

State of California  
AIR RESOURCES BOARD

Summary of Board Meeting  
December 6 & 7, 2007

Air Resources Board  
Auditorium  
9530 Telstar Avenue  
El Monte, California 91731

MEMBERS PRESENT: Ms. Mary Nichols, Chairman  
Ms. Sandra Berg  
Ms. Judith Case  
Ms. Dorene D'Adamo  
Supervisor Jerry Hill  
Ms. Lydia Kennard  
Mrs. Barbara Riordan  
Supervisor Roberts  
Dr. Daniel Sperling

AGENDA ITEM #

**07-12-1: Health Update: Chronic Air Pollution Exposure and Adverse Effects on the Brain - A Review**

SUMMARY OF AGENDA ITEM:

ARB staff provides the Board with regular updates on current research findings on the health effects of air pollution. In this health update, staff presented a brief summary of a recently published review article that described possible associations between long-term air pollution exposure and adverse effects on the brain. The presentation reviewed selected recent findings of several studies conducted in Mexico. The results showed higher levels of biomarkers that may precede inflammation and the appearance of abnormal protein deposits in the brain in individuals from highly-polluted cities. These observations were made in humans (adults and children) and also in animals. The effects of air pollutants may have been due to transport of the pollutant into the brain. Alternatively, it may have been an indirect effect through the release of inflammatory molecules elsewhere in the body. The findings from these studies indicate that the harmful effects from air pollution may be more far-reaching

than previously recognized, and emphasize the continued importance of reducing pollutant levels to protect human health.

ORAL TESTIMONY: None

FORMAL BOARD ACTION: None (Informational Item)

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: No

**07-12-2: Update the Board on a Climate Change Science Update: Action at a Local Level**

SUMMARY OF AGENDA ITEM:

ARB staff provided an update on how cities, counties and businesses are implementing a variety of climate action strategies to reduce greenhouse gas emissions. The presentation described the important role of cities, counties, business and individuals in addressing climate change. The presentation highlighted some commendable local leadership already taking place, and described ARB's roadmap for achieving further greenhouse gas reductions at the local level. The effort ARB staff described focused on municipal and community operations.

ARB's laid out a roadmap for achieving further local greenhouse gas emissions reductions which includes working collaboratively with stakeholders to coordinate ongoing statewide efforts. Through collaborations existing tools will be identified or new tools will be developed. Staff will also assess and promote best practices such as climate action plans, develop outreach programs, and identify additional opportunities for meeting the 2050 target. These efforts will be condensed into the early action local guidance that we will bring to the Board in September 2008.

ORAL TESTIMONY: None

FORMAL BOARD ACTION: None (Informational Item)

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: No

**07-12-3: Public Hearing To Consider Adoption of a Regulation for the Mandatory Reporting of Greenhouse Gas Emissions**

**SUMMARY OF AGENDA ITEM:**

In 2006, the California Legislature passed, and Governor Schwarzenegger signed, the California Global Warming Solutions Act of 2006 (the Act). The Act, also known as AB 32, mandates that the Air Resources Board (ARB) adopt regulations for mandatory greenhouse gas (GHG) reporting on or before January 1, 2008. The proposal focuses on the most significant GHG emission sources, uses rigorous and consistent emission accounting methods, accounts for all electricity consumed in California including imports, includes verification of emissions data, and to the extent feasible, maintains consistency with other GHG reporting programs.

Under the proposed regulation, the facilities required to annually report GHG emissions and supporting information will include electricity generating facilities, electricity retail providers, electricity marketers, oil refineries, hydrogen plants, cement plants, cogeneration facilities, and industrial sources that emit over 25,000 metric tonnes per year of CO<sub>2</sub> from stationary source fuel combustion. The latter category would include, for example, food processors, glass container manufacturers, oil and gas producers, and mineral processors. The staff proposal requires facilities to report facility GHG emissions using the methods, equations, and emission factors specified in the regulation. Staff worked to maintain consistency with existing California Climate Action Registry (CCAR) protocols, except where differences were required to ensure complete and verifiable mandatory reporting and account for electricity imports.

