

State of California
AIR RESOURCES BOARD

Summary of Board Meeting
November 16 & 17, 2006
Public Utilities Commission Auditorium
505 Van Ness Avenue
San Francisco, California

MEMBERS PRESENT: Robert F. Sawyer, Ph.D., Chairman
Sandra Berg
Dorene D'Adamo
Henry Gong, Jr., M.D.
Ronald O. Loveridge
Barbara Patrick
Barbara Riordan

AGENDA ITEM #

06-11-1: HEALTH UPDATE: Micro-exposures to toxic air pollutants

SUMMARY OF AGENDA ITEM:

Staff summarized a study on exposure to toxic air contaminants and cancer risk for inner city teenagers. The investigators reported on outdoor home, indoor home, and personal exposures to airborne toxics for 41 and 46 high school students in Los Angeles and New York City, respectively. Selected compounds, such as formaldehyde and chromium were collected and measured. The authors reported the median estimated cumulative risk for NYC high school students was 666 per million, while the LA median cancer risks were 486 per million. These risks were 5 and 4 times higher than those from ambient exposures.

ORAL TESTIMONY: None

FORMAL BOARD ACTION: None (Informational Item)

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: No

06-10-2: Public Meeting to Consider Research Proposals

SUMMARY OF AGENDA ITEM:

Staff described the objective and expected results for the following eight research proposals.

1. "Analysis of Satellite Measurements to Improve California's Models for O₃ and PM," University of California, Berkeley, \$350,724, Proposal No. 2618-253.
2. "Flux Measurements of Biogenic Precursors to Ozone and Particulate Matter in the Central Valley," University of California, Berkeley, \$400,003, Proposal No. 2612-253.
3. "Development of the UCB-L Particle Monitor for California Applications in Environmental Justice," University of California, Berkeley, \$213,088, Proposal No. 2613-253.
4. "Development of Updated ARB Solvent Cleaning Emissions Inventory," University of California, Riverside, \$199,342, Proposal No. 2619-253.
5. "Lifecycle Analysis of the Climate-Change Reduction Strategies of the California Air Resources Board," University of California, Davis, \$199,561.29, Proposal No. 2614-253.
6. "Impact of Climate Change on the Frequency and Intensity of Low-level Temperature Inversions in California," University of California, San Diego, \$249,989, Proposal No. 2615-253.
7. "Deployment of a Novel Aerosol Mobility/Mass Spectrometer for Quantitative Chemical Analysis of Organic Aerosols from Mobile Sources," University of Southern California, \$238,383, Proposal No. 2620-253.
8. "Investigation of the Role of Lubricating Oil on Particulate Matter Emissions from Vehicles," Southwest Research Institute, \$832,000, ARB co-funding will be \$100,000, Proposal No. 2616-253.

ORAL TESTIMONY: None.

FORMAL BOARD ACTION: The Board approved Resolution numbers 06-30 through 06-37.

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: No

06-10-3: Public Meeting to Consider an Update on the Air Resources Board's Emission Reduction Plan for Ports and Goods Movement in California (Plan)

SUMMARY OF AGENDA ITEM:

Dr. Sawyer recognized that Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 adds a powerful new tool to cut the health risks from goods movement. Executive Officer Witherspoon indicated staff is gearing up to implement the \$1 billion but that the timing is uncertain since the Legislature needs to establish criteria for the program and appropriate funds to ARB.

Staff then described progress to date in implementing the 30 new strategies in the Plan. The update covered ships, harborcraft, trucks, locomotives and cargo handling equipment. Key actions for 2007 include statewide rules for private truck fleets and the subset of port trucks, the fuel used in the main engines on ships, and harbor craft fleets. Federal rulemaking is also expected in 2007 for locomotives and marine engines. Staff also summarized activities related to localized health risks, including railyard assessments, a special community monitoring study around the Ports of Los Angeles and Long Beach, and risk assessments for the maritime Port of Oakland and adjacent West Oakland. Staff updated the Board the San Pedro Bay Ports Clean Air Action Plan, and beginning efforts by the Port of Oakland and the Bay Area Air Quality Management District. Then staff briefly discussed the Bond and other funding to expedite emission reductions from goods movement.

Board members discussed the importance of reducing emissions in inland areas of the State and the California-Mexico border region, links to climate change, the importance of grade separations for rail operations, impacts from warehouse distribution centers, the slow pace of national and international actions to reduce emissions, and the potential for container or other cargo related fees to provide additional funding.

The Board heard oral testimony from six witnesses representing local air districts and environmental organizations. All were supportive of the plan. Several advocated that the State attach air quality conditions to the expenditure of bond funding (for example, to ensure use of low-emission construction equipment). Multiple speakers articulated the need for private sector investment through container fees or other means, both to provide match to the Bond

monies and to raise substantial additional funding. The South Coast AQMD emphasized the importance of requiring lower sulfur fuel in ship main engines. The Bay Area AQMD discussed the challenges in trying to retrofit port trucks in Oakland and suggested truck replacement instead. The Sierra Club asked the Board to consider the nexus between transportation spending and greenhouse gas emissions.

