marginally profitable now, the compliance costs associated with the control measure are expected to result in a significant decrease in profitability. It would not be health protective to exempt all small businesses from the control measure as most of them have significant Perc emissions. The equipment, training, good operating practices, and reporting and record-keeping requirements are necessary to protect the health, safety, and welfare of the people of the state;
8. Adoption of the proposed ATCM and Environmental Training Regulation is not expected to result in any significant adverse environmental impacts. There could be increased emissions of the chlorofluorocarbon (CFC) refrigerant for the control equipment. There would be increased power plant emissions associated with the electricity needed to operate the required pollution control equipment. These potential environmental impacts are expected to be minimal. The phase-out of carbon adsorbers as the primary control device in favor of refrigerated condensers will eliminate approximately 1.3 million gallons of Perc-contaminated wastewater per year. Leak check requirements, which are part of the good operating practices, will mitigate potential emissions of CFCs, which are ozone-depleting substances.
9. It is appropriate to require secondary control for new facilities after an 18 month period. Secondary control is proven, commercially available technology which can reduce emissions and risk at new facilities by 20 to 40 percent. In consideration of cost and risk, use of secondary control on replacement or relocation of machines at existing facilities is not required or recommended. The 18 month delay on the requirement for new facilities will allow dry cleaners more time to plan and evaluate secondary control options, and allow more time for additional manufacturers to enter the market and thus promote competition.

10. It is necessary that the proposed ATCM and Environmental Training Regulation contain requirements beyond those in the Perc dry cleaning emission standard adopted by the EPA pursuant to Section 112(d) of the federal Clean Air Act (42 U.S.C. Section 7412), to minimize the public's exposure to Perc emissions and associated potential risk based on the use of the best available control technology.
11. Compared to neighboring residents, people living in buildings with Perc dry cleaning operations (co-located) can experience more than ten times the exposure to Perc. This translates to potential cancer risks upwards of 4,000 chances in a million. These potential risks can be substantially reduced on a case-by-case basis.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 93109 and 93110, Titles 17 and 26, Subchapter 7.5, Airborne Toxic Control Measures, California Code of Regulations, 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 this is warranted.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to make additional minor modifications to the airborne toxic control measure or environmental training regulation as needed, provided that the Executive Officer determines that such modifications are necessary or needed to conform to the United States Environmental Protection Agency's national perchloroethylene air emission standard for dry cleaning facilities (40 CFR, Part 63, subpart M). The Executive Officer shall make such modifications available to the public for a period of 15 days, 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 modifications to the Board for further consideration if he determines this is warranted.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to send the adopted ATCM and Environmental Training Regulation to the districts and provide assistance to the districts in implementing the ATCM.

BE IT FURTHER RESOLVED, that the Board directs the staff to work with the districts and affected dry cleaners under the requirements of Senate Bill 1731 (Chapter 1162, Stats. 1992) to reduce the potential cancer risk from dry cleaning facilities with high residual risk, including those dry cleaning facilities located in a residential building.

BE IT FURTHER RESOLVED, that the Board directs the staff to work with industry, the Department of Toxic Substances Control, California Occupational Safety and Health Association, equipment manufacturers, and districts to develop reasonable specifications for affordable equipment to evaporate dry cleaning wastewater.

BE IT FURTHER RESOLVED, that the Board directs the staff to assist small businesses during the implementation of these regulations by working with the districts to develop expedited variance procedures, and to implement the Air Pollution Permit Streamlining Act (Health and Safety Code Sections 42320 et seq.), and by working with the Department of Trade and Commerce to encourage the use of CLEAN loans and ensure their accessibility.