The first reporting would be required in 2009, on 2008 GHG emissions. The proposal includes emissions verification requirements by ARB-approved third parties, either air districts or private firms that would begin in 2010. Additional sources of GHG emissions will be estimated through other mechanisms besides mandatory reporting, and are not included in the regulation at this time.

At the Board meeting, staff suggested changes to the proposed regulation to improve implementation. Changes include raising the de minimis cap from 10,000 to 20,000

metric tonnes CO2 equivalent, the development of language to address data reporting procedures during metering instrument breakdowns, and several clarifications affecting how purchases and sales are reported by retail providers in the power sector. Staff also proposed allowing weekly (versus daily) sampling for refinery fuel gas composition at small refineries, and simplifying reporting requirements for small cogeneration facilities by not requiring them to report thermal energy production separately. The revised proposal will also include other minor changes and clarifications including several new definitions and general language clean-up.

The Board heard testimony from thirteen parties encouraging the Board's adoption of this regulation. These included six industry representatives, four environmental organizations, the CCAR, American Lung Association, and the San Joaquin Valley Air Quality Management District. Three industry representatives, the South Coast Air Quality Management District, Bay Area Air Quality Management District, and the California Air Pollution Control Officer's Association provided neutral testimony. Representatives from Communities for a Better Environment, the California Municipal Utilities Association, and New United Motor Manufacturing, provided testimony in opposition to the proposed regulation.

Following the testimony and Board member questions directed to staff, the Board approved the staff's modified proposal including a modified requirement, based on testimony from several parties, to require all facilities to have their 2009 emissions, as reported in 2010, to be verified. The modified proposal will be made available to the public for a 15-day comment period.

**ORAL TESTIMONY:**

Devra Wang, National Resources Defense Council

Mark Nordheim, Chevron

John Busterud, Pacific Gas and Electric

Jerry Frost, Kern Oil Refining Co.

Tom Jordan, San Joaquin Valley Air Pollution Control District

Julia May, Communities for a Better Environment

Bruce McLaughlin, California Municipal Utilities Association

Jesus Torres, Communities for a Better Environment

Tony Fischer, NUMMI

Barry Wallerstein, South Coast Air Quality Management District

Mark Ross, Bay Area Air Quality Management District  
Doug Quetin, California Air Pollution Control Officer's Association  
Eric Little, Southern California Edison  
Chuck White, Waste Management  
Ann McQueen, Mitsubishi Cement and National Cement  
Gregory Klatt, Alliance for Retail Energy Markets  
Don Anair, Union of Concerned Scientists  
Tim O'Connor, Environmental Defense  
Derek Markolf, California Climate Action Registry  
Taylor Miller, Sempra Energy  
Darrell Clarke, Sierra Club  
Bonnie Holmes Gen, American Lung Association  
Cathy Reheis-Boyd, Western States Petroleum Association

FORMAL BOARD ACTION:

The Board approved Resolution 07-54, with proposed modifications, by a unanimous vote.

RESPONSIBLE DIVISION: Planning & Technical Support Division

STAFF REPORT: YES

**07-12-4: Public Hearing to Consider the 1990 Statewide Greenhouse Gas Emissions Level and 2020 Emissions Limit**

SUMMARY OF AGENDA ITEM:

The California Global Warming Solutions Act of 2006 (AB 32, Nunez, Statutes of 2006, chapter 488) requires the Air Resources Board (ARB or Board) to determine the statewide greenhouse gas emissions level in 1990 and to approve a statewide greenhouse gas emissions limit, equal to that level, to be achieved by 2020.

ARB staff conducted a comprehensive review of all greenhouse gas emitting sectors. ARB staff began the review using data previously developed by the California Energy Commission (CEC). ARB staff gathered data from State and federal agencies, international organizations, and California industries. California facility-specific information for 1990 emissions was used where available.

ARB staff estimated that the 1990 greenhouse gas emissions level was 427 million metric tonnes of CO<sub>2</sub> equivalent (MMT<sub>CO<sub>2</sub>e</sub>) and the Board approved 427 MMT<sub>CO<sub>2</sub>e</sub> as the total statewide greenhouse gas emissions limit for 2020. The 2020 emissions limit of 427 MMT<sub>CO<sub>2</sub>e</sub> remains in effect unless amended by the Board. If additional information becomes available that would significantly alter the total emissions for 1990, staff will bring a revised 1990 emissions level back to the Board for consideration.

Public testimony included seven testifiers who were in favor and four who were neutral regarding the 2020 emissions limit. No one testified in opposition to the proposed level of the emissions limit. Several testifiers expressed concerns about the assumptions, originally approved by the CEC, regarding the power generation source types and their share used to calculate emissions from out-of-state electricity. One person recommended revisiting the assumptions during the course of Scoping Plan development. Another person commented on the need for consistency between the U.S. EPA and ARB approaches to carbon sequestration and improved landfill gas collection efficiency values. One testifier expressed concern on how inconsistencies between the inventory methodologies and the mandatory reporting protocols might affect the accuracy of emission reduction trends as California moves to attain the 2020 limit.

Several testifiers requested the Board to revisit the 1990 emissions level annually and the criteria for amending. Two testifiers stressed the importance of limiting changes to the 1990 emissions level to a minimum to provide certainty regarding the target for emission reduction program development. They believed that the Board should focus its future efforts on reducing emissions rather than expending further significant staff effort on refining data from 1990.

Board members had no questions for staff regarding the comments, stating that the comments demonstrated support for approving the limit and moving forward. Chairman Nichols stated she did not support annual review of the 1990 level unless new data revealed a significant change in the estimate by more than 10 percent in a key area or new science becomes available that challenges the basis of some of the estimates or calculations.

The Board voted unanimously to approve a 2020 emissions limit of 427 MMTCO<sub>2</sub>e.

ORAL TESTIMONY:

Ms. Jill Whynot, SCAQMD  
Ms. Cathy Reheis-Boyd, WSPA  
Mr. Norman Pedersen, Southern California Public Power Authority  
Mr. Sean Edgar, CA Refuse Removal Council  
Mr. Greg Knapp, TXI/PCA  
Mr. Chuck White, Waste Management  
Mr. John Busterud, PG&E Co.  
Mr. Eric Little, Southern California Edison  
Mr. Taylor Miller, Sempra Energy  
Ms. Devra Wang, NRDC  
Mr. Tim O'Connor, Environmental Defense

FORMAL BOARD ACTION:

The Board voted unanimously to approve Resolution 7-55 and a 2020 emissions limit of 427 MMTCO<sub>2</sub>e with.

RESPONSIBLE DIVISION: Planning and Technical Support Division

STAFF REPORT: Yes.

**07-12-5: Public Hearing to Adopt Gaseous Pollutant Measurement Allowances for California's Heavy-Duty Diesel In-Use Compliance Regulation**

SUMMARY OF AGENDA ITEM:

Staff recommended that the Board adopt measurement allowances for gaseous pollutants, as set forth in the amendment to section 1956.8, Title 13, California Code of Regulations, and the incorporated California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Cycles Engines and Vehicles manufacturers. The proposed amendments would ensure that the use of measurement allowances when conducting in-use testing of 2007 and newer heavy-duty diesel engines would allow for an effective and enforceable in-use compliance program for heavy-duty diesel engines and ensure that the emission benefits expected from the

2007 heavy-duty diesel engine emission standards are realized.

The heavy-duty diesel in-use testing program for gaseous pollutants will begin in December, 2007. Under this testing program, each year, the Air Resources Board and the United States Environmental Protection Agency would jointly designate up to 25 percent of a manufacturer's total number of eligible heavy-duty diesel engine families for testing. Manufacturers would screen, procure and test vehicles that use the designated engines. The testing is based on the Not-to-Exceed (NTE) requirements which are required for 2005 and later model year engines. The NTE test procedure allows testing to be conducted on the road by using portable emission measurement systems. The proposed amendments are essentially identical to the federal program.