ORAL TESTIMONY:

Diane Bailey, Natural Resources Defense Council
Jack Broadbent, Bay Area Air Quality Management District
Irvin Dawid, Sierra Club California
Bonnie Holmes-Gen, American Lung Association of California
Carl Scheebeck, Bluewater Network
Barry Wallerstein, South Coast Air Quality Management District

FORMAL BOARD ACTION: None. Informational item.

RESPONSIBLE DIVISION: Planning and Technical Support Division

STAFF REPORT: No

06-10-4: Public Hearing to Consider ATCM Amendments Limiting Onboard Incineration on Oceangoing Ships

SUMMARY OF AGENDA ITEM:

State law prohibits cruise ships from conducting onboard incineration within three nautical miles of the California coast and directed ARB to adopt regulations to enforce this prohibition. On November 17, 2005, the Board adopted the Airborne Toxic Control Measure for Cruise Ship Onboard Incineration. Legislation enacted in 2005 (SB 771) expanded this prohibition to oceangoing ships of 300 gross registered tons or more. Accordingly, staff proposed amendments to the ATCM to include this wider class of ships. An oceangoing ship is defined as a private, commercial, government, or military vessel calling on California ports or places.

The Board heard testimony from one environmental group which encouraged adoption. The Department of Defense expressed appreciation toward ARB staff for working with them through military requirements.

ORAL TESTIMONY:

Carl Schneebeck, Bluewater Network
Mary Kay Faryan, Department of Defense

FORMAL BOARD ACTION:

The Board adopted Resolution 06-38 by a unanimous vote, approving the proposed amendments with staff's suggested modifications, subject to a supplemental 15-day period for comment on the modifications.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes

06-10-5: Public Meeting to Consider Proposed Amendments to the Stationary Diesel Engine Control Measure

SUMMARY OF AGENDA ITEM:

Staff proposed amendments to the Airborne Toxic Control Measure for Stationary Compression Ignition Engines to address existing agriculture engines (ag engines). The proposed amendments also included changes to clarify and improve enforcement of existing provisions for prime and emergency standby engines.

As a result of comments received, staff presented several modifications to the original proposal released on September 29, 2006 including: removing the limitation on annual hours of operation in the remote-location exemption; clarifying the compliance option for Tier 3 engines with 85 percent particulate control; and clarifying the relationship between purchase year and compliance standards for other pollutants. Additionally, the Board directed staff to further modify the remote-location exemption so that an engine can qualify if it is at least one-half mile from a residential area, school, or hospital. The Board also directed staff to work with the local air districts and other parties to identify sources of funding that might be available to assist growers in switching to electric motors or new, clean diesel engines.

ORAL/WRITTEN TESTIMONY:

Curt Josiassen, Butte County AQMD
Jim Wagoner, Butte County AQMD
Paul Buttner, California Rice Commission
Karl Lany, SCEC
Tom Jordan, San Joaquin Valley Unified APCD
Bonnie Holmes-Gen, American Lung Association

FORMAL BOARD ACTION:

The Board adopted Resolution 06-39 by a unanimous vote, approving the proposed amendments with staff's suggested modifications, subject to a supplemental 15-day period for comment on the modifications.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes

06-10-6: Public Hearing to Consider Amendments to the AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Report and Regulation

SUMMARY OF AGENDA ITEM:

ARB's "Hot Spots" Guidelines Regulation assists local air districts, facility operators, and the general public in implementing emission inventory requirements of the hot spots program. This rulemaking amended the Guidelines Regulation to reflect the identification of diesel particulate matter (diesel PM) as a toxic air contaminant. The amendments also harmonized "Hot Spots" requirements with the airborne toxic control measure (ATCM) for stationary diesel engines. The amendments were designed to minimize duplicative efforts. Staff also proposed the incorporation of the Office of Environmental Health Hazard Assessment Risk Assessment Guidelines and health values, which have already gone through a public process and are being used by the districts as they continue to implement the Guidelines Regulation.

ORAL TESTIMONY:

Tom Umenhofer, Western States Petroleum Association
Mary Kay Faryan, Navy, U.S. Department of Defense
Mary Jane Foley, Southern California Alliance of POTWs

Stephanie Cheng, Bay Area Clean Water Agencies
Frank Caponi, Los Angeles County Sanitation District
Sharon Rubalcava, Motion Picture Association of America
Barry Wallerstein, South Coast Air Quality Management District

FORMAL BOARD ACTION:

The Board adopted Resolution 06-40 by a unanimous vote, approving the proposed amendments with staff's suggested modifications, subject to a supplemental 15-day period for comment on the modifications.