I hereby certify that the above is a true and correct copy of Resolution 93-57, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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MAR 23 1994

RESOURCES AGENCY OF CALIFORNIA

93-58

Not Used

No Resolution

State of California
AIR RESOURCES BOARD

Resolution 93-59

November 18, 1993

Agenda Item No.: 93-14-2

WHEREAS, sections 39600 and 39605 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 ("districts");

WHEREAS, in California mobile sources account for approximately 60 percent of all ozone forming emissions and 90 percent of all carbon monoxide emissions;

WHEREAS, the Board has adopted the nation's most extensive and stringent motor vehicle emissions control and fuels regulations, which have resulted in, and will continue to result in, significant emission reductions;

WHEREAS, opportunities exist to further reduce emissions from mobile sources which go beyond the Board's existing regulations;

WHEREAS, the Board, the districts and other parties have expressed considerable interest in the development of methods for generating mobile source emission reduction credits to accommodate industrial and commercial growth in California;

WHEREAS, the Board is authorized to issue guidelines under authority found in section 39003 of the Health and Safety Code, which directs the Board to coordinate efforts to attain and maintain ambient air quality standards; section 39605(a) of the Health and Safety Code, which authorizes the Board to provide assistance to the districts; and sections 39500 and 41500 of the Health and Safety Code, which require the Board to coordinate, encourage, and review the efforts of governmental agencies as they relate to air pollution;

WHEREAS, in February 1993 the Board approved a set of guidelines entitled "Mobile Source Emission Reduction Credits: Guidelines for the Generation and Use of Mobile Source Emission Reduction Credits" (the "Guidelines");

WHEREAS, the purpose of the Guidelines is to assist districts and interested parties in developing and implementing mobile source emission reduction credit programs, and to ensure that district mobile source credit programs do not conflict with or compromise the Board's comprehensive motor vehicle emission controls and fuels program;

WHEREAS, at the Board's direction, staff has developed an addition to the Guidelines entitled "Mobile Source Emission Reduction Credits: Guidelines for the Generation of Mobile Source Emission Reduction Credits By Retrofit of Existing Vehicles" (the "Retrofit Guidelines");

WHEREAS, the purpose of the Retrofit Guidelines is to provide additional guidance for generating mobile source emission credits by retrofitting existing vehicles to low-emission configurations;

WHEREAS, at the Board's direction, staff has taken into consideration written and oral comments received at public workshops, and has incorporated responses to such comments into the Retrofit Guidelines;

WHEREAS, the staff has used the most current and accurate information available to establish calculation procedures for the Retrofit Guidelines;

WHEREAS, the Board finds that mobile source emission reduction credits should be 1) real and surplus to existing and anticipated state, local, and federal regulations, 2) enforceable, and 3) quantifiable, with an established lifespan;

WHEREAS, the Board has held a duly noticed public meeting to consider approval of the Retrofit Guidelines, and has considered the comments presented by representatives of the Board, staff, districts, affected industries, and other interested persons and agencies;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code authorize the Board to delegate any duty to the Executive Officer which the Board deems appropriate;

WHEREAS, the staff has requested that the Board delegate to the Executive Officer the authority to make future changes to the Guidelines as necessary;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the document entitled "Mobile Source Emission Reduction Credits: Guidelines for the Generation of Mobile Source Emission Reduction Credits By Retrofit of Existing Vehicles" for incorporation into the Guidelines.

BE IT FURTHER RESOLVED that the Board approves the Retrofit Guidelines with the changes recommended by the staff in attachment A.

BE IT FURTHER RESOLVED that the Board delegates to the Executive Officer the authority to make future changes to the Guidelines as necessary.

BE IT FURTHER RESOLVED that the Board directs the staff to propose changes to the regulations contained in the document "California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and Subsequent Model Years" as described in the Retrofit Guidelines.

BE IT FURTHER RESOLVED that the Board encourages districts to implement mobile source emission reduction credit programs that provide increased flexibility and opportunity for cost savings by regulated sources so long as district programs do not conflict with or compromise California's motor vehicle emission control and fuels programs.

Attachment A

PUBLIC HEARING TO CONSIDER THE APPROVAL OF GUIDELINES FOR THE GENERATION OF EMISSION REDUCTION CREDITS BY THE LOW-EMISSION RETROFIT OF EXISTING VEHICLES

Staff's Recommended Changes to the Originally Proposed Retrofit Guidelines

- 1) Modify Chapter 2 to allow for credit generation for emission reductions from retrofitted light-duty vehicles certified to the tier 1 non-methane hydrocarbon (NMHC) standards. For light-duty vehicles weighing less than 3,751 pounds these standards are: 0.25 grams per mile (g/mi) NMHC, 3.4 g/mi carbon monoxide (CO) and 0.4 g/mi oxides of nitrogen (NOx). For light-duty trucks that weigh over 3,750 pounds these standards are: 0.50 g/mi NMHC, 9.0 g/mi CO and 1.0 g/mi NOx. Credit would be allowed for the difference in certification standards before and after the vehicles are retrofitted.
- 2) Modify the section entitled Alternative Fuel Retrofit Regulations, on page A-2, to specify that the regulations will be changed to allow dual-fuel vehicles to generate credits for reducing emissions using clean fuel as long as the vehicles, when using gasoline, meet the certification standards for the original gasoline engine.
- 3) Modify the section entitled Low-Emission Vehicle and Clean Fuels Regulations, on page A-3, to include a paragraph explaining that starting in 1995, vehicles that weigh 8,501 pounds to 14,000 pounds, currently classified as heavy-duty vehicles, will be reclassified as medium-duty vehicles. The low-emission vehicle regulations allow these vehicles the option of certifying to engine emission standards. This paragraph will specify that for vehicles in this weight class, the same test procedures used to certify the original engines must be used to certify the retrofitted engines to credit-generating low-emission vehicle standards.
- 4) Modify the section entitled Credit Calculation for Exhaust Emission Reductions, on page A-6, to allow dual-fuel vehicles to certify on gasoline to their original certification standards. The section will also state that credit for dual-fuel vehicles would only be granted for the number of miles traveled using clean fuel.
- 5) Modify the section entitled Credit Calculation for Exhaust Emission Reductions, on page A-6, to include a statement regarding the reclassification of heavy-duty vehicles that weigh 8,501 pounds to 14,000 pounds to the medium-duty vehicle class beginning in 1995. These vehicles can be certified using either vehicle certification standards or optional engine certification standards. If vehicles using engines that were certified to the optional engine certification standards are subsequently retrofitted to low-emission standards, the credit-generating calculation procedure would be similar to the calculation procedures in the heavy-duty vehicle retrofit guidelines.
- 6) Modify the section entitled "Credit Life", on page A-10, to specify that the typical number of years it takes for light- and medium-duty vehicles to travel 100,000 miles and 120,000 miles respectively, is approximately 10-years. Thus, the section will state that the staff assumes that

light- and medium-duty vehicles travel approximately 10,000 or 12,000 miles per year.

- 7) Modify the section entitled "Credit Certification", which begins on page B-7, to allow new engine certification data to be used for certifying an upgrade kit, produced by the engine manufacturer, to a low-emission credit standard. To qualify, the upgrade kit must result in a retrofitted engine which is identical in configuration and calibration to the engine on which the certification data measurements were made.
- 8) Modify the subsection entitled "Enforcement", which begins on page B-12, to exempt upgrade kits (as described in item 7, above) from the in-use compliance testing requirements of the alternative fuel retrofit regulations. The basis for this exemption is that the new engines are already subject to in-use compliance testing and further testing of engines that are upgraded to an identical configuration would be redundant.
- 9) Modify the subsection entitled "Conversion Factor", on page B-9, to indicate that the method of determination described in that paragraph is not the exclusive method acceptable to ARB. Explain that the credit applicant may submit a conversion factor, based on any commonly accepted data and methodology. The proposed conversion factor will be subject to district and ARB review and approval.
- 10) Modify the subsection entitled "Credit Standards", beginning on page B-4, to reflect the change in the maximum credit standard, for all pollutants, from 30% below the applicable ceiling standard to 25% below the applicable ceiling standard.