ORAL TESTIMONY: No one presented any oral testimony during this hearing.

FORMAL BOARD ACTION:

The Board unanimously approved Resolution 07-56 staff's proposal, as amended at the hearing. The changes from staff's initial published proposal will be made available for a fifteen day comment period.

RESPONSIBLE DIVISION: Mobile Source Control Division

STAFF REPORT: Yes

**07-12-6: Public Hearing to Consider the Adoption of Proposed Regulations to Reduce Emissions from Diesel Auxiliary Engines on Ocean-Going Vessels While At-Berth at a California Port**

SUMMARY OF AGENDA ITEM:

In September 2000, the California Air Resources Board (ARB) adopted a comprehensive Diesel Risk Reduction Plan (Plan), establishing a goal of reducing diesel PM emissions and the associated health risk by 75 percent in 2010 and 85 percent in 2020. This proposed regulation for diesel auxiliary engines on ocean-going vessels while at-berth at a California port is a step toward achieving the goals of the Plan. In addition to the diesel PM reductions, the proposed



regulation would reduce ozone precursor emissions, improve the air quality in communities near California ports, and reduce CO<sub>2</sub> (a greenhouse gas) emissions.

Diesel PM and NO<sub>x</sub> emissions from the operation of diesel auxiliary engines on ocean-going vessels while at-berth at a California port, are approximately 1.8 tons per day (TPD) and 21 TPD, respectively. A recent ARB exposure study at the ports of Los Angeles and Long Beach shows that over two million people live in areas around the ports with predicted cancer risks of greater than 10 in a million due to hotelling emissions from ocean-going vessels.

The proposed regulation was developed through public workgroup meetings and workshops involving ship companies, utility companies, ports, terminal operators, industry associations, environmental organizations, and other parties interested in the reduction of hotelling emissions.

The proposed regulation allows for two main options to reduce hotelling emissions. First, vessel owners or operators of container ships, passenger ships, and refrigerated cargo ships that visit the ports of Los Angeles, Long Beach, Oakland, San Diego, San Francisco and Hueneme can shut down their auxiliary engines during most of their stay in port. While auxiliary engines are shut down, the ship's onboard electrical needs must be satisfied by some other source of power, presumably the region's electrical grid.

Alternatively, operators can implement a fleet-based option to reduce the emissions from the auxiliary engines in the fleet by specified percentages while docked. The emission-reduction techniques that could be applied to a fleet include: 1) using selected vessels for grid-supplied power based on potential auxiliary engine emission reductions rather than fleet visit percentages; 2) using distributed generation equipment to provide power to a vessel; 3) using alternative emission controls onboard a vessel or located adjacent to the vessel; and 4) using a combination of these techniques.

ORAL TESTIMONY:

Rhey Lee, Office of Vice Mayor Lowenthal, City of Long Beach  
Diane Bailey, NRDC  
Bonnie Holmes-Gen, American Lung Association  
John Kaltenstein, Friends of the Earth  
Henry Hogo, South Coast Air Quality Management District  
Matt Davis, Port of Oakland  
Scott Johns, Clean Air Marine Power  
Eric Witten, Clean Air Logix  
Joy Williams, Environmental Health Coalition  
Tim Carmichael, Coalition for Clean Air  
Jim Flanagan, Maersk Inc.  
Thomas Jelenic, Port of Long Beach  
T.L. Garrett, Pacific Merchant Shipping Association  
Nicole Shahenian, Breathe California  
Kevin Norton, International Brotherhood of Electrical Workers  
Seiichi Tsurumi, Sound Energy Solutions  
Rupal Patel, Communities for Clean Ports  
Bob Hoffman, Dock Watts LLC  
Joseph Lyons, AB 32 Implementation Board, California  
Manufacturers & Tech. Association  
Wendy Mitchen, PG&E  
Don Anair, Union of Concerned Scientists

