

State of California  
AIR RESOURCES BOARD

Resolution 86-76

August 22, 1986

Agenda Item No.: 86-10-3

WHEREAS, Section 39602 of the Health and Safety Code designates the Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law and designates the ARB as the state agency responsible for the preparation of the State Implementation Plan (SIP) required by the Clean Air Act;

WHEREAS, Sections 110 and 171 et seq. of the Clean Air Act as amended in 1977 mandate the revision of the SIP in designated nonattainment areas of the state in order to assure the attainment and maintenance of national ambient air quality standards by specified deadlines;

WHEREAS, pursuant to Clean Air Act Section 107, Kern County has been designated a nonattainment area for ozone, and therefore, the Kern County Air Pollution Control Board adopted a 1979 Plan for attainment of the national ambient air quality standard for ozone;

WHEREAS, the 1979 Plan projected attainment of the national ozone standard by the December 31, 1982, Clean Air Act deadline;

WHEREAS, the Kern County Air Pollution Control Board did not request an extension to December 31, 1987, to attain the ozone standard as provided in Section 172(a);

WHEREAS, the national ozone standard of 0.12 ppm averaged over 1 hour was not attained in Kern County by December 31, 1982;

WHEREAS, Clean Air Act Section 172(b)(2) requires the nonattainment area plan to provide for the implementation of all reasonably available control measures as expeditiously as practicable;

WHEREAS, Clean Air Act Section 172(b)(3) requires, in the interim until attainment, reasonable further progress (i.e., annual incremental reductions in emissions of ozone precursors), including such reduction in emissions from existing sources as may be obtained through the adoption, at a minimum, of reasonably available control technology;

WHEREAS, Clean Air Act Section 172(b)(4) requires the plan to contain a comprehensive, accurate, and current inventory of actual emissions from all sources;

WHEREAS, Clean Air Act Section 172(b)(8) requires the plan to contain emission limitations, schedules of compliance, and such other measures as necessary to meet Clean Air Act requirements;

WHEREAS, Clean Air Act Sections 172(b)(6) and 173 require the permit program in a nonattainment area to assure that by the time a major new or modified source commences operations, total emissions from that source and all other major and nonmajor sources in the area will be sufficiently less than total emissions from existing sources in the area so as to represent reasonable further progress by providing a net air quality benefit;

WHEREAS, Section 110 (a)(2)(h) of the Clean Air Act requires the Environmental Protection Agency (EPA) to call for a revision to the SIP when the EPA finds that a SIP is substantially inadequate to meet the ambient standards;

WHEREAS, on February 24, 1984, the EPA Administrator issued such a "SIP call";

WHEREAS, as provided by Clean Air Act Sections 110 and 172, the SIP call required Kern County to include in a revised plan an updated emission inventory; a refined modeling analysis demonstrating attainment of the ozone standard by December 31, 1987; adoption of additional and more stringent measures to reduce emissions of ozone precursors early in the SIP revision process; implementation of a vehicle inspection and maintenance program; and investigation of the need for the control of emissions of both oxides of nitrogen and reactive organic gases for ozone control;

WHEREAS, extensive cooperative discussions among the staffs of the ARB, the EPA, and Kern County led to the preparation of a draft 1986 Kern County Plan for consideration by the Kern County Board which met most of the above Clean Air Act requirements;

WHEREAS, the modeling in the draft Plan demonstrated that the control of both reactive organic gases and oxides of nitrogen will reduce ozone concentrations in Kern County;

WHEREAS, after a series of public hearings in January, February, and March of 1986 on the draft 1986 Kern County Plan, the Kern County Board did adopt the draft Plan on March 31, 1986, with major changes which considerably weakened it;

WHEREAS, these changes resulted in the following two major deficiencies in the adopted Plan: 1) it does not contain all reasonably available measures to reduce emissions of reactive organic gases and oxides of nitrogen, and 2) it does not revise the District's permit program to ensure a net reduction of ozone precursor emissions from the construction and operation of new and modified major sources;

WHEREAS, the Kern County Board submitted the 1986 Kern County Plan to the Air Resources Board on April 21, 1986, and requested that it be submitted to the EPA as part of California's State Implementation Plan;

WHEREAS, pursuant to Health and Safety Code Section 41650, the ARB must adopt the plan approved by the local air quality planning agency unless the Board finds that the plan will not meet the requirements of the Clean Air Act;

WHEREAS, if after a public hearing the Board finds the locally adopted plan to be inadequate, it may adopt such revisions as necessary to comply with Clean Air Act requirements;

WHEREAS, Clean Air Act Sections 110(a)(2)(I), 172(a), and 176 provide that failure to submit an adequate plan to the EPA may result in the imposition of sanctions and a construction ban for new major sources which could preclude any new industries from locating in Kern County;

WHEREAS, the EPA Region IX Administrator notified the Chairwoman of the Air Resources Board on June 27, 1986, that the Kern County Plan contains major deficiencies and that "EPA has begun drafting a Federal Register package that would propose the imposition of Clean Air Act sanctions in Kern County";

WHEREAS, state law, i.e., the California Environmental Quality Act, and ARB regulations require that no action which may have an adverse effect upon the environment be undertaken if feasible alternatives or mitigation measures are available which would substantially diminish such effect;

WHEREAS, on August 21 and 22, 1986, the Board held a noticed public hearing in accordance with the provisions and procedures set forth in Health and Safety Code Sections 41502, 41651, and 41652;

WHEREAS, the Board has considered the significant issues raised and written evidence presented by interested persons and board staff, and has addressed such issues in Attachment B to this resolution;

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

1. Recent air quality monitoring data indicate exceedances of the national ozone standard in both central and western Kern County;

2. The 1986 Update to the Kern County Nonattainment Area Plan for Ozone and Carbon Monoxide ("the 1986 Kern County Plan") does not contain all reasonably available measures to control emissions of reactive organic gases and oxides of nitrogen emissions, both of which have been shown by air quality modeling analyses to be precursors for the formation of ozone in both western and central Kern County, as required by Clean Air Act Sections 172(b)(2) and (3);

3. The Kern County Plan does not demonstrate reasonable further progress by providing reductions in emissions of ozone precursors through the implementation of a permit program for major new and modified sources as required by Clean Air Act Section 173;

4. The emission inventory and forecasts in the Kern County Plan do not reflect recently available data for both western and central Kern County, and the Plan does not include emission forecasts beyond 1987, as required by Clean Air Act Sections 172(a), 172(b)(3), and 172(b)(4);

5. The 1986 Kern County Plan does not contain sufficient emission limitations, schedules of compliance, and such other measures as may be necessary to meet the requirements of Clean Air Act Section 172 in western and central Kern County;

6. The addition of specific commitments to the adopted 1986 Kern County Plan is therefore necessary to ensure that the Plan meets the requirements of the Clean Air Act set forth above;

7. The revision of the 1986 Kern County Plan will result in beneficial effects on air quality and the environment in Kern County;

8. The specific control measures proposed in the staff report are technologically feasible and cost-effective; and

9. The revisions to the permit program recommended by the staff are necessary to assure that such reductions are surplus, quantifiable, permanent and enforceable, and to ensure reasonable further progress in attaining the ozone standard pursuant to Clean Air Act Section 173.