AIR RESOURCES BOARD

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State of California
AIR RESOURCES BOARD

**Notice of Decision and
Response to Significant Environmental Issues**

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

Adopted by: Resolution 93-60

Agenda Item No.: 93-14-3


Public Hearing Date: November 18, 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:


Artavia M. Edwards
Regulations Coordinator

Date:

7 Sep 94

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 93-60

November 18, 1993

Agenda Item No.: 93-14-3

WHEREAS, Health and Safety Code sections 39600 and 39601 authorize the Air Resources Board (the Board or ARB) 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 (the State standards) be attained by the earliest practical date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain the State standards, the Act mandates a comprehensive program of emission reduction measures and planning requirements for the State and the local air pollution control and air quality management districts (the districts) in areas where the State standards are not attained;

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

WHEREAS, on June 8, 1989, the Board adopted and on June 15, 1990, May 15, 1992, and December 10, 1992, the Board amended the California Code of Regulations, Title 17, sections 70300 through 70306, and Appendices 1 through 4, thereof, establishing designation criteria (the adopted criteria) consistent with the requirements of the Act;

WHEREAS, as a result of its periodic review of the adopted criteria, the ARB staff proposes amending Appendix 3 to the adopted criteria to provide consistency among the requirements for complete data, regardless of the number of years of data that are available;

WHEREAS, the ARB staff also proposes amending Appendix 4 to the adopted criteria to update the screening value for total annual oxides of nitrogen emissions in the air basin, based on an improved method for estimating oxides of nitrogen emissions;

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

WHEREAS, the Act in Health and Safety Code section 39608(a) requires the Board, in consultation with the districts, to identify and classify each air basin in California as nonattainment, attainment, or unclassified on a pollutant-by-pollutant basis pursuant to the designation criteria established by the Board under Health and Safety Code section 39607(e);

WHEREAS, the Act in Health and Safety Code section 39608(c) also requires the Board to review the area designations annually and update them as new information becomes available;

WHEREAS, on June 9, 1989, the Board approved the initial area designations which are contained in the California Code of Regulations, Title 17, sections 60200 through 60209, and has updated the area designations during each subsequent year;

WHEREAS, in consultation with the districts and considering comments received from public agencies, industry representatives, and interested persons, the ARB staff has proposed amendments to the area designations for a number of specific areas of the State for ozone, carbon monoxide, sulfur dioxide, sulfates, and hydrogen sulfide;

WHEREAS, the proposed amendments to the area designations for carbon monoxide, sulfur dioxide, sulfates, and hydrogen sulfide are based on the adopted criteria contained in the California Code of Regulations, Title 17, sections 70300 through 70306, and Appendices 1 through 4, thereof;

WHEREAS, the proposed amendment to the area designation for ozone is based on the adopted criteria contained in the California Code of Regulations, Title 17, sections 70300 through 70306, Appendices 1 and 2, and the amendments to Appendix 3;

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 ARB staff; and

WHEREAS, the Board finds that:

1. The proposed amendments to the designation criteria are necessary for the designation of areas as nonattainment, attainment, or unclassified for the State standards and comply with the specifications described in Health and Safety Code section 30607(e);
2. The proposed amendments to the designation criteria assure that the area designations will continue to be based on the most appropriate and reliable air quality information;

3. The proposed revisions to the area designations comply with the requirements of Health and Safety Code section 39608;
4. The proposed revisions to the area designations listed in the California Code of Regulations, Title 17, sections 60200 through 60209 are consistent with the designation criteria in the California Code of Regulations, Title 17, sections 70300 through 70306 and with the amendments to Appendices 3 and 4 thereto;
5. 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; and
6. 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 multiple step program designed to achieve and maintain the State standards.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendments to the California Code of Regulations, Title 17, sections 60200, 60201, 60202, 60204, 60206, and 60208, and to Appendices 3 and 4 to sections 70300 through 70306, as set forth in Attachment A, hereto.