FORMAL BOARD ACTION:

The Board unanimously adopted the proposed Resolution 07-57, approving the staff proposal with the following modifications:

- (1) Revise the criteria for limiting auxiliary engine use to include both fleet vessel visits and auxiliary engine power demand (reduced onboard power option), with auxiliary engine shut down required for 50 percent of the fleet visits and power demand by 2014, 70 percent by 2017, and 80 percent by 2020.
- (2) Add a methodology for calculating the power-load reduction requirements.
- (3) Consolidate the “equivalent emission reduction” options to one compliance and emission-reduction schedule, with a 10 percent emission-reduction requirement by 2010, 25 percent reduction by 2012, 50 percent reduction by 2014, 70 percent reduction by 2017, and 80 percent reduction by 2020.

- (4) Allow early or excess emission reductions by 2010 to be applied to meeting the 2012 or 2017 emission reduction requirements and, similarly, allow reductions achieved in excess by 2012 to be used to meet the 2017 requirement, according to a specified methodology calculation and procedure.
- (5) Modify the de minimus exemption for a container or reefer fleet from 25 visits to one California port to 25 visits to all affected California ports in a calendar year.
- (6) Modify the de minimus exemption for passenger ships from five visits to one California port to five visits to all affected California ports in a calendar year.
- (7) Modify the terminal plan requirements to clarify plan content and align plan submittals with the revised reduced onboard power and equivalent emission-reduction option schedules.
- (8) Modify the recordkeeping and reporting requirements to align with the revised reduced onboard power and equivalent emission-reduction option requirements and schedules.
- (9) Add a definition for “Regulated California Waters” and clarify other definitions in the regulation.
- (10) Allow alternative test methods for measuring engine emissions, add an emission limit for ammonia slip for onboard SCR use, and add provisions for addressing onboard shore power equipment failures.
- (11) Add a methodology for determining the point of violation with the regulatory requirements.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes

**07-12-7:**

**Public Hearing to Consider the Adoption of Proposed Regulation to Control Emissions from In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks at Ports and Intermodal Rail Yard Facilities**

SUMMARY OF AGENDA ITEM:

In September 2000, the California Air Resources Board (ARB) adopted a comprehensive Diesel Risk Reduction Plan (DRRP), establishing a goal of reducing diesel particulate matter (PM) emissions and the associated health risk by 75 percent in 2010 and 85 percent in 2020. Additionally, in April 2006, the ARB approved the Emission Reduction Plan for

Ports and Goods Movement (ERP). The ERP identifies strategies to reduce emissions from all significant emission sources involved in goods movement, including trucks. The drayage truck regulation is a critical element in meeting the goals of both the DRRP and the ERP. In addition to the diesel PM reductions, the proposed regulation would reduce ozone precursor emissions such as oxides of nitrogen (NOx) that are necessary to meet SIP commitments in the South Coast and other areas of the State.

Unregulated diesel PM and NOx emissions from drayage trucks are approximately 3 tons per day (tpd) and 61 tpd, respectively. The effects of these emissions were detailed in a recent ARB exposure study for a segment of freeway 710 in southern California (the main roadway to the ports of Los Angeles and Long Beach). The study showed drayage truck emissions significantly impact surrounding communities and contribute to adverse health impacts such as increased cancer risks and cases of asthma.

The proposal was developed through workshops and meetings involving all stakeholders, including truck owners and operators, motor carriers, Class 1 rail roads, ports, shipping companies, industry associations, environmental organizations, and other interested parties.

The regulation is to be enacted in two phases. Phase 1 is to be completed by 2010 and requires drayage trucks operating pre-1994 model year (MY) engines to be replaced and trucks operating 1994 through 2003 MY engines to be equipped with a verified retrofit technology that achieves an 85 percent PM emission reduction. Trucks operating 2004 or newer MY engines meet Phase 1 requirements. Phase 2 requires all drayage trucks to meet or exceed 2007 emission standards by 2014.