NOW, THEREFORE BE IT RESOLVED, that the Board amends the 1986 Kern County Plan by adding a commitment that Kern County APCD Rule 425, Oxides of Nitrogen Emissions from Steam Generators Used in Thermally Enhanced Oil Recovery, will be considered for amendment at a public hearing by September 30, 1987, to 1) limit oxides of nitrogen emissions from (oil and gas-fired) steam generators in Kern County to 0.14 pound per million Btu of actual heat input; 2) eliminate Section C (banking provision) of the rule; 3) require that Section E of the rule be amended to (a) require that presently required compliance plans include enforceable, generator-specific emission limits and (b) specify criteria and procedures which must be followed before these limits may be changed; and 4) disallow the inclusion of nonoperating and unbuilt steam generators into the field-wide average emission calculations.

BE IT FURTHER RESOLVED, that the Board amends the 1986 Kern County Plan by adding a commitment that a public hearing will be held to consider the adoption by September 30, 1987, of a rule to control fugitive reactive organic gas emissions from light oil and gas production operations that is at least as effective as the rules adopted in the South Coast AQMD and the Ventura County APCD.

BE IT FURTHER RESOLVED, that the Board amends the 1986 Kern County Plan by adding a commitment that a public hearing will be held to consider the adoption by September 30, 1987, of a rule that is at least as effective as the South Coast AQMD's Rule 1110.1 to control oxides of nitrogen emissions in Kern County from gas-fired internal combustion engines.

BE IT FURTHER RESOLVED, that the Board amends the 1986 Kern County Plan by adding a commitment that a public hearing will be held to consider the adoption by September 30, 1987, of a rule to control fugitive emissions of reactive organic gases from natural gas processing plants that is at least as effective as the rules adopted by the South Coast AQMD and Ventura County APCD.

BE IT FURTHER RESOLVED, that the Board amends the 1986 Kern County Plan by adding a commitment that the District's Rule 210.1, Standards for an Authority to Construct Permit, Rule 210.3, Emission Reductions Banking, and Rule 201, Permits Required, will be considered for amendment at a public hearing by September 30, 1987, to ensure that emission reductions used to "offset" new emissions in both central and western Kern County are surplus, enforceable, permanent, and quantifiable.

BE IT FURTHER RESOLVED, that the Board amends the 1986 Kern County Plan to include an updated emission inventory as well as emission forecasts beyond 1987.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to revise the text of the 1986 Kern County Plan and the tables and figures included therein to make them conform with the foregoing, as well as to accomplish the following:

a. support the ARB modeling analysis and update the air quality discussion to reflect the 1985 data for both central and western Kern County;

b. explain the effect of California's heavy-duty vehicle standards in Kern County;

c. indicate that additional measures will be developed and considered for adoption in the future to reduce ozone precursor emissions in both central and western Kern County;

d. include a commitment to analyze new transportation control measures as part of the REEP; and

e. reflect the revised schedule for implementation of the San Joaquin Valley-wide air quality study.

BE IT FURTHER RESOLVED, that if the District Board does not make the appropriate amendments to fulfill the commitments set forth above regarding District rules and regulations by March 31, 1987, the Board will schedule a public hearing to consider doing so for the District by September 30, 1987.

BE IT FURTHER RESOLVED, that the rules to be adopted shall be phased in according to the schedules found in Attachment A to this resolution, which schedules represent implementation of such rules as expeditiously as practicable, as required by Clean Air Act Section 173(b)(2).

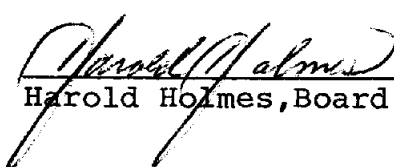
BE IT FURTHER RESOLVED, that the Board finds that the rule changes identified above for existing stationary sources represent Reasonably Available Control Technology as required by Clean Air Act Section 172(b)(3) and shall apply to sources in both central and western Kern County.

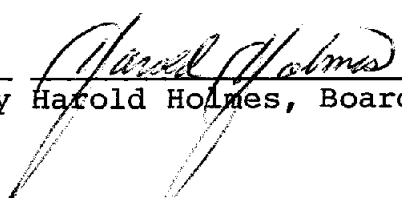
BE IT FURTHER RESOLVED, that a committee of the Board shall: 1) investigate the availability of less burdensome alternative measures which produce comparable emission reductions to the measures the Board has added to the plan to reduce NOx emissions from steam generators and stationary internal combustion engines; 2) review the question of whether NOx controls need to be implemented on the west side at this time in order to attain the ozone ambient air quality standard; and 3) report its findings regarding these matters to the full Board within 60 days.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to forward the 1986 Kern County Plan, as amended by the Board August 22, 1986, to the EPA and to the Kern County Air Pollution Control Board and Air Pollution Control Officer in 60 days in order to meet the requirements of the Clean Air Act and avoid the imposition of sanctions and a construction ban in Kern County unless the Board determines, on the basis of the committee report, that revisions to the Plan as amended herein should be considered, in which case a duly noticed public hearing will be held to consider such revisions prior to sending the Kern County Plan to the EPA and to the District.

BE IT FURTHER RESOLVED, that the Board directs the staff to provide aid and assistance to the District in developing the new rules and regulations, and in amending existing rules and regulations, to conform to the commitments set forth above by the dates required.

NOTE: This version reflects the correction of a clerical error on Page 7, Paragraph 3, Line 8 where NO<sub>2</sub> was typed rather than ozone. I hereby certify that the above is a true and correct copy of Resolution 86-76, as adopted by the Air Resources Board.

  
Harold Holmes, Board Secretary

  
Harold Holmes, Board Secretary

Attachment A

Compliance Schedules

1. All sources subject to the amendments to Rule 425, Oxides of Nitrogen Emissions from Steam Generators Used in Thermally Enhanced Oil Recovery, must be in compliance with the amended rule within one and one half years after adoption. Interim compliance schedules should be set forth in this rule.
2. Similar to the South Coast Air Quality Management District Rule 1110.1, compliance with the rule to control oxides of nitrogen emissions in Kern County from gas-fired internal combustion engines should be phased in according to the following schedule:  
  
Rich-burn engines:  
  
engines greater than 200 brake horsepower must comply by December 31, 1988.  
  
engines greater than 50 brake horsepower but less than or equal to 200 brake horsepower must comply by December 31, 1995.  
  
Lean-burn engines:  
  
engines greater than 500 brake horsepower must comply by December 31, 1988.  
  
engines greater than 50 brake horsepower but less than or equal to 500 brake horsepower must comply by December 31, 1995.
3. All sources subject to rule amendments to control fugitive reactive organic gas emissions from light oil and gas production operations must be in compliance with the amended rule within one year after rule adoption.
4. All sources subject to a rule to control fugitive emissions of reactive organic gases from natural gas processing plants must be in compliance within one year after rule adoption.
5. Rule amendments for the District's Rule 210.1, Standards for an Authority to Construct Permit; Rule 210.3, Emission Reductions Banking; and Rule 201, Permits Required, would be effective upon adoption.



ATTACHMENT B

RESPONSE TO SIGNIFICANT ISSUES

1. ISSUE:

THE KERN COUNTY APCD ADOPTED AMENDMENTS TO ITS NEW SOURCE REVIEW RULE ON AUGUST 27, 1984, WHICH CORRECTED ALL THE DEFICIENCIES LISTED BY THE ARB IN ITS REPORT.

KERN COUNTY APCD, WOGA AND OTHERS

RESPONSE:

THE 1984 RULE ADOPTED BY THE KERN COUNTY APCD DOES NOT ADDRESS ALL OF THE CONCERNS EXPRESSED IN THE STAFF REPORT. FIRST, WHILE IT IS TRUE THAT THE RULE REQUIRES THE USE OF ACTUAL EMISSIONS AS OFFSETS FOR HYDROCARBONS AND TOTAL SUSPENDED PARTICULATE MATTER, IT CONTINUES TO ALLOW THE USE OF PERMITTED EMISSIONS FOR OXIDES OF NITROGEN EQUIPMENT (RULE 210.4B). SECOND, THE 1984 RULE CONTINUES TO ALLOW UNLIMITED RENEWAL OF PERMITS. IN SOME CASES, THESE PERMITS WERE GRANTED BUT THE SOURCES ARE EITHER NOT CONSTRUCTED OR, IF CONSTRUCTED, NOT IN OPERATION.

2. ISSUE:

THE STAFF'S CRITICISMS OF RULE 425 ARE UNFOUNDED. THE STAFF HAS INACCURATELY DEPICTED THE BASIS AND INTENT OF THE RULE. RULE 425 WAS ADOPTED BY THE AIR RESOURCES BOARD AND WAS INTENDED TO PROVIDE FOR THE MAINTENANCE OF THE STANDARD. THE RULE SPECIFIES THAT REDUCTIONS ACHIEVED TO MEET THE STANDARD CAN BE BANKED, IT ALLOWS SOURCES TO COMPLY THROUGH FIELD-WIDE AVERAGING, AND IT REQUIRES A COMPLIANCE PLAN.

KERN COUNTY APCD, WOGA AND OTHERS

RESPONSE:

WHILE THE RULE WAS ADOPTED BY THE AIR RESOURCES BOARD, IT WAS DESIGNED TO MAINTAIN THE NO<sub>2</sub> STANDARD, NOT TO HELP ATTAIN THE OZONE STANDARD. ADDITIONALLY, IT HAS NOT BEEN IMPLEMENTED AS EXPECTED. FIRST, NON-OPERATING AND UNBUILT GENERATORS AS WELL AS GAS-FIRED GENERATORS ARE USED TO DETERMINE THE FIELD-WIDE AVERAGE. SECOND, ALTHOUGH COMPLIANCE PLANS ARE PREPARED

BY THE INDUSTRY, COMPLIANCE CANNOT BE DETERMINED BECAUSE SPECIFIC ENFORCEABLE EMISSION LIMITS HAVE NOT BEEN PLACED ON THE PERMITS. LASTLY, NEW INFORMATION IS AVAILABLE TO INDICATE THAT CONTROL OF NOX WILL BE REQUIRED TO REDUCE OZONE CONCENTRATIONS IN KERN COUNTY. THEREFORE, THE STAFF IS RECOMMENDING THAT THE BANKING PROVISIONS OF THE RULE BE ELIMINATED AS AN ADDITIONAL NOX CONTROL STRATEGY ON THE BASIS OF THIS NEW INFORMATION.

3. ISSUE:

THE CONTROL MEASURES PROPOSED BY THE STAFF FOR FUGITIVE EMISSIONS FROM OIL PRODUCTION AND NATURAL GAS PROCESSING PLANTS ARE NOT NEEDED IN WESTERN KERN COUNTY BECAUSE SUFFICIENT REACTIVE ORGANIC GAS EMISSIONS WILL ALREADY BE REDUCED FROM THIS AREA TO PROVIDE FOR ATTAINMENT AND MAINTENANCE OF THE OZONE STANDARD. FURTHERMORE, THE PROPOSED MEASURES ARE SPECIOUS FOR THE CENTRAL AREA BECAUSE THE ARB'S OWN STUDY SHOWS THAT THE FLOW OF HEAVY AND MEDIUM-WEIGHT CRUDE OIL THROUGH LEAKING VALVES AND STUFFING BOXES ON PRODUCT LINES ARE OF INSUFFICIENT MAGNITUDE TO CONTRIBUTE SIGNIFICANTLY TO OZONE FORMATION.

KERN COUNTY APCD AND OTHERS

RESPONSE:

THE PLAN DOES NOT DEMONSTRATE ATTAINMENT BY 1987 ON THE WEST SIDE; THEREFORE THE PLAN MUST INCLUDE ALL REASONABLY AVAILABLE CONTROL MEASURES. THESE MEASURES ARE BEING IMPLEMENTED IN OTHER AREAS OF CALIFORNIA AND THEREFORE MUST BE DEEMED REASONABLY AVAILABLE IN KERN COUNTY. THE STAFF'S PROPOSAL TO REDUCE FUGITIVE EMISSIONS FROM OIL PRODUCTION OPERATIONS APPLIES ONLY TO LIGHT OIL PRODUCTION, NOT TO HEAVY AND MEDIUM-WEIGHT CRUDE OIL PRODUCTION. REGULATIONS TO CONTROL FUGITIVE EMISSIONS FROM BOTH LIGHT OIL PRODUCTION AND NATURAL GAS PROCESSING PLANTS HAVE BEEN ADOPTED BY THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AND THE VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT. BASED ON THE EXPERIENCE OF THESE DISTRICTS THE REDUCTIONS RESULTING FROM THESE PROPOSALS WOULD BE APPROXIMATELY 50 PER CENT. THE ACTUAL REDUCTIONS THAT WOULD BE ACHIEVED IN THE CENTRAL AND WESTERN AREAS ARE SIGNIFICANT AND ARE SPECIFIED IN THE STAFF REPORT (PAGES 215, 216, 217). THE COST-EFFECTIVENESS IN TERMS OF THE COST PER POUND OF REACTIVE ORGANIC GAS EMISSIONS REDUCED ARE ALSO INCLUDED IN THE STAFF REPORT (PAGE 283).