I hereby certify that the above is a true and correct copy of Resolution 93-60, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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State of California
AIR RESOURCES BOARD

Resolution 93-61

November 18, 1993

Agenda Item No.: 93-14-4

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, Sections 87300-87302 of the Government Code authorize and require the Board to adopt a Conflict of Interest Code containing certain specified provisions;

WHEREAS, the Board has established a Conflict of Interest Code in Sections 95000-95007, Title 17, California Code of Regulations;

WHEREAS, the Board's Conflict of Interest Code ("Code") incorporates by reference the Standard Conflict of Interest Code established by the Fair Political Practices Commission (FPPC) in Section 18730, Title 2, California Code of Regulations, designates the Board and staff positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on financial interests, and establishes disclosure categories which specify the kinds of financial interests that must be reported by the various designated employees;

WHEREAS, Section 87306 of the Government Code authorizes and requires the Board to conduct a biennial review of the Board's Code and to amend the Board's Code to reflect, among other changes, the creation of new positions which involve the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest; or the reclassification, renaming or deletion of previously designated positions;

WHEREAS, the Board staff has proposed amendments to Sections 95000, 95001, 95002, 95004, 95005, and 95007, Title 17, California Code of Regulations, to reflect the additions and deletions of positions designated under the Board's Code and to make minor grammatical and clarifying changes;

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 amendments to Sections 95000, 95001, 95002, 95004, 95005, and 95007, Title 17, California Code of Regulations, set forth in Attachment A, appropriately reflect additions and deletions to the designated positions of the Board's Code, and minor grammatical and clarifying changes; and

The amendments set forth in Attachment A meet the requirements of Sections 87300-87313 of the Government Code.

THEREFORE, BE IT RESOLVED that the Board hereby adopts amendments to Sections 95000, 95001, 95002, 95004, 95005, and 95007, Title 17, California Code of Regulations, as set forth in Attachment A hereto.

I hereby certify that the above is
a true and correct copy of
Resolution 93-61, as adopted by
the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

**PROPOSED TEXT OF REGULATIONS
FOR CONFLICT OF INTEREST CODE**

Amend Sections 95000, 95001, 95002, 95004, 95005, 95006, and 95007, Subchapter 9. Conflict of Interest Code, Chapter 1, Division 3, Title 17, California Code of Regulations, as follows:

Article 1. General Provisions

95000. Incorporation by Reference of Standard Conflict of Interest Code. The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code which can be incorporated by reference into the Conflict of Interest Code of a state agency. The regulation may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated herein by reference and, along with the following Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the California Air Resources Board.

Pursuant to Section 4(A) of the Standard Code (2 Cal. Code of Regs. Section 18730 (g) (4) (A)), designated employees shall file statements of economic interest with the person designated to perform this function for the agency. Upon receipt of the statement of the Board Members and the Executive Officer of the Air Resources Board, said person shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Section 87300, 87301, 87302 and 87500, Government Code; Section 18730 of Title 2, California ~~Administrative~~ Code of Regulations.