Following the staff presentation, the Board expressed concern that intermodal rail yards located beyond the 80-mile radius of a port boundary may not be affected by the regulation. The Board directed staff to investigate whether rail facilities outside the 80-mile radius or those having 100 or more truck visits per day should be included, and if so, to conduct appropriate outreach with the stakeholders involved with those facilities. Staff agreed to document the results of the investigation, specifically regarding rail yards in Fresno and Mira Loma, in a future memo to the Board. The Board

also asked about the availability of funding and how the funding might be distributed. Staff responded that guidelines for the distribution of bond funds is scheduled to be heard by the Board in January and that these funds combined with District funds are critical to the success of the program. Staff also noted the importance of stakeholder outreach and the need to work closely with the ports and local Districts. The Board asked staff to return to the Board in January and to give an update on staff's outreach efforts, as well as after one year to report on the progress of the regulation.

Thirty-nine witnesses testified at the Board meeting, twenty-seven in support of the proposed regulation, three opposed, and nine neutral. Health and environmental advocates, the ports of Long Beach and Los Angeles, truck drivers, unions, manufacturers, and the South Coast Air Quality Management District all testified in support of the proposed regulation. Those taking a neutral position or opposed were motor carriers, truck drivers, and industry associations.

Those testifying in support or that was neutral to the regulation cited the following concerns and suggested modifications to the regulation:

- Truck owners would not be able to afford the requirements of the regulation without supplemental funding.
- Motor carriers and owner/operators are unable to pass on additional costs through rate increases.
- There may be retrofit supply issues unless the regulatory requirements are phased in.
- Trucks suitable for retrofit may not be available in the secondary market in sufficient quantities.
- Model year 2004 through 2006 trucks should also reduce PM emissions and 1988 through 1993 MY trucks should be allowed to stay in service (with PM reductions).
- Intermodal rail yards in California outside the 80 mile radius should also be included under the rule.
- Staff should monitor the implementation of the regulation and have a contingency plan in the event the regulation results in a shortage of truck drivers.

Those testifying in opposition to the regulation cited the following concerns:

- The regulation is overly broad and regulates trucks that are not true 'drayage' trucks, such as, the national long-haul fleet.

ORAL TESTIMONY:

Dagoberto Larios, Truck Driver  
 Miguel Pineda, Truck Driver  
 Salvador Abrica, Truck Driver  
 Charles Prinzer, Truck Driver  
 Jon Zerolnick, LANNE, CCSP  
 Ralph Appy, Port of Los Angeles  
 Robert Kanter, Port of Long Beach  
 Martin Schlageter, Coalition for Clean Air  
 Angelo Logan, East Yard CEJ  
 Don Anair, Union of Concerned Scientists  
 Barry Broad, Teamsters  
 Darrell Clark, Sierra Club Los Angeles Chapter  
 Isella Ramirez, East Yard CEJ  
 Alex Pugh, Los Angeles Chambers  
 Joseph Kubsh, MECA  
 Brad Edgar, Cleaire  
 Bill Haller, Sierra Club of California  
 Cecilia Ibarra, HTFSF  
 Mary Lou Hendricks, Cal-West Express  
 Richard Bartolic, American Pacific  
 Michael Lightman, Great Freight Inc. for Harbor Truckers for a Sustainable Future  
 Ron Guss, Trucker  
 Lee Hobbs, Hobbs Trucking  
 Matt Schrap, CTA  
 Walter Flores, ITDA  
 Joseph Rajkovacz, Independent Drivers Association  
 Carlos Salazar, WCVI  
 David Bushey, Comp Pro Systems  
 Charlie Cox, Ironman  
 Diane Bailey, NRDC  
 Marty Lassen, Johnson Matthey Catalyst  
 Elina Green, Long Beach Alliance for Children with Asthma  
 Athena Applena, West Oakland Environmental Industries  
 Wafaa Aborashad, Health San Leandro  
 Helen Jackoski  
 Coleen Callahan, ALA  
 Rupal Patel, Communities for Clean Ports  
 Ian McMillan, LA Unified School District  
 Nicole Shahanian, Breathe California of Los Angeles County