4. ISSUE:

THE STAFF CLAIMS THAT STEAM GENERATORS WHICH WERE ISSUED PERMITS PRIOR TO SEPTEMBER 12, 1979, HAVE BEEN CREDITED WITH EMISSION REDUCTIONS UNDER RULE 425 (PERMITTED LEVELS) WHICH ARE IN EXCESS OF THEIR HISTORICAL EMISSION PROFILES. A REVIEW OF THE ADMINISTRATIVE RECORD CLEARLY REFUTES THE STAFF'S CLAIM. A LETTER WRITTEN BY A STAFF MEMBER INDICATES THAT THE EMISSION BASELINE WAS BASED ON "TEST RESULTS". THE STAFF IGNORES THE FACT THAT THOSE PERMITTED LEVELS REPRESENTED AVERAGE ACTUAL OPERATING LEVELS.

WOGA AND OTHERS

RESPONSE:

THE LETTER WRITTEN BY THE STAFF ONLY ADDRESSED THE BASELINE EMISSION DETERMINATION FOR STEAM GENERATORS AND DID NOT ADDRESS HOW THOSE BASELINE EMISSIONS WERE TO BE USED. THE STAFF'S CONCERN REGARDING IMPROPER BASELINE EMISSIONS RELATES TO THE PRACTICE OF THE DISTRICT IN ALLOWING THE USE OF PERMITTED LEVELS (WHICH DO NOT REFLECT ACTUAL OPERATING LEVELS) TO OFFSET EMISSIONS FROM NEW STEAM GENERATORS UNDER THE DISTRICT'S NEW SOURCE REVIEW RULE, NOT RULE 425. THE STAFF'S CONCERN WITH RULE 425 IS NOT THE USE OF THE BASELINE TO DETERMINE THE REDUCTIONS OBTAINED TO COMPLY WITH THE RULE BUT THE PRACTICE OF ALLOWING UNBUILT AND NON-OPERATING STEAM GENERATORS AS WELL AS GAS-FIRED GENERATORS TO COMPLY WITH THE RULE.

5. ISSUE:

THE NOX CONTROLS PROPOSED BY THE STAFF ARE NOT "REASONABLY AVAILABLE CONTROL MEASURES" WITHIN THE MEANING OF THE CLEAN AIR ACT. THE PROPOSAL TO LIMIT NOX EMISSIONS FROM ALL STEAM GENERATORS TO 0.14 LB/PER MILLION BTU HEAT INPUT IS NOT TECHNICALLY FEASIBLE. THE MEASURE PROPOSED BY THE STAFF TO REQUIRE THE INSTALLATION OF CATALYTIC CONVERTERS ON CERTAIN STATIONARY INTERNAL COMBUSTION ENGINES OF BOTH THE "RICH-BURN" AND "LEAN-BURN" VARIETY CONTAINS PROBLEMS AND IN THE CASE OF LEAN-BURN ENGINES REMAINS UNPROVEN.

WOGA, CHEVRON AND OTHERS

RESPONSE:

ALL NOX EMISSION CONTROL TECHNOLOGIES PROPOSED BY THE STAFF HAVE BEEN DEMONSTRATED. IN THE CASE OF OIL FIELD STEAM GENERATORS THESE TECHNOLOGIES, INCLUDING THE USE OF NATURAL GAS AS A FUEL, HAVE BEEN USED EXTENSIVELY. WOGA ACKNOWLEDGED THAT ROUGHLY 50% OF THE STEAM GENERATORS IN THE COUNTY ARE BEING OPERATED ON GAS. CONTROL EQUIPMENT IS ALSO IN USE ON OIL FIELD GENERATORS IN KERN COUNTY. THESE INSTALLATIONS SHOW THAT AN AVERAGE EMISSION LEVEL OF 0.14 LB PER MILLION BTU OF HEAT INPUT COULD BE ACHIEVED. THESE TECHNOLOGIES ARE BEING USED AT A COST-EFFECTIVENESS COMPARABLE TO THE COSTS OF CONTROLS REQUIRED BY OTHER LOCAL DISTRICT RULES. IN THE CASE OF STATIONARY INTERNAL COMBUSTION ENGINES, CATALYST CONTROLS HAVE BEEN DEMONSTRATED IN THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S DEMONSTRATION PROGRAM. BASED ON THE RESULTS OF THE DEMONSTRATION PROGRAM THE SCAQMD DETERMINED THAT CATALYST CONTROLS REPRESENTED RACT FOR STATIONARY ENGINES AND HAS ADOPTED A RULE THAT WOULD REQUIRE THEIR USE. FOR THE ABOVE REASONS THE ARB STAFF BELIEVES THAT THE PROPOSED CONTROL MEASURES REPRESENT RACT.

6. ISSUE:

REVISING RULES 210.1 AND 425 WILL RESTRICT AN OIL PRODUCTION COMPANY'S ABILITY TO EXPAND BECAUSE THE REVISIONS WOULD RESTRICT THE AVAILABILITY OF OFFSETS TO MITIGATE NEW PROJECTS.

DON GALLAHER AND OTHERS

RESPONSE:

THE ARB STAFF'S PROPOSAL IS THAT A COMMITMENT BE INCLUDED IN THE PLAN FOR THE DISTRICT TO REVISE RULE 210.1 TO REQUIRE THE USE OF ACTUAL EMISSIONS WHEN DETERMINING AVAILABLE OFFSETS AND TO REVISE RULE 425 TO REQUIRE A 0.14 LB/PER MILLION BTU LEVEL OF EMISSIONS. THE STAFF PROPOSES IN ITS REPORT THAT EMISSION REDUCTIONS BE BASED ON ACTUAL REDUCTIONS AND BE ENFORCEABLE. THIS IS THE POLICY IN OTHER AREAS OF CALIFORNIA AND OFFSETS HAVE BEEN AVAILABLE FOR NEW AND MODIFIED SOURCES IN OTHER AREAS. REVIEW OF THE EMISSIONS INVENTORY SHOWS THAT THERE ARE POTENTIAL SOURCES OF REDUCTIONS FOR USE AS OFFSETS IN KERN COUNTY AS WELL.

7. ISSUE:

RULE CHANGES COULD ELIMINATE SOURCES OF OFFSETS, THEREBY PREVENTING NEW SOURCES FROM LOCATING IN KERN COUNTY. THE ECONOMIC VITALITY OF KERN COUNTY SHOULD BE GIVEN A HIGH PRIORITY.

KERN COUNTY SUPERVISOR TRICE HARVEY, KERN COUNTY APCD, KERN COUNTY BOARD OF TRADE, BUILDING INDUSTRY ASSOCIATION OF KERN COUNTY, GREATER BAKERSFIELD CHAMBER OF COMMERCE, FRITO-LAY AND OTHERS

RESPONSE:

FEDERAL LAW REQUIRES ALL AREAS OF CALIFORNIA TO WORK TOWARD ATTAINMENT OF NATIONAL AMBIENT AIR QUALITY STANDARDS. KERN COUNTY IS CURRENTLY IN VIOLATION OF THE HEALTH-BASED NAAQS FOR OZONE AND WILL NOT ATTAIN THE STANDARD BY THE 1987 DEADLINE. THE IMPOSITION OF MONETARY SANCTIONS AND A CONSTRUCTION BAN FOR FAILURE TO MEET CLEAN AIR ACT REQUIREMENTS WOULD IMPAIR THE ECONOMIC VITALITY OF KERN COUNTY. THE PLAN REVISIONS ADOPTED BY THE ARB CONSTITUTE THE MOST COST-EFFECTIVE APPROACH THAT IS KNOWN TO THE ARB AT THIS TIME TO ACHIEVE A SIGNIFICANT AIR QUALITY IMPROVEMENT.

IT IS THE ARB'S POLICY TO CONSIDER NEW INFORMATION THAT MAY BECOME AVAILABLE TO REDUCE THE COST AND/OR INCREASE THE COST EFFECTIVENESS OF EMISSION CONTROL REGULATIONS THAT MAY BE ADOPTED IN THE FUTURE. ULTIMATELY, THE COSTS AND EFFECTS OF ANY SUCH FUTURE REGULATIONS WILL BE CONSIDERED BY THE BOARD OF THE KERN COUNTY AIR POLLUTION CONTROL DISTRICT AND, AS APPROPRIATE, BY THE ARB.

8. ISSUE:

NEW CONTROLS SHOULD BE DEFERRED UNTIL THE VALLEYWIDE STUDY IS DONE.

KERN COUNTY APCD, BERRY PETROLEUM, CHEVRON, KERN COUNTY FARM BUREAU AND OTHERS

RESPONSE:

AS DESCRIBED IN THE STAFF REPORT, THE STAFF BELIEVES THAT SUFFICIENT INFORMATION IS AVAILABLE TO MAKE BASIC CONTROL STRATEGY DECISIONS FOR KERN COUNTY NOW. THE VALLEYWIDE STUDY, IF ADEQUATE FUNDS ARE SECURED, WILL TAKE YEARS TO COMPLETE AND MAY OR MAY NOT RESULT IN MORE CONCLUSIVE INFORMATION ABOUT KERN COUNTY CONTROL NEEDS. THE EPA HAS TESTIFIED THAT IT WILL IMPOSE ECONOMIC SANCTIONS AND A CONSTRUCTION BAN IN KERN COUNTY IF AN APPROVABLE PLAN IS NOT SUBMITTED AT THIS TIME.

IN ORDER TO PROTECT THE PUBLIC HEALTH AND AVOID SANCTIONS, THE REQUIREMENTS OF THE CAA, I.E., IMPLEMENTATION OF RACMS AS EXPEDITIOUSLY AS PRACTICABLE AND DEMONSTRATION OF REASONABLE FURTHER PROGRESS IN THE INTERIM TO ATTAINMENT, MUST BE MET. COMPLIANCE WITH THESE REQUIREMENTS IS OVERDUE, AND CANNOT WAIT SEVERAL YEARS FOR THE COMPLETION OF A STUDY (SEE BETHLEHEM STEEL CORPORATION VS. EPA (7TH CIR. 1986) 782 F.2D 645, AT 651).

9. ISSUE:

EPA DOES NOT REQUIRE NOX CONTROLS AS AN OZONE STRATEGY.

KERN COUNTY APCD AND OTHERS

RESPONSE:

EPA HAS STATED THAT NOX IS AN OZONE PRECURSOR IN KERN COUNTY AS IDENTIFIED IN THE MODELING ANALYSIS PERFORMED FOR THE PLAN UPDATE, AND THAT THE PLAN THEREFORE NEEDS TO INCLUDE CONTROLS FOR NOX. A JUNE 27, 1986 LETTER FROM JUDITH AYRES, REGIONAL ADMINISTRATOR FOR EPA, TO JANANNE SHARPLESS, CHAIRWOMAN OF THE AIR RESOURCES BOARD, DISCUSSES THE NEED FOR NOX CONTROLS, AND CONCLUDES THAT "THE PLAN DOES NOT MEET BASIC PLANNING REQUIREMENTS OF THE CLEAN AIR ACT AND THE CRITERIA FOR POST-1987 SIPS."

10. ISSUE:

THE PLAN ADOPTED BY THE KERN COUNTY APCD DEMONSTRATES RFP AND SATISFIES THE INTENT AND OBJECTIVES OF THE NONATTAINMENT AREA PLANNING REQUIREMENTS AND SHOULD THEREFORE BE SUBMITTED TO EPA WITHOUT MODIFICATION.

KERN COUNTY, FRITO-LAY AND OTHERS

RESPONSE:

AS INDICATED THROUGHOUT THE STAFF REPORT, THE ARB STAFF BELIEVES THE PLAN DOES NOT COMPLY WITH THE CAA REQUIREMENTS BECAUSE 1) IT DOES NOT CONTAIN ALL REASONABLY AVAILABLE MEASURES TO REDUCE EMISSIONS OF REACTIVE ORGANIC GASES AND OXIDES OF NITROGEN, THE PRECURSORS FOR THE FORMATION OF OZONE, AS REQUIRED BY SECTION 172 OF THE CLEAN AIR ACT; AND 2) THE PLAN DOES NOT FULFILL THE REQUIREMENTS OF SECTION 173 OF THE ACT IN THAT THE DISTRICT'S RULES FOR ITS PERMIT PROGRAM ALLOW EMISSION INCREASES DUE TO NEW AND MODIFIED SOURCES TO INTERFERE WITH REASONABLE FURTHER PROGRESS TOWARDS ATTAINMENT OF THE NAAQS FOR OZONE. EPA STAFF, IN ITS TESTIMONY, ALSO STATED THE PLAN WAS NOT IN COMPLIANCE WITH CAA REQUIREMENTS. THEREFORE, SUBMITTING THE PLAN AS ADOPTED BY THE KERN COUNTY BOARD, WOULD RESULT IN DISAPPROVAL OF THE PLAN BY EPA. THE STAFF REPORT DISCUSSES THIS ISSUE IN DETAIL.