Article 2. Appendix: Designated Employees and Disclosure Categories

95001. Professional Employees.

For purposes of the following disclosure categories persons at all levels of the following employment classifications are deemed to be professional employees:

Air Pollution Research Specialists
Air Pollution Specialists
Air Resources Field Representatives

Auto Emissions Test Supervisors
Biostatisticians
Chemists
Data Processing Analysts
Data Processing Managers
Economists
Engineers
Government Program Analysts
Information Officers
Management Analysts
Meteorologists
Public Health Medical Officers
Research Analysts
Spectroscopists
Staff Analysts
Staff Services Managers
Statistical Methods Analysts
Telecommunications Systems Analysts
Toxicologists
Transportation Planners
Vehicle Pollution Advisors

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

95002. Category I.

(a) Air Resources Board Members, the Advisors to the Board, members of the Scientific Review Panel on Toxic Air Contaminants, members of the Scientific Advisory Committee on Acid Deposition, members of the Research Screening Committee, Executive Officer, Deputy Executive Officers, Assistant Executive Officer, all Executive Office ~~§~~Special ~~o~~Office Chiefs, all Division Chiefs and Assistant Division Chiefs, all Administrative Law Judges, all ~~§~~Staff Attorneys, all professional employees and special consultants* attached to the Executive Office, Branch Chiefs of the Administrative Services Division, and the Training Section Manager, the Contracts Manager, Procurement Officers, and the Regional Administrative Officer of the Administrative Services Division.

* With respect to consultants, however, the Executive Officer may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements. Nothing herein excuses any consultant from any other provision of this Conflict of Interest Code. (This footnote applies to consultants in all disclosure categories, as indicated by the asterisks.)

A copy of the written determination shall be retained at the Offices of the Air Resources Board and made available for public inspection.

(b) Every person in this Category must report: all investments, all interests in real property, all sources of income, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management in any business entity.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

95003. Category II.

(a) Members of the Abrasive Blasting Committee and all professional employees in and special consultants* attached to the Stationary Source Division.

(b) Every person in this Category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management,

(1) in any business entity which is subject to any laws of the State of California, or regulations promulgated by the Air Resources Board, relating to the control of air pollution from nonvehicular sources, or subject to any rules or regulations promulgated by any local air pollution control district;

(2) in any business entity of the type which has contracted with the board to provide services, supplies, materials, machinery, instrumentation, or equipment to the board;

(3) in any business entity, including a construction company, which is regularly engaged in the development of or investments in real property in California; and

(4) in any business entity which is regularly engaged in the preparation of environmental impact reports or environmental impact statements.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

95004. Category III.

(a) All professional employees in and special consultants* attached to the Research Division.

(b) Every person in this Category must report: all investments in, income from, and his or her status as director, officer, partner, trustee, employee, or holder of any position of management in.

(1) any business entity which is subject to any laws of the State related to the control of air pollution from vehicular or nonvehicular sources, or which is subject to any local air pollution control district; and

(2) any business entity or non-profit institution involved in activities relating to air pollution research, the development of air pollution control strategies or any activity which for the past two years has been the subject of a board research proposal, bid or contract.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

95005. Category IV.

(a) *Members of the Modeling Advisory Committee and all* professional employees in and special consultants* attached to the Compliance Division, the Technical Support Division, and the Monitoring and Laboratory Division.

(b) Every person in this Category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of and position of management, in any business entity which is subject to any laws of the State of California relating to the control of air pollution from vehicular or nonvehicular sources, or which is subject to any rules or regulations promulgated either by the Air Resources Board or by any local air pollution control district.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

95006. Category V.

(a) All professional personnel in and special consultants* attached to the Mobile Source Division.

(b) Every person in this Category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management,

(1) in any business entity associated with the manufacture, distribution, sale, leasing, repair, or (except for entities associated solely with the news media) the advertisement of motor vehicles, vehicular emission control devices or equipment, or vehicle aftermarket parts of vehicle fuels or fuel additives which may affect emissions; and

(2) in any business entity of the type of which has contracted within the previous two years with the ~~the~~ Board to provide services, supplies, materials, machinery, instrumentation, or equipment to the ~~the~~ Board.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

95007. Advisory Committees.

The Board finds that all members of advisory groups or committees appointed by the Board pursuant to Health and Safety Code Section 39603, perform a solely advisory function, and hence are not "designated employees" within the meaning of this Code, and are therefore exempt from the requirements of this Code.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.