Henry Hogo, SCAQMD

FORMAL BOARD ACTION: The Board unanimously approved resolution number 07-58.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes

**07-12-8: Public Meeting to Consider Appointment to Replace a Member to the Economic and Technology Advancement Advisory Committee**

SUMMARY OF AGENDA ITEM:

Executive Officer Goldstene reminded the Board that members of the Economic and Technology Advancement Advisory Committee (ETAAC) were appointed by the Board in January 2007 to make recommendations to the Board regarding technologies and other approaches for controlling greenhouse gas emissions in California. The Board was then informed that the ETAAC member from the California Chamber of Commerce had resigned from his position at the Chamber so that his continued participation with ETAAC was no longer in keeping with the Board's original purpose for his appointment. Accordingly, staff requested that the Board approve a replacement and recommended Ms. Amisha Patel, also of the California Chamber of Commerce, for the seat on ETAAC.

ORAL TESTIMONY: None

FORMAL BOARD ACTION:

After brief comments by Chairman Nichols, Board Member Riordan moved that the staff recommendation to appoint Ms. Patel be approved, and Board Member D'Adamo seconded the motion. The Board voted unanimously to approve the motion.

RESPONSIBLE DIVISION: Executive Office

STAFF REPORT: None

**07-12-9: Nonattainment Area Recommendations for the Revised Federal PM<sub>2.5</sub> 24-Hour Standard**

SUMMARY OF AGENDA ITEM:

ARB Executive Officer James N. Goldstene briefed the Board on nonattainment area recommendations for the revised federal 24-hour PM<sub>2.5</sub> standard. ARB staff will recommend to U.S. EPA that the South Coast Air Basin, the San Joaquin Valley Air Basin, the Bay Area Air Quality Management District, the Sacramento Metropolitan Air Quality Management District, the combined cities of Yuba City/Marysville, the city of Chico, and the city of Calexico be designated as nonattainment for the new federal 35 ug/m<sup>3</sup> 24-hour PM<sub>2.5</sub> standard.

ORAL TESTIMONY: None

FORMAL BOARD ACTION: None (Informational Item)

RESPONSIBLE DIVISION: Planning and Technical Support Division

STAFF REPORT: Yes

**07-12-10: Public Meeting to Consider Options Regarding the Requested Disclosure of Zero Emission Vehicle (ZEV) Credit Data Based on Submittals By Vehicle Manufacturers Who Have Designated the Data as Confidential Trade Secret Information**

SUMMARY OF AGENDA ITEM:

Chief Counsel W. Thomas Jennings presented a summary of how credits are earned under the zero emission vehicle regulations and how those credits have been treated in regard to confidentiality and disclosure by vehicle manufacturers and by ARB staff. The summary included a review of the report Mr. Jennings prepared for the Board's consideration regarding disclosure issues under state law, most particularly, under the California Public Records Act.

ORAL TESTIMONY:

Don Anair, Union of Concerned Scientists  
Sarah Flanagan, Pillsbury, Winthrop, Saw, Pittman, LLP



Linda Nicholes, Plug in America  
Danielle Fugere, Blue Water Network and Friends of the  
Earth, ZEV Alliance  
Bonnie Homes-Gen, American Lung Association of California  
Daniel Emmett, Executive Director, Energy Independence  
Now, ZEV Alliance  
Tim Carmichael, Coalition for Clean Air

**FORMAL BOARD ACTION:**

The Board tabled the motion to vote for disclosure of the ZEV credit data until the January 2008 public meeting, with direction to ARB staff to work with the ZEV Alliance and the vehicle manufacturers to achieve disclosure of the ZEV information to the greatest degree possible.

**RESPONSIBLE DIVISION:** Office of Legal Affairs, Executive Office

**STAFF REPORT:** No