11. ISSUE:

RECENT FUEL USE DATA SHOW A 28.5% REDUCTION IN NOX EMISSIONS IN THE CENTRAL KERN AREA; HOWEVER, LITTLE OR NO BENEFIT IS SEEN IN OZONE LEVELS.

KERN COUNTY APCD AND OTHERS

RESPONSE:

THE EMISSIONS REDUCTIONS DATA ATTRIBUTED TO REDUCTIONS IN FUEL USE ACCOUNT FOR ONLY ABOUT ONE-THIRD OF THE TOTAL NOX EMISSIONS IN THE CENTRAL KERN AREA IN 1984. IF ALL SOURCES ARE CONSIDERED, THE REDUCTION IN NOX EMISSIONS IN THE CENTRAL AREA IS LESS THAN 10 PER CENT, NOT A 28.5% REDUCTION. A SMALL

CHANGE IN EMISSIONS IS EXTREMELY DIFFICULT TO CORRELATE WITH CHANGES IN MEASURED OZONE LEVELS BECAUSE OZONE LEVELS ALSO VARY DUE TO FLUCTUATIONS IN METEOROLOGICAL CONDITIONS. NO DATA WERE PRESENTED AT THE HEARING WHICH DEMONSTRATED THAT FLUCTUATIONS IN OZONE LEVELS WERE DUE TO THE CHANGES IN NOX EMISSIONS DESCRIBED, RATHER THAN TO OTHER FACTORS SUCH AS METEOROLOGY.

12. ISSUE:

ARB STAFF AGREED WITH THE INVENTORY DATA IN THE DRAFT PLAN AND NOW WANTS TO UPDATE DATA IN THE FINAL PLAN. THIS IS INCONSISTENT WITH PRIOR COMMITMENTS.

KERN COUNTY APCD AND OTHERS

RESPONSE:

THE DISTRICT CHANGED THE EMISSIONS DATA IN THE FINAL PLAN SO THAT IT NO LONGER MATCHED THE DRAFT PLAN DATA AGREED TO BY THE DISTRICT STAFF, ARB STAFF, AND INDUSTRY. THE ARB STAFF'S PROPOSED REVISIONS TO THE INVENTORY INCLUDE INCORPORATION OF ACTUAL FUEL USE DATA FOR 1984 SIMILAR TO THAT USED IN THE DISTRICT'S FINAL PLAN. THE DISTRICT'S PLAN, HOWEVER, DID NOT MAINTAIN CONSISTENCY WITH THE JOINT ARB, DISTRICT AND INDUSTRY AGREED-UPON INVENTORY METHODS AND SURVEY RESULTS USED IN THE DRAFT PLAN. THE ARB'S INVENTORY CHANGES FOR 1982 AND 1984 MERELY CORRECTED ERRORS AND OMISSIONS TO MAKE THE INVENTORY CONSISTENT WITH PREVIOUS AGREEMENTS WITH THE DISTRICT AND INDUSTRY.

13. ISSUE:

ARB'S EMISSION PROJECTIONS FOR 1995 ARE TOO HIGH, ARE NOT CONSISTENT WITH THE CURRENT DATA, AND AREN'T NEEDED.

KERN COUNTY APCD, WOGA AND OTHERS



RESPONSE:

EMISSION ESTIMATES FOR 1995 ARE INCLUDED TO SATISFY A DEFICIENCY IN THE FINAL PLAN IDENTIFIED BY THE ENVIRONMENTAL PROTECTION AGENCY. SECTION 172(B)(3) OF THE CLEAN AIR ACT REQUIRES THE PLAN TO DEMONSTRATE REASONABLE FURTHER PROGRESS IN THE INTERIM UNTIL ATTAINMENT. IN ORDER TO PLOT ANY PROGRESS WHICH MAY RESULT FROM IMPLEMENTATION OF CONTROL MEASURES, PROJECTIONS THROUGH 1995 ARE NECESSARY. THERE IS ALWAYS SOME UNCERTAINTY IN PROJECTING FUTURE EMISSIONS. NO INFORMATION WAS PRESENTED ON ALTERNATIVE EMISSION FORECASTS. ARB'S GROWTH PROJECTIONS HAVE BEEN SCALED BACK BECAUSE OF THE CURRENT DOWNTURN IN OIL PRODUCTION AND KERN'S PRESENT DEPRESSED ECONOMIC SITUATION. CURRENT ASSUMPTIONS OF GROWTH RANGE FROM ZERO TO THREE PER CENT ANNUALLY DEPENDING ON SOURCE CATEGORY AND LOCATION, AND ARE DOCUMENTED ON PAGES 3 AND 4 OF THE TECHNICAL SUPPORT DOCUMENT (PAGES 212-213 OF THE STAFF REPORT).

14. ISSUE:

CONTROL OF NOX EMISSIONS MAY NOT REDUCE OZONE CONCENTRATIONS AND COULD RESULT IN HIGH OZONE CONCENTRATIONS IN THE URBAN POPULATION CENTERS OF KERN COUNTY.

KERN COUNTY APCD, WOGA, FRITO-LAY, CHEVRON, SHELL CALIFORNIA AND OTHERS

RESPONSE:

THE RESULTS OF ARB'S ONE DAY SIMULATIONS FOR THE PROPOSED 1987 HYDROCARBON AND NOX CONTROL STRATEGIES SHOW OZONE BENEFITS IN THE BAKERSFIELD URBAN AREA EXCEPT FOR A SMALL AREA OF DISBENEFIT IN THE OILDALE SOURCE COMPLEX AREA. SEE PAGES 24 THROUGH 32 OF THE STAFF REPORT FOR FURTHER DISCUSSION OF THIS ISSUE.

15. ISSUE:

ADDITIONAL CONTROLS ARE NOT NECESSARY TO ATTAIN THE OZONE STANDARD ON THE WEST SIDE. COMPLETE ELIMINATION OF STATIONARY SOURCES IN THE CENTRAL AREA WILL NOT RESULT IN ATTAINMENT. THE WEST AND CENTRAL PORTIONS OF THE COUNTY SHOULD BE TREATED SEPARATELY FOR DEVELOPING CONTROL STRATEGIES.

KERN COUNTY APCD, WOGA, FRITO-LAY, CHEVRON, SHELL CALIFORNIA AND OTHERS

RESPONSE:

AIR QUALITY DATA FROM 1985, WHICH WAS NOT AVAILABLE WHEN KERN COUNTY PREPARED ITS PLAN, INDICATES AN INCREASE OF OZONE CONCENTRATIONS AND THE NUMBER OF EXCEEDANCES OF THE HEALTH-BASED OZONE STANDARD. UNLESS ATTAINMENT CAN BE DEMONSTRATED BY 1987, ADDITIONAL EMISSION REDUCTIONS ARE NEEDED TO PROVIDE FOR REASONABLE FURTHER PROGRESS TOWARDS ATTAINMENT.

16. ISSUE:

OTHER DISTRICTS THAT CONTRIBUTE TO THE PROBLEM DO NOT HAVE CONTROLS AS STRINGENT AS THOSE PROPOSED FOR KERN COUNTY. NEW CONTROLS WILL NOT BE ABLE TO CONTRIBUTE TO ATTAINMENT OF THE OZONE STANDARD BECAUSE OF THE HIGH LEVEL OF POLLUTANT TRANSPORT INTO KERN COUNTY. BACKGROUND CONCENTRATIONS SHOULD ALSO BE GIVEN DUE CONSIDERATION IN DEVELOPING CONTROL STRATEGIES. THE EFFECTS OF TRANSPORT OF POLLUTANTS FROM KERN COUNTY INTO THE SOUTHEAST DESERT AIR BASIN SHOULD ALSO BE CONSIDERED.

KERN COUNTY SUPERVISOR TRICE HARVEY, KERN COUNTY APCD, CHEVRON, GREATER BAKERSFIELD CHAMBER OF COMMERCE, FRITO-LAY, SHELL CALIFORNIA, CHINA LAKE NAVAL WEAPONS CENTER AND OTHERS

RESPONSE:

ONE DAY SIMULATIONS INDICATE THAT THE STAFF'S PROPOSED CONTROLS WOULD REDUCE THE OZONE STANDARD VIOLATIONS BY 1995, WHILE MEASURES IN THE ADOPTED KERN COUNTY PLAN WOULD INCREASE THEM. ALTHOUGH A VALLEYWIDE ANALYSIS IS NOT AVAILABLE, ATTAINMENT OF THE STANDARD MAY REQUIRE BOTH UPWIND AND LOCAL CONTROLS. AS STATED IN THE HEARING, THE BOARD HAS COMMITTED ITSELF TO THE SAN JOAQUIN VALLEY MODELING STUDY. THE PLAN REVISIONS PROPOSED BY THE STAFF WILL RESULT IN ALL REASONABLY AVAILABLE MEASURES BEING CONSIDERED. THUS, TRANSPORT OF POLLUTANTS INTO THE SOUTHEAST DESERT AIR BASIN WILL BE REDUCED TO THE MAXIMUM EXTENT FEASIBLE.

17. ISSUE:

MULTI-DAY MODELING STUDIES HAVE LOWER UNCERTAINTIES THAN SINGLE DAY SIMULATIONS. THEREFORE, THE SAI RESULTS INDICATING OZONE INCREASES FROM NOX CONTROLS ARE MORE RELIABLE THAN THE ARB RESULTS INDICATING BENEFITS FROM NOX CONTROLS.

KERN COUNTY APCD, CHEVRON AND OTHERS

RESPONSE:

THE MULTI-DAY SIMULATION PERFORMED BY SAI INCORRECTLY PREDICTED THE HYDROCARBON TO OXIDES OF NITROGEN RATIO. FOR THIS REASON THE MULTI-DAY SIMULATION DOES NOT ACCURATELY DETERMINE THE RELATIVE BENEFITS OF HYDROCARBON OR OXIDES OF NITROGEN EMISSION CONTROLS. THE SINGLE DAY SIMULATION USED OBSERVED VALUES TO SPECIFY THE INITIAL CONDITIONS. THE STAFF CONCURS THAT THERE ARE UNCERTAINTIES INVOLVED IN THE SINGLE DAY SIMULATION, BUT THAT THEY DO NOT INVALIDATE THE QUALITATIVE CONCLUSION THAT BENEFITS ARE DERIVED FROM NOX CONTROLS.

18. ISSUE:

THE ARB ROLE IN REVIEWING DISTRICT RULES OR THE SIP IS LIKE AN APPELLATE COURT REVIEWING A LOWER COURT'S DECISION, AND THE ARB MUST UPHOLD THE DISTRICT DETERMINATION, EVEN THOUGH IT MAY DISAGREE WITH THAT DECISION, IF SUBSTANTIAL EVIDENCE SUPPORTS SUCH DETERMINATION.

MARVIN R. COSTON, DEPUTY COUNTY COUNSEL, KERN COUNTY

RESPONSE:

WHILE THE ANALOGY TO AN APPELLATE COURT IS FACIALLY APPEALING, THE ARB IS AN ADMINISTRATIVE BOARD COMPOSED OF NON-ATTORNEYS AND THERE IS NO LEGAL REQUIREMENT THAT COURT STANDARDS OF REVIEW BE IMPOSED UPON THE BOARD. INDEED, THE STATUTE ITSELF PROVIDES SUFFICIENT GUIDANCE REGARDING THE ROLE OF THE BOARD. THE DISTRICT DETERMINATION OF REASONABLY AVAILABLE CONTROL MEASURE IS CONCLUSIVE, UNLESS (AND THIS IS A MAJOR CAVEAT) THE BOARD FINDS IT WILL NOT MEET THE REQUIREMENTS OF THE CLEAN AIR ACT (H&SC SECTION 41651). AS THE AGENCY ULTIMATELY

RESPONSIBLE FOR PREPARATION OF THE SIP (H&SC SECTION 39602), THE BOARD MUST MAKE AN INDEPENDENT DETERMINATION OF WHAT THE CLEAN AIR ACT REQUIRES THE SIP TO CONTAIN. THE BOARD THEN EXAMINES THE MEASURES ADOPTED BY THE DISTRICT TO DETERMINE WHETHER THEY ADEQUATELY FULFILL THESE LEGAL REQUIREMENTS. IN DOING SO THE BOARD IS DIRECTED TO HEAR TESTIMONY AND WEIGH ALL THE EVIDENCE PRESENTED, AND NOT SIMPLY TO RE-EXAMINE THE RECORD BEFORE THE DISTRICT (H&SC SECTIONS 41502 AND 41650). THUS, IT IS CLEAR FROM THE STATUTE THAT THE BOARD MUST INDEPENDENTLY DECIDE WHETHER THE CLEAN AIR ACT REQUIREMENTS HAVE BEEN MET. AS WITH OTHER BOARD DECISIONS, THIS DETERMINATION MUST BE SUPPORTED BY SUBSTANTIAL EVIDENCE IN THE RECORD SO THAT IT IS NOT ARBITRARY, CAPRICIOUS, OR AN ABUSE OF DISCRETION.

19. ISSUE:

BECAUSE THE DETERMINATION OF SIP ADEQUACY MUST BE MADE ON THE BASIS OF "CONFLICTING DATA SUBJECTIVELY INTERPRETED", THE ARB SHOULD DEFER TO THE DISTRICT'S INTERPRETATIONS UNLESS THEY ARE CLEARLY ERRONEOUS.

MARVIN R. COSTON

RESPONSE:

AGAIN, THE BOARD IS NOT AN APPELLATE COURT SUBJECT TO COURT STANDARDS OF REVIEW, BUT HAS BEEN DIRECTED BY THE LEGISLATURE TO SUBMIT A PROPER AND COMPLETE SIP TO THE EPA IN ORDER TO FULFILL THE REQUIREMENTS OF THE CLEAN AIR ACT. IN WEIGHING THE EVIDENCE PRESENTED BY ALL INTERESTED PARTIES, INCLUDING THE DISTRICT AND THE EPA, WHICH IS AFTER ALL THE EXPERT FEDERAL AGENCY SPECIFICALLY CHARGED WITH IMPLEMENTATION OF THE CLEAN AIR ACT, THE BOARD MUST EXERCISE ITS INDEPENDENT JUDGMENT. THE STATUTE REQUIRES THE TAKING OF TESTIMONY, I.E., THE DEVELOPMENT OF AN ADMINISTRATIVE RECORD SEPARATE AND APART FROM THE RECORD BEFORE THE DISTRICT, AND THE STATUTE DIRECTS THE BOARD, "BASED UPON THE RECORD OF THE PUBLIC HEARING" (H&SC SECTION 41502(c)) TO MAKE ITS DETERMINATION. THE LEGISLATURE SET FORTH OTHER EXPLICIT REQUIREMENTS REGARDING THE FINDINGS WHICH THE BOARD MUST PREPARE TO SUPPORT ITS ACTION, AND WHILE THESE REQUIREMENTS ARE SUBSTANTIVELY AND PROCEDURALLY RIGOROUS, THEY NOWHERE REQUIRE THE BOARD TO

DETERMINE THAT THE DISTRICT'S INTERPRETATIONS ARE "UNREASONABLE" OR NOT SUPPORTED BY ANY RATIONAL EVIDENCE BUT RATHER THAT THESE INTERPRETATIONS DO NOT SATISFY THE FEDERAL STATUTE. THE BOARD MUST EXERCISE ITS INDEPENDENT JUDGMENT REGARDING THE REQUIREMENTS OF THE CLEAN AIR ACT AND THEN, AFTER CAREFULLY WEIGHING ALL OF THE TESTIMONY, DETERMINE FOR ITSELF WHETHER THE DISTRICT DETERMINATIONS MET THOSE REQUIREMENTS. ACCORDINGLY, THE ARB IS NOT BOUND BY THE DISTRICT DETERMINATION THAT NOX CONTROLS ARE NOT APPROPRIATE IF IN THE BOARD'S JUDGMENT THE EVIDENCE PRESENTED AT THE HEARING DOES NOT SUPPORT THIS CONCLUSION.

COMMENTS IN SUPPORT OF THE BOARD'S ACTION:

20. THE KERN COUNTY BOARD ADOPTED A WEAKENED PLAN WHICH DOES NOT CONTAIN REASONABLE MEASURES NECESSARY TO REDUCE OZONE CONCENTRATIONS. THE PERMIT PROGRAM MAY LEAD TO INCREASED LEVELS OF EMISSIONS. EMISSIONS THAT ORIGINATE IN KERN COUNTY (AS COMPARED TO EMISSIONS TRANSPORTED INTO THE COUNTY) CONTRIBUTE SIGNIFICANTLY TO THE COUNTY'S AIR POLLUTION PROBLEMS. THE COSTS OF PROPOSED CONTROL MEASURES ARE REASONABLE WHEN COMPARED TO OTHER CONTROL MEASURES.

SIERRA CLUB

21. SINCE NOX IS A SIGNIFICANT OZONE PRECURSOR, IT IS IMPORTANT TO FURTHER REDUCE NOX EMISSIONS.

AMERICAN LUNG ASSOCIATION OF KERN COUNTY

THE FOLLOWING COMMENTS PRESENTED BY THE ENVIRONMENTAL PROTECTION AGENCY SUPPORT THE ARB STAFF'S RECOMMENDATIONS AND THE BOARD'S ACTION:

22. EPA SUPPORTS THE CONCLUSIONS AND RECOMMENDATIONS MADE BY THE ARB STAFF ON THE MODEL'S RESULTS. THE PLAN ADOPTED BY KERN COUNTY DOES NOT FULFILL THE REQUIREMENTS OF THE CLEAN AIR ACT.

# Memorandum

To : Gordon Van Vleck  
Secretary  
Resources Agency

Date : September 23, 1986

Subject : Filing of Notice  
of Decisions of  
the Air Resources  
Board

*Harold Holmes*  
From : Harold Holmes  
Board Secretary  
Air Resources Board

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under Section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decisions and response to environmental comments raised during the comment period.

ATTACHMENTS  
86-76

# Memorandum

Gordon Van Vleck  
Secretary  
Resources Agency

Date : March 12, 1987

Subject: Filing of Notice of  
Decisions of the Air  
Resources Board

*Harold Holmes*  
Harold Holmes  
Board Secretary

From : Air Resources Board

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under Section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decisions and response to environmental comments raised during the comment period.

## ATTACHMENTS

86-76

86-104

87-17

# Memorandum

Gordon Van Vleck  
Secretary for Resources

Date : October 23, 1986

Subject : Withdrawal of Notice  
of  
Decisions of the  
Air Resources  
Board

*Harold Holmes*  
From : Harold Holmes  
Board Secretary  
Air Resources Board

On September 23, 1986 the Air Resources Board forwarded to you for posting its notice of decisions and responses to environmental issues raised during the comment period with regard to the Kern County Nonattainment Area Plan pursuant to Public Resources Code Section 21080.5(d)(2)(v) and Title 17, California Administrative Code, Section 60007(b), (copies attached). Because certain of these actions may be reconsidered, the ARB hereby withdraws the September 23 notice of decisions and responses to environmental issues.

Please call Leslie Krinsk, ARB Staff Counsel, at 322-2884 if you have any questions regarding this matter.

Attachments

RECEIVED  
THE RESOURCES AGENCY

OCT 23 1986

Office of the Secretary