RESPONSIBLE DIVISION: Planning and Technical Support Division

STAFF REPORT: Yes

06-10-7: Public Hearing to Consider Proposed Amendments to the Area Designations for State Ambient Air Quality Standards

SUMMARY OF AGENDA ITEM:

State law requires ARB to designate areas of California as attainment or nonattainment for State standards, to review those designations annually, and to update them as new information becomes available.

Staff recommended the Board redesignate Imperial County as attainment for carbon monoxide, northern Sonoma County as attainment for PM10, San Luis Obispo County as attainment for PM2.5, and Lassen and Modoc Counties as unclassified for ozone. In addition, the staff recommended the Board redesignate the following counties as nonattainment for ozone: Inyo, Siskiyou, San Luis Obispo and northern Sonoma County. Finally, the staff recommended the Board redesignate the North Central Coast Air Basin and the Sacramento Valley Air Basin (Butte, Shasta, Sutter, Tehama, Yolo, Yuba, and a portion of Solano County) from nonattainment-transitional to nonattainment for ozone.

ORAL TESTIMONY: None

FORMAL BOARD ACTION: Adopted Resolution 06-41 by a unanimous vote, adopting the proposed amendments.

RESPONSIBLE DIVISION: Planning and Technical Support Division

STAFF REPORT: Yes

06-10-8: Public Hearing to Consider Proposed Amendments to the California Consumer Products Regulation and Aerosol Coatings Regulation

SUMMARY OF AGENDA ITEM:

Staff proposed amendments to the existing California Consumer Products Regulation to establish 18 new volatile organic compound (VOC) limits affecting 15 product categories. Staff also proposed to clarify the definitions of “Multi-purpose Solvent” and “Paint Thinner,” and to remove overlapping requirements with the Aerosol Coatings Regulation applicable to Rubber and Vinyl Protectants, Fabric Protectants, Vinyl/Fabric/Leather/Polycarbonate Coatings, cosmetics and other products used on the human body. Other amendments prohibit the use of chlorinated toxic compounds in certain categories; adjust limits for Nail Polish Removers; and exempt certain electronic cleaners from a soon-to-be-effective VOC limit.

At the hearing, staff recommended modifications to the original proposal to adjust the effective dates for four product categories: Brake Cleaners, Carburetor and Fuel-Injection Air Intake Cleaners, Engine Degreasers, and General Purpose Degreasers. Staff also proposed interim VOC limits for these categories, excluding Engine Degreasers. Staff also proposed additional time to modify the definitions for the Disinfectants and Sanitizers categories. Additionally, staff requested more time to clearly and appropriately define the Rubber/Vinyl Protectants category. Also, staff proposed giving manufacturers one additional year to meet the soon-to-be-effective VOC limit for Electronic Cleaners. Finally, staff proposed a slight modification to the Multi-Purpose Solvent category definition to clarify when the new definition becomes effective.

Twenty-six individuals testified at the hearing. Many expressed concern about the effective dates for the VOC limits for automotive cleaning and general purpose degreasing categories, saying they were too early or too late. Two individuals (representatives of NAA and Stoner, Inc.) opposed definitional changes to the Rubber/Vinyl Protectants category. Two individuals (representatives of Reckitt Benckiser Inc. and S.C. Johnson) supported the VOC limits proposed for the disinfectant and sanitizer categories. One

individual (a representative of Johnson Diversey) supported the VOC limits proposed for the Floor Polish or Wax subcategories.

ORAL TESTIMONY:

Doug Raymond, NAA, Radiator Specialties, WD-40, Claire
Elaine Chang, SCAQMD
Lee Lockie, SCAQMD
Katy Wolt, IRTA
Julia Quint, Citizen
Virginia St. Jean, SF Dept. of Public Health
Doug Raymond, NAA, Stoners, Meguiars, Plaze
Harry Zechman, Stoner, Inc.
Mark Kubiak, Claire Manufacturing Company, Sprayway, Inc.
Joseph Yost, CSPA
Eileen Moyer, Reckitt Benckiser Inc.
Laurie Nelson, Johnson Diversey
Gregory Johnson, Diversified Brands
Andrew Hackman, The Automotive Specialty Products Alliance
Edward Piszynski, Bridgeview Aerosol, LLC
Adam Selisker, CRC Industries, Inc.
John Ehlert, Barryman Products
Ron Fausnight, Shell Global Solutions
Larry Beaver, Radiator Specialty Co.
Sean McNear, Honeywell Consumer Products
Jason Williamson, Valvoline
Norman Plotkin, AAIA/CANA
Douglas Fratz, CSPA
Catherine Porter, Workspace
Chip Brewer, S.C. Johnson
Patrice Sutton, Citizen

FORMAL BOARD ACTION:

Adopted Resolution 06-42, approving the amendments with the modifications proposed by staff, except that the effective date for three categories was moved from December 31, 2012 to December 31, 2010, subject to a supplemental 15-day period for comment on the modifications.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes