

MEETING  
BEFORE THE  
CALIFORNIA AIR RESOURCES BOARD

COPY

HEARING ROOM  
CALIFORNIA AIR RESOURCES BOARD  
2020 L STREET  
SACRAMENTO, CALIFORNIA

THURSDAY, NOVEMBER 16, 1995

9:40 A.M.

Nadine J. Parks  
Shorthand Reporter

## MEMBERS PRESENT

John D. Dunlap, III, Chairman

Eugene A. Boston, M.D.

Joseph C. Calhoun

Lynne T. Edgerton

M. Patricia Hilligoss

John S. Lagarias

Jack C. Parnell

Barbara Riordan

Ron Roberts

James W. Silva

Doug Vagim

Staff:

Jim Boyd, Executive Officer

Tom Cackette, Chief Deputy Executive Officer

Mike Scheible, Deputy Executive Officer

Michael Kenny, Chief Counsel

Terry McGuire, Chief, Technical Support Division

Rich Bradley, Chief, Air Quality Data Branch, TSD

Debbie Popejoy, Manager, Air Quality Analysis Section

Marci Nystrom, Staff TSD

Judy Tracy, Staff Counsel

Peter Venturini, Chief, Stationary Source Division

Dean Simeroth, Chief, Criteria Pollutants Branch, SSD

Gary Yee, Manager, Industrial Section, SSD

Jim Aguila, Staff, Stationary Source Division

Kathleen Walsh, Staff Counsel, Office of Legal Affairs

Ed Wong, Staff, Stationary Source Division

Genevieve Shiroma, Chief, Air Quality Measures Branch, SSD

Bob Jenne, Staff Counsel

Bob Cross, Assistant Chief, Mobile Source Division

Sue DeWitt, Staff, MSD North

Edith Chang, MSD North

Catherine Lentz, MSD North

Karen Irwin, MSD North

Patricia Hutchens, Board Secretary

Wendy Grandchamp, Secretary

Bill Valdez, Administrative Services Division

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1 impact on the population.

2 We will go forward with the elimination of those  
3 regulations either through a Section 100 change, which is an  
4 administrative approach for getting rid of the regulations  
5 very simply; or, in some instances, we need to come back to  
6 the Board to request the Board's approval to eliminate  
7 regulations which have a more substantive effect in terms of  
8 moving, for example, the emissions criteria and inventory  
9 guidelines out of Title 17, where they currently reside, and  
10 into an actual guideline document, which will be more useful  
11 and easy for the public to use.

12 We're in the process, also, of looking through the  
13 regulations in their entirety to see if there are other  
14 places where the regulations can be streamlined.

15 CHAIRMAN DUNLAP: Very good. Any questions of Mr.  
16 Kenny? All right. Thank you, Mike.

17 As to the next steps, public and written comments  
18 received during the hearings will be summarized and made  
19 available for further review via Internet and other  
20 published communications by December 1.

21 Cal-EPA will formally respond to the comments in a  
22 package by February of next year.

23 Clearly, this is a time of great public scrutiny  
24 of our regulatory institutions. Given the unfinished  
25 business that we're dealing -- that is, striving to meet

1 clean air goals -- we need to move very deliberately and a  
2 very carefully in a way that sends very clear signals that  
3 we will not sacrifice any of those clean air goals and  
4 progress that we need as we move forward.

5 So, thank you. And I'll continue to make sure the  
6 Board is apprised of any efforts in this area.

7 I would like to remind those in the audience who  
8 would like to present testimony to the Board on any of  
9 today's agenda items to please sign up with the Board  
10 Secretary. And if you wish to offer written comments,  
11 please provide 20 copies to her.

12 The first item on the agenda today is 95-12-1, a  
13 public hearing to consider amendments to the criteria for  
14 designating areas of California as nonattainment,  
15 attainment, or unclassified, amendments to the area  
16 designations for the State ambient air quality standards,  
17 and amendments to the San Joaquin Valley and Southeast  
18 Desert Air Basin boundaries.

19 Before the staff begins its presentation, I'd like  
20 to make a couple comments, brief comments, about the area  
21 designations.

22 This year's review shows that several areas have  
23 continued to improve, despite continued growth. This shows  
24 that development and good air, or clean air, can coexist.

25 The South Coast Air Basin, well known for its air

1 quality problems, now meets the attainment requirements for  
2 nitrogen dioxide. Attainment is proposed for several other  
3 areas for carbon monoxide. These areas were previously  
4 unclassified because of inadequate air quality data.

5 While these examples offer good news, there's also  
6 some bad news to report. Our expanded monitoring efforts  
7 have shown some problems. In particular, numerous  
8 violations of the State CO standards have been found in  
9 Imperial County near the international border.

10 While we don't know yet fully understand the  
11 nature and causes of the problems, identifying this area as  
12 nonattainment signals the need for further study and heads  
13 us in the right direction for finding solutions.

14 At this point, I'd like to ask Mr. Boyd -- good  
15 morning, Jim -- to introduce the item and begin the staff's  
16 presentation.

17 MR. BOYD: Good morning, Mr. Chairman. Thank you.  
18 Good morning, Board members, and good morning to our  
19 audience.

20 Mr. Chairman, as you indicated, we are indeed  
21 proposing amendments, not only to the area designations, but  
22 also to two other regulations relating to air quality in  
23 California.

24 The first proposed amendments affect the San  
25 Joaquin Valley and the Southeast Desert Air Basin

1 boundaries. As you know, the Health and Safety Code  
2 requires the Board to divide the State into air basins. The  
3 San Joaquin Unified and the Kern County Districts have asked  
4 us to consider a change in the boundaries of these two air  
5 basins.

6 The second proposed amendment affects the criteria  
7 we use to designate areas with respect to attainment status  
8 for the State's ambient air quality standards. As you know,  
9 the California Clean Air Act requires that your board adopt  
10 criteria for designating areas as either attainment,  
11 nonattainment, or unclassified.

12 Under the Act, we are required to review these  
13 criteria periodically and to recommend changes to you if  
14 needed.

15 During the last two years, we have identified some  
16 situations that just do not fit within the requirements of  
17 the existing criteria. The amendments we are proposing  
18 today are designed to deal with these particular situations.

19 Finally, the Act requires us to review area  
20 designations annually and to propose updates based on any  
21 new information gathered.

22 A review of the recent air quality data indicates  
23 that several changes to the current area designations are in  
24 order, and the Chairman highlighted some.

25 With that introduction, I'd now like to call upon



1 Ms. Marci Nystrom of the Air Quality Analysis Section of the  
2 Technical Support Division to give you the staff's  
3 presentation.

4 MS. NYSTROM: Thank you, Mr. Boyd. Good morning,  
5 Mr. Chairman and members of the Board.

6 As Mr. Boyd said, today, we're proposing changes  
7 to three different, but related, regulations.

8 The first proposed change affects the air basin  
9 boundary regulations. Specifically, it would change the  
10 Kern County portion of the boundary between the San Joaquin  
11 Valley and the Southeast Desert Air Basins.

12 Our proposal to change the air basin boundaries  
13 was prompted by a change in the district boundary lines.  
14 the districts have agreed to move their boundary line  
15 further to the west. And, as a result, two areas -- the  
16 Kern River Valley and the Cummings Valley -- are now  
17 included in the Kern County District instead of the San  
18 Joaquin Valley District. Both districts have requested that  
19 we make the same change in the air basin boundaries.

20 We agree with the districts that the two areas in  
21 question are more similar to the Southeast Desert than they  
22 are to the San Joaquin Valley. Therefore, in response to  
23 the districts' request, we propose changing the boundaries  
24 to include these areas in the Southeast Desert Air Basin.

25 Now, I'd like to move on to the next set of

1 proposed changes which affect the designation criteria  
2 regulations. In general, the designation criteria are the  
3 rules we use to designate areas for the State standards.

4 As shown here, there are four possible designation  
5 categories. A nonattainment designation means that ambient  
6 concentrations violate the State standards. In addition to  
7 the simple nonattainment designation, there's a subcategory  
8 of nonattainment called "nonattainment transitional." This  
9 designation implies the area is getting close to attainment,  
10 but still has a small number of violations.

11 In contrast to nonattainment, an attainment  
12 designation means the air is generally clean. Although the  
13 ambient concentrations in an attainment area do not violate  
14 the State standards, they may show a small number of  
15 exceedances.

16 Finally, an unclassified designation means that we  
17 don't have enough data to determine attainment or  
18 nonattainment.

19 You may have noticed that I used two terms in  
20 explaining the designation categories. These terms are  
21 "exceedance" and "violation." While the two terms are  
22 similar, they have different and very specific meaning with  
23 respect to the designation criteria.

24 An exceedance is any measurement that is higher  
25 than the level of a State standard. However, not all

1 exceedances are considered violations. Some exceedances are  
2 affected by uncommon circumstances or what we call "highly  
3 irregular or infrequent events."

4 These exceedances are not considered to be  
5 violations and, as a result, they're excluded from the  
6 designation process.

7 In contrast, a violation is an exceedance that is  
8 not affected by a highly irregular or infrequent event.  
9 And, again, it's the violations that provide the basis for  
10 the nonattainment designation.

11 the designation criteria currently define two  
12 types of highly irregular or infrequent events. They are  
13 exceptional events and extreme concentration events.

14 An exceptional event is a specific, identifiable  
15 event that causes an exceedance of a State standard. An  
16 exceptional event may be caused by an act of nature or it  
17 may be related to human activity.

18 In contrast, an extreme concentration event is  
19 determined by a statistical procedure, and represents a  
20 concentration limit that we expect would recur less than  
21 once per year.

22 Today, we're proposing to add a third type of  
23 highly irregular or infrequent event called an "unusual  
24 concentration" event. This change is needed because we  
25 sometimes come across exceedances that cannot be excluded

1 under the existing criteria but, nevertheless, do not  
2 support a nonattainment designation.

3 In general, an unusual concentration event would  
4 be defined as an anomalous exceedance that does not qualify  
5 as an exceptional event or an extreme concentration event.  
6 We would identify unusual concentration events only for  
7 areas already designated as attainment or unclassified.

8 In evaluating these events, we would consider  
9 relevant information, such as the available air quality and  
10 emissions data, the meteorological data, the potential  
11 impacts on public health and welfare, and any rules or  
12 regulations that might influence future concentrations.

13 Based on our review of these data, we would need  
14 to make three findings: Specifically, we would need to find  
15 that the impact of the exceedance is limited to the local  
16 area, the exceedance is not expected to recur, and the data  
17 are not sufficient to support a nonattainment designation.

18 An area could retain its attainment or  
19 unclassified designation based on the exclusion of an  
20 unusual concentration event for up to three consecutive  
21 years. However, if such an exceedance occurred during the  
22 fourth year, the area would have to be redesignated as  
23 nonattainment.

24 Let me give you an example of how the unusual  
25 concentration event could be used in the designation

1 process. During 1993, the Mojave Desert AQMD initiated  
2 nitrogen dioxin monitoring at a new site in the Southeast  
3 Desert Air Basin. At the time, this area was designated as  
4 attainment.

5 In May, 1993, they measured a high one-hour  
6 concentration of 0.36 parts per million. This exceeds the  
7 State standard of 0.25 parts per million. In contrast, the  
8 second highest measured value was only 0.05 ppm.

9 During last year's review of the area  
10 designations, we could not exclude the high value. It  
11 didn't qualify as an exceptional event, because we couldn't  
12 document any activity that might have caused the exceedance.

13 It didn't qualify as an extreme concentration  
14 event either, because there were not enough data to  
15 calculate a reliable limit.

16 But, still, we didn't feel the measurement  
17 supported the nonattainment designation and, as a result, we  
18 went beyond the scope of the designation criteria and  
19 postponed a designation call until we had more data.

20 Under our proposed amendment, this anomalous  
21 exceedance could have been excluded as an unusual  
22 concentration event, because it satisfies the proposed test.  
23 The air quality and emissions data indicate the exceedance  
24 is limited to the local area, because it's much higher than  
25 the NO2 at any of the other sites in the air basin. In

1 addition, because the exceedance is so much higher than the  
2  
3 remaining data, it's unlikely to recur. Therefore, the  
4 single exceedance does not by itself support a nonattainment  
5 designation.

6           During this year's review of the area  
7 designations, additional NO2 data were available for this  
8 monitoring site, and we were able to calculate a reliable  
9 extreme concentration limit. As expected, we can now  
10 exclude the exceedance as an extreme concentration event.  
11 This confirms the anomalous nature of this particular  
12 exceedance and also the appropriateness of the unusual  
13 concentration event as a mechanism for excluding such  
14 exceedances.

15           In addition to the unusual concentration event,  
16 we're proposing a number of other minor revisions to various  
17 sections of the designation criteria. These minor revisions  
18 don't change the way in which we apply the criteria; they  
19 simply clarify current practices, delete unnecessary or  
20 obsolete language, make the regulation internally  
21 consistent, and correct grammatical errors.

22           Now, I'd like to describe the last set of changes  
23 we're proposing. These changes affect the area designation  
24 regulations.

25           As required by law, these proposed changes are

1 based on air quality data collected during 1992 through  
2 1994. As shown on this slide, we propose redesignations for  
3 three pollutants. Specifically, we propose redesignating  
4 two areas for ozone, four areas for carbon monoxide, and one  
5 area for nitrogen dioxide.

6 The first change, for ozone, would affect Northern  
7 Sonoma County in the North Coast Air Basin. This area is  
8 currently designated as unclassified. During the last three  
9 years, there was only one exceedance and it's excluded as an  
10 extreme concentration event. Therefore, we propose you  
11 redesignate Northern Sonoma County as attainment for ozone.

12 The next proposed change affects Mono County in  
13 the Great Basin Valleys Air Basin. This area was designated  
14 as nonattainment-transitional for ozone last year by  
15 operation of law.

16 The designation was based entirely on 1993 data,  
17 which showed no exceedances. However, during 1992 and 1994,  
18 the data for Mono County show a total of 19 exceedances.  
19 Four of the 19 exceedances are excluded as extreme  
20 concentration events. However, the remaining 15 are  
21 considered violations.

22 Because of these numerous violations, this area no  
23 longer qualifies for the nonattainment-transitional  
24 designation, and we propose to redesignate Mono County as  
25 nonattainment for ozone.

1           The next four proposed redesignations are for  
2 carbon monoxide. The first one affects Sutter county in the  
3 Sacramento Valley Air Basin. Sutter County is currently  
4 designated as unclassified. During 1992 through 1994, we  
5 collected data at a site in Yuba City, and these data show  
6 no exceedances. Therefore, we propose you redesignate  
7 Sutter County as attainment for CO.

8           We have a similar situation in Inyo County in the  
9 Great Basin Valleys Air Basin. This area is now designated  
10 as unclassified. During the last three years, the district  
11 collected data at a site in Bishop. Again, the data show no  
12 exceedances of the State CO standards. Therefore, we  
13 propose you redesignate Inyo County as attainment.

14           The third area is the Sacramento County portion of  
15 the Census Bureau urbanized area. This area is located in  
16 the Sacramento Valley Air Basin, and is currently designated  
17 as nonattainment for CO.

18           Based on recent data, this area qualifies for the  
19 nonattainment-transitional designation, and the Sacramento  
20 District has requested this designation change.

21           CO data show that the State standards were not  
22 exceeded at any site in this area during 1994. In addition,  
23 our analysis that this area should reach attainment well  
24 within the three-year limit required for nonattainment-  
25 transitional areas.



1           Therefore, we propose you redesignate the  
2 Sacramento County urbanized area as nonattainment-  
3 transitional.

4           The last area we propose redesignating for CO is  
5 the City of Calexico in the Southeast Desert Air Basin.  
6 This area is currently designated as unclassified. During  
7 1994, the staff began monitoring at the Calexico-Ethel  
8 Street site.

9           Data for the last three months of 1994, show a  
10 total of 12 violations, including four violations of the  
11 one-hour standard and eight violations of the eight-hour  
12 standard.

13           At this time, we cannot exclude any of these  
14 exceedances. We can't exclude them as exceptional events,  
15 because there are no qualifying circumstances associated  
16 with the exceedances. We can't exclude them as extreme  
17 concentration events, because we don't have enough data to  
18 calculate a reliable limit.

19           However, it's important to note that the extreme  
20 concentration algorithm is designed to exclude, on average,  
21 one value per year. So, even if we could calculate a  
22 reliable limit, we wouldn't expect to exclude such a high  
23 number of exceedances during a single year.

24           Finally, given the large number of exceedances and  
25 the expectation that they will continue to occur, it would

1 not be appropriate to exclude them as unusual concentration  
2 events.

3           The Imperial County APCD is concerned about this  
4 proposed redesignation. The district believes the  
5 violations are transport related and are caused by traffic  
6 backing up at a nearby border crossing.

7           The district contends that Mexican vehicles  
8 produce more emissions than similar California vehicles, and  
9 that this, in combination with the stop-and-go traffic,  
10 causes the violations at the Calexico site. As a result,  
11 the district contends that it cannot mitigate the violations  
12 and, therefore, should not be redesignated as nonattainment.

13           In contrast, we believe the nonattainment  
14 designation is appropriate. Under State law, the area  
15 designations are based on ambient air quality data. The  
16 purpose of these designations is to provide information  
17 about the healthfulness of the air. We do acknowledge that  
18 because of the increased vehicle traffic in and around the  
19 international border and the generally localized nature of  
20 the CO violations, the CO problem in Calexico is probably  
21 limited to the local area.

22           Therefore, we propose you redesignate only the  
23 area within the Calexico city limits as nonattainment.

24           This nonattainment designation does not carry with  
25 it any specific planning requirements. It simply identifies

1 a problem area so that the planning process can be  
2 implemented.

3 At this time, we don't have enough information to  
4 determine the cause of Calexico's CO problem. However,  
5 based on this nonattainment designation, we will be  
6 recommending that further study, such as remote sensing,  
7 traffic counts, and saturation monitoring, be conducted in  
8 this area.

9 These types of studies will help us to better  
10 understand the nature and causes of the problem and whether  
11 a local control program would be effective.

12 Our last proposed redesignation is for nitrogen  
13 dioxide and affects the South Coast Air Basin. This area is  
14 currently designated as nonattainment. During the last  
15 three years, the South Coast District collected NO2 data at  
16 a number of sites in the basin. They measured three  
17 exceedances at two sites, and all three exceedances are  
18 excluded as extreme concentration events.

19 Therefore, we propose to redesignate the South  
20 Coast Air Basin as attainment. If you adopt this particular  
21 redesignation, all areas of California will be designated  
22 attainment for the State NO2 standard.

23 In addition to the areas we propose for  
24 redesignation, there's one other area I'd like to talk  
25 about. The area is Inyo County, and the situation there is

1 important, because it uses our unusual concentration event  
2 procedure.

3 Inyo County is currently designated as  
4 unclassified for the State ozone standard. Prior to 1992,  
5 no ozone data were available for this area. During 1992  
6 through 1994, the local district collected data at a site in  
7 Bishop, and these data show no exceedances.

8 However, in addition to the Bishop Data, the  
9 National Park Service has been collecting data since  
10 December, 1993, at a site at the Death Valley National  
11 Monument.

12 The Death Valley data show a measurement of 0.098  
13 ppm, which exceeds the State ozone standard of 0.09 ppm.  
14 Because the Death Valley data are limited, we cannot  
15 calculate a reliable extreme concentration limit and exclude  
16 the value as an extreme concentration event.

17 Furthermore, we can't document any activity that  
18 would justify excluding it as an exceptional event. While  
19 we cannot exclude the exceedance under the existing  
20 criteria, under our proposed amendments, we could exclude  
21 it as an unusual concentration event.

22 Our review of the available air quality and  
23 emissions data indicates that the impact of the exceedance  
24 is limited to the local area. Furthermore, the air quality  
25 data do not indicate that the exceedance is likely to recur.

1           Finally, because the level of the exceedance is  
2 close to the State standard and occurred on only one day, it  
3 does not provide adequate support for a nonattainment  
4 designation. However, we'll continue to monitor the  
5 situation and reevaluate it next year when additional data  
6 are available.

7           Identifying this exceedance as an unusual  
8 concentration event would allow Inyo County to maintain its  
9 unclassified designation for ozone; but, of course, it's  
10 contingent upon your approval of the unusual concentration  
11 event procedure. If you do not approve that proposal, Inyo  
12 County would have to be redesignated as nonattainment for  
13 ozone.

14           This slide summarizes our proposed changes.  
15 First, we're proposing to change the Kern County portion of  
16 the San Joaquin Valley and Southeast Desert Air Basin  
17 boundaries. This change would add two areas to the  
18 Southeast Desert Air Basin and would make the air basin  
19 boundaries consistent with the district boundaries.

20           Second, we're proposing to add to the designation  
21 criteria another type of highly irregular or infrequent  
22 event called the "unusual" concentration event. This change  
23 would allow us to exclude anomalous exceedances from the  
24 designation process.

25           In addition, we're proposing a number of other

1 minor revisions to clarify and correct various sections of t  
2 he criteria.

3 Finally, we're proposing seven changes to the area  
4 designations for State standards -- two changes for ozone,  
5 four changes for carbon monoxide, and one change for  
6 nitrogen dioxide.

7 Two of these changes represent nonattainment  
8 designations; however, the remaining five either move areas  
9 into attainment or move them closer to that goal. This  
10 shows that, overall, we're continuing to make progress  
11 toward clean air.

12 This concludes the staff presentation. And now,  
13 Debbie Popejoy, the Manager of the Air Quality Analysis  
14 Section, will summarize and respond to the written comments  
15 we've received.

16 MS. POPEJOY: Thank you, Marci. We received three  
17 individuals who commented. The first one was from a  
18 concerned citizen, Scott Johnson, in Albany, California. He  
19 requests that the Board not adopt the proposed changes to  
20 the designation criteria which affect the highly irregular  
21 and infrequent events.

22 He believes, for sensitive people -- such as  
23 asthmatics -- unusual concentrations can be life-threatening  
24 and that the regulators should not be allowed to disregard  
25 an outlier of an air pollution event.

1           Our response to back to him is that our current  
2 designation criteria allow, on average, an exceedance -- one  
3 exceedance per year to be excluded as an extreme  
4 concentration event.

5           By adding the unusual event to the criteria, we  
6 are applying the same criteria to areas with incomplete or  
7 new data as we do for areas where we can calculate the  
8 extreme concentration.

9           By excluding the exceedance as unusual does not  
10 represent further degradation in air quality.

11           The proposed regulation requires that the  
12 potential health impacts be evaluated at the time an  
13 exceedance is considered to be unusual. So, we feel it is  
14 appropriate to amend the criteria to include the unusual  
15 concentration event.

16           The second letter we received was from Doug  
17 Quetin, the Air Pollution Control Officer of Monterey Bay  
18 Unified District.

19           He said that he believes that the data from the  
20 stations located to monitor the impact of specific sources  
21 can result in regional designation values for PM10 which are  
22 much higher than they otherwise should be, and that data  
23 from a station which is impacted by a fire should not be  
24 used to determine designation values either, and that the  
25 data impacted by sources or fires should be deleted from the

1 database completely.

2 We have called and talked with Mr. Quetin, and he  
3 now better understands the designation process and no longer  
4 has these concerns. But I will go through them a little  
5 anyway.

6 Sources are not supposed to cause exceedances of  
7 the ambient air quality standards. If the data from a  
8 source specific monitor shows an exceedance -- shows an area  
9 that is in nonattainment, then the planning process can be  
10 designed to address the specific problem.

11 Monitors which are source specific can be  
12 identified as special-purpose monitors, but the data are not  
13 excluded from the database.

14 Data affected by fires can be excluded as  
15 exceptional events. In the Monterey situation, the  
16 concentrations of concern are lower than concentrations from  
17 other sites in the district, and the ARB staff generally  
18 does not formally exclude concentrations unless they have  
19 the potential for regulatory impact.

20 Data affected by fires are flagged as such, but  
21 are not deleted from the database. However, these data are  
22 not used in the designation process.

23 The third written comment we got was from Mr.  
24 Stephen Birdsall from the Imperial County APCD, and is the  
25 APCO there in the district.



1 Marci has already talked a little bit about his  
2 concerns. An additional concern is that he believes the  
3 Calexico monitor was put there to evaluate the impact of  
4 transport from Mexico, and that the exceedances are caused  
5 by cross-border vehicle traffic from Mexico and beyond  
6 reasonable regulatory control and, therefore, the district  
7 believes nonattainment is an inappropriate designation.

8 Mr. Birdsall asks the Board to delay the  
9 designation decision until they can appear and present  
10 testimony. Should the Board redesignate Calexico as  
11 attainment, the district -- he feels the district should be  
12 exempt from planning requirements until further studies have  
13 been done.

14 The Calexico site was established to help assess  
15 transport. However, as all monitoring sites which collect  
16 data for record, the data from the Calexico site is  
17 appropriate to be used for designations.

18 As with ozone designations, CO designations should  
19 reflect air quality regardless of where the sources are  
20 located. We do have two areas in California which are  
21 designated as nonattainment for ozone, because the  
22 exceedances are caused by overwhelming transport of  
23 pollutants from other areas. These areas, although they are  
24 designated as nonattainment, are not required to develop  
25 local control strategies.

1           If, after further study, it is determined that the  
2 CO exceedances are caused by transport from sources in  
3 Mexicali, the district would not need to develop a local  
4 control program.

5           The district has already received a letter from  
6 the Executive Office stating that a better understanding of  
7 the nature of the CO air quality problem is needed in order  
8 to determine whether a CO planning effort is warranted.

9           ARB staff will be working with the U.S. EPA and  
10 possibly the World Bank to establish an emission inventory  
11 in the area. By the winter of 1996-97, there will be at  
12 least one more CO monitor in Calexico and a total of four in  
13 Mexicali.

14           In addition, ARB's Monitoring and Laboratory  
15 Division is planning a saturation study during the winter of  
16 96-97 to determine the geographic extent of the CO problem.  
17 So, with this study in mind, we believe it's still  
18 appropriate to designate the area as nonattainment.

19           Those are all the comments we received, and we'd  
20 be happy to answer any questions.

21           CHAIRMAN DUNLAP: Any of the Board members have  
22 any questions of staff?

23           Mr. Parnell.

24           MR. PARNELL: Well, it seems to me that -- first  
25 of all, I compliment the staff for doing what appears to be

1 a very complete and competent analysis of the situation.  
2 But Mr. Birdsall comments with respect to Calexico seem --  
3 without knowing all of the ramifications and what the  
4 redesignation will mean for the entire area, I wonder if  
5 some additional consideration is warranted under the  
6 circumstances?

7           Maybe you could -- you have just shared with me  
8 your comment, and it's a complicated issue, in my view, to  
9 understand what the ramifications would be for the entire  
10 area because of a monitor which seems to be placed in what I  
11 would consider to be a prejudiced area.

12           MS. POPEJOY: Well, first of all, the designation  
13 is only for the Calexico -- the city limits within Calexico.  
14 We're not including the entire Imperial County.

15           So, any control strategy would have to be designed  
16 to reduce the concentrations in Calexico and would not  
17 affect the rest of the district.

18           In addition to that, Caltrans has done some  
19 traffic counts of December of 1994. We've taken a look at  
20 that. And there appears to be just as much traffic going  
21 into Mexico as coming out of Mexico during the evening when  
22 we see the most potential for impact on the CO standard.

23           So, it appears that we have a lot of traffic  
24 congestion in Mexicali -- or in Calexico in addition to the  
25 traffic congestion in Mexicali.

1           There may be some local measures that could be  
2 implemented to reduce -- you know, to improve traffic flow  
3 in Calexico that might reduce the concentration. So, we're  
4 not really convinced that there is nothing the district can  
5 do, and we really won't know exactly what the extent of the  
6 problem is until after we've done further studies.

7           And so, we're proposing, until those studies are  
8 completed, that the district not have to implement any local  
9 controls, and that we continue to evaluate and monitor the  
10 area until we understand what the problem is before anything  
11 is required.

12           One other point is that the -- there will be an  
13 additional border crossing opened between Calexico and  
14 Mexicali. And that, in itself, may reduce some of the  
15 congestion at the border. It is a commercial site. It  
16 wouldn't be for private vehicles, but it may reduce some of  
17 the congestion.

18           I don't think anybody would argue that the problem  
19 isn't due to Mexican vehicles, but I think there might be  
20 some other thing besides closing the border that might  
21 improve the situation.

22           CHAIRMAN DUNLAP: Dr. Boston, you have a comment?

23           DR. BOSTON: Yes.

24           CHAIRMAN DUNLAP: And then Mr. Lagarias.

25           DR. BOSTON: Two questions, please. First of all,

1 on the district changes in Kern County and the San Joaquin  
2 Valley Districts, do those changes follow the political  
3 boundaries of the supervisorial districts so there's a  
4 continuity of political responsibilities?

5 MS. POPEJOY: I don't believe we really looked  
6 into that.

7 DR. BOSTON: Shouldn't we?

8 MS. POPEJOY: It follows the district boundaries,  
9 the air pollution control district boundaries.

10 DR. BOSTON: Aren't we required to have that type  
11 of political responsibility --

12 MS. POPEJOY: (Interjecting) Actually, we're not  
13 required. It's required -- the air basin boundaries are  
14 supposed to divide the State up into areas of similar  
15 geographic, topographic, and meteorological, and air quality  
16 characteristics, and, where practical, follow a political  
17 boundary.

18 And this boundary that we're proposing for the air  
19 basin does follow the air districts' boundaries.

20 DR. BOSTON: How about that, Mike?

21 MR. BOYD: Dr. Boston, as indicated, we consider  
22 political boundaries. And I agree with the point you're  
23 making that it pays dividends to be able to replicate  
24 political boundaries. But topography doesn't always do  
25 that, nor does meteorology always do that.

1           And, as Supervisor Vagim knows, in creating the  
2 San Joaquin Valley Unified District -- which was a product  
3 of a lot of years of study and what have you -- there was  
4 mutual concurrence on all parties that you couldn't always  
5 do that, particularly with regard to Kern County itself,  
6 because of its significant geographical division it created  
7 and what have you.

8           So, while cognizant of that, the ultimate decision  
9 was that couldn't be done. And so, all that we're proposing  
10 here is just additional fine-tuning of those particualr  
11 kinds of needs, recognizing that a different entity has been  
12 established to deal with the eastern section portions which  
13 are in Kern County, so on and so forth.

14           So, while that is a very desirable goals and pays  
15 dividends usually when we pursue it, it isn't always  
16 administratively or technologically feasible. And these  
17 areas are examples of areas where it has not been practical.  
18 and it's been acknowledged by all political entities, and  
19 they're all actually doing a very good job of dealing with  
20 it.

21           MS. POPEJOY: Dr. Boston, both districts -- the  
22 San Joaquin Valley District as well as the Kern County  
23 District, their boards have approved the boundary change for  
24 their district, and have written and requested that ARB make  
25 the same change to the air basin boundary.

1           And so, after looking at the topography, and the  
2 sources, and the meteorology, it was determined that it was  
3 appropriate to take those two areas from the San Joaquin  
4 Valley and put them in the Southeast Desert Air Basin.

5           DR. BOSTON: Okay. The second question is a  
6 simple chemistry problem I want somebody to follow with me.

7           We're now in attainment for oxides of nitrogen  
8 throughout the State, apparently.

9           MS. POPEJOY: Yes.

10          DR. BOSTON: And to my knowledge, you have to have  
11 oxides of nitrogen to make ozone. We know we've got a  
12 tremendous ozone problem. So, if we don't have any oxides  
13 of nitrogen to mix into this big chemistry lab in the sky  
14 and mix it with all these VOCs to make ozone, how can we be  
15 in attainment with oxides of nitrogen?

16          MS. POPEJOY: You want to take that one, Mike?

17          MR. SCHEIBLE: The air quality standard that we're  
18 concerned with for the NO2 standard is the effects on  
19 health. And so, what we're saying is that the areas meet  
20 the health-based standards for exposure for nitrogen  
21 dioxide.

22          We deal with the need to control oxides of  
23 nitrogen to lower PM10 values and lower ozone values under  
24 those programs.

25          So, the level of nitrogen dioxide in the air meets

1 the State's standard and, therefore, the area's attainment  
2 for that pollutant. The emission source does not -- it  
3 doesn't mean that there's a less need of control of  
4 emissions of oxides of nitrogen in order to address other  
5 ambient standard problems.

6 DR. BOSTON: That would lead you to believe that  
7 our fight with oxides of nitrogen is over and we're in  
8 attainment. And yet, we really need to lower more in order  
9 to reduce the other pollutants.

10 MR. SCHEIBLE: That's correct as an emissions  
11 source. But we don't need to do it in order to lower the  
12 NO2 level from a health perspective as measured by our  
13 standards. We need to do it for PM10 and ozone.

14 MR. MC GUIRE: There are two additional, and if I  
15 could add -- first, it's NOx, which is a collective group of  
16 oxides of nitrogen that form ozone. This standard is NO2,  
17 which is only one part of it. And even if the NO2  
18 concentrations in the air are below the health effects  
19 level, there still is enough nitrogen oxide to participate  
20 in the ozone formation reaction concentration substantially  
21 below the health standard.

22 DR. BOSTON: Okay.

23 CHAIRMAN DUNLAP: Thank you. Good point.

24 MR. SCHEIBLE: We will take extra care to  
25 communicate the situation to the public, because it is easy



1 to be confused.

2 CHAIRMAN DUNLAP: Mr. Lagarias.

3 MR. LAGARIAS: I notice, in Calexico, there's a  
4 population of 24,000; and right across the border of  
5 Mexicali, the population is in excess of a million. So,  
6 there's a 40-to-1 difference. And it seems like anything  
7 that you can do in Calexico will have little meaning without  
8 regard to what is being done in Mexicali.

9 It seems like Mexicali is in exceedance of the CO  
10 standard in the United States rather than Calexico's in  
11 exceedance. Is this correct?

12 MS. POPEJOY: Well, the air quality in Mexicali  
13 could indeed be very bad. The sources that contribute to  
14 the CO are usually motor vehicle. And they're occurring --  
15 the exceedances are occurring late at night, early in the  
16 morning. So, it's usually the traffic that's happening in  
17 the rush hour in the evening.

18 We don't really know what the sources, other than  
19 vehicle sources, are in Mexicali, and we're hoping that we  
20 can evaluate that better through cooperation with U.S. EPA  
21 as well as, possibly, the World Bank, so we can get a better  
22 idea of the stationary source contribution from Mexicali.

23 But it's probably due to motor vehicle, probably  
24 uncontrolled motor vehicles, that are in Calexico. No doubt  
25 there are cars that came across from Mexicali.

1 MR. LAGARIAS: Thank you.

2 CHAIRMAN DUNLAP: Supervisor Riordan, then  
3 Supervisor Vagim.

4 SUPERVISOR RIORDAN: Just to follow up -- and I  
5 have talked to the staff and I've spoken to the Chairman.  
6 Just traffic counts, I think, aren't going to resolve the  
7 problem. I think you're going to have to go down to really  
8 look at what's coming across the border.

9 My hunch is you've got some very, very old cars --

10 MS. POPEJOY: Very, very old.

11 SUPERVISOR RIORDAN: -- coming across the border  
12 out of the Mexicali area. And it's going to be very  
13 complicated to try to resolve this. And the fact that the  
14 economy is very poor down there, just extraordinarily poor,  
15 so we may have to give some help from some other resources  
16 than just right there at the, you know, at the point of  
17 maybe trying to bring people across in some sort of mass  
18 transit. That sort of thing might be helpful.

19 But my -- without even being there, my bets would  
20 be that those are very, very old cars coming across.

21 MR. BOYD: Supervisor Riordan, your point is an  
22 excellent and correct point. This issue of this designation  
23 has been pending with us, frankly, for several years.

24 A few years ago -- to date it, I guess, Assistant  
25 Executive Officer Witherspoon, who is no longer with us, and

1 I spent a couple of days in the Mexicali-Calexico area  
2 because of concern, even at that time, about whether or not  
3 who dominates the issue and what is the issue.

4 And your observations are exactly correct. Mr.  
5 Lagarias' point is well made about the population density.  
6 However, because of near abject poverty, the ratio of  
7 vehicles to people is much lower on the Mexican side of the  
8 border. Yes, they are older cars. They do engage in  
9 massive car pooling. I mean, they get more people in a car  
10 than you're used to seeing as it comes across the border, as  
11 they do, for employment purposes on a daily basis in the  
12 Imperial Valley.

13 And they have the infamous maquiladores, the  
14 industries along the border that are, frankly, not  
15 controlled nearly to the extent that industries in  
16 California or the United States are.

17 There have been a lot of mutual national  
18 government to national government, and with the California  
19 State Government involved, work over several years. And  
20 because of the need to know these issues of transporter  
21 pollutants-- not only into California but into the entire  
22 lower Western United States -- as it relates even to such  
23 things as the Grand Canyon Visibility Transport Commission's  
24 work, there are number of monitoring stations that have been  
25 and continue to be established as a result of national and

1 national to State cooperation.

2 In addition, and probably the largest forcing  
3 function for additional work has been NAFTA. And the border  
4 environmental agreements that were made by our Cal-EPA and  
5 the Mexican and National Governments relative to efforts to  
6 clean up the border areas across California, which are  
7 carried on by EPA to the other States, have also contributed  
8 to pledges by the Mexican Government to bring its standards  
9 up to a parallel with at least U.S. national standards on  
10 their side of the border, or at least within a certain strip  
11 of area that would influence the air in the United States.

12 So, a lot of actions are being taken. However, as  
13 the staff has indicated, we've been living with this a long  
14 time, and we have concluded that, standing alone, the  
15 California side of the issue, i.e. Calexico, there are  
16 actions that can be taken to improve the public health of  
17 our own citizens on that side of the border while we  
18 continue the long, but successful, program of working on the  
19 problem on the other side of the border.

20 CHAIRMAN DUNLAP: Supervisor Vagim.

21 SUPERVISOR VAGIM: Thank you, Mr. Chairman.

22 First, Dr. Boston, there's no politics in air.  
23 And the question I have is, isn't the Southeast Basin all in  
24 Kern County or does it spill over into another county?

25 MS. POPEJOY: No. The Southeast Desert Air Basin

1 includes parts of L.A. County, parts of Kern County, parts  
2 of San Bernardino County, and parts of Riverside County, and  
3 Imperial County.

4 SUPERVISOR VAGIM: So, does that mean the  
5 individual boards are managing their part of the basin?  
6 Because they haven't formed a unified or anything.

7 MS. POPEJOY: Right. There are different  
8 districts within that air basin.

9 SUPERVISOR VAGIM: Okay. as far as the boundaries  
10 themselves on a map, do we have that available?

11 MS. POPEJOY: I believe it's in your package as  
12 part of the appendix.

13 SUPERVISOR VAGIM: Because I know the Kern River  
14 Valley goes quite a ways in. As a matter of fact, it's  
15 right in the City of Bakersfield -- I mean, starts there.  
16 So, this is just the eastern part of that.

17 MS. POPEJOY: Right. It's just a small sliver on  
18 the eastern part --

19 SUPERVISOR VAGIM: Okay.

20 MS. POPEJOY: -- just west of Tehachapi itself.

21 SUPERVISOR VAGIM: Okay. Very good. Thank you.

22 CHAIRMAN DUNLAP: Any other questions or comments?  
23 Dr. Boston.

24 DR. BOSTON: I'd just mention to Supervisor Vagim  
25 that I come from Orange County where accountability has

1 become a very big issue for our supervisors.

2 (Laughter.)

3 CHAIRMAN DUNLAP: Jim Silva can attest to that as  
4 well.

5 All right. Mr. Boyd

6 SUPERVISOR RIORDAN: Dr. Boston!

7 (Laughter.)

8 CHAIRMAN DUNLAP: All right. Mr. Boyd, does staff  
9 have any further comments?

10 MR. BOYD: MR. BOYD: No further comments, Mr.  
11 Chairman.

12 CHAIRMAN DUNLAP: All right. Fine presentation.  
13 thank you. Very thorough.

14 Madam Secretary, we have no witnesses; is that  
15 correct?

16 All right. Anyone in the audience wish to comment  
17 on this item? All right. We'll move along.

18 Since all testimony, written submissions, and  
19 staff comments for this item have been entered into the  
20 record and the Board has not granted an extension of the  
21 comment period, I'm officially closing the record on this  
22 portion of Agenda Item No. 95-12-1. Written or oral  
23 comments received after the comment period has been closed  
24 will not be accepted as part of the official record on this  
25 agenda item.

1           Again, a reminder to my Board members of our  
2 policy concerning ex parte communication. While we may  
3 communicate off the record with outside persons regarding  
4 Board rulemaking, we must disclose the names of our contacts  
5 and the nature of the contents on the record.

6           This requirement applies specifically to  
7 communications which take place after notice of the Board  
8 hearing has been published.

9           Are there any communications which need to be  
10 disclosed on this item?

11           (There were no responses.)

12           CHAIRMAN DUNLAP: Okay. Very good. We have  
13 before us a resolution, 95-46, which contains the staff  
14 recommendations. Why don't we take a moment and review it.

15           Do I have a motion and a second to move this item?

16           SUPERVISOR VAGIM: Yes. Mr. Chairman, I'll move  
17 for adoption of Resolution 95-46

18           CHAIRMAN DUNLAP: Okay.

19           SUPERVISOR RIORDAN: I'll second it.

20           CHAIRMAN DUNLAP: I have a motion made by Mr.  
21 Parnell, seconded by Supervisor Riordan. Thank you, Doug,  
22 though. We appreciate it.

23           SUPERVISOR VAGIM: I didn't hear him.

24           CHAIRMAN DUNLAP: He got to it first.

25           Any questions, comments, issues we need to discuss

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before we move on the item?

All right. Will the Board Secretary please call the roll.

MS. HUTCHENS: Boston?

DR. BOSTON: Yes.

MS. HUTCHENS: Calhoun

MR. CALHOUN: Aye.

MS. HUTCHENS: Edgerton?

Hilligoss?

MAYOR HILLIGOSS: Aye.

MS. HUTCHENS: Lagarias?

MR. LAGARIAS: Aye.

MS. HUTCHENS: Parnell?

MR. PARNELL: Aye.

MS. HUTCHENS: Riordan?

SUPERVISOR RIORDAN: Aye.

MS. HUTCHENS: Roberts?

SUPERVISOR ROBERTS: Aye.

MS. HUTCHENS: Silva?

SUPERVISOR SILVA: Aye.

MS. HUTCHENS: Vagim?

SUPERVISOR VAGIM: Aye.

MS. HUTCHENS: Chairman Dunlap?

CHAIRMAN DUNLAP: Aye.

MS. HUTCHENS: Passes 10-0.