

1 MEETING

2 CALIFORNIA AIR RESOURCES BOARD

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9 EMBASSY SUITES HOTEL

10 4130 LAKE TAHOE BOULEVARD

11 SOUTH LAKE TAHOE, CALIFORNIA

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17 THURSDAY, APRIL 8, 1993

18 9:40 A.M.

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24  
25 Nadine J. Parks  
Shorthand Reporter

PETERS SHORTHAND REPORTING CORPORATION

3336 BRADSHAW ROAD, SUITE 240  
SACRAMENTO, CALIFORNIA 95827  
TELEPHONE (916) 362-2345

MEMBERS PRESENT

Jananne Sharpless, Chairwoman

Eugene Boston, M.D.

M. Patricia Hilligoss

Betty Ichikawa

Jack Lagarias

Andrew Wortman, Ph.D.

Staff:

James Boyd, Executive Officer

Tom Cackette, Chief Deputy Executive Officer

Catherine Witherspoon, Assistant Executive Officer

Gary Agid, Asst. Division Chief, TSD

Dale Shimp, Manager, Emission Inventory Special Projects,  
TSD

Andy Delao, Staff, TSD

Larry Morris, Chief, Fiscal Branch, ASD

Diane Glazer, Staff Counsel

Dr. John Holmes, Chief, RD

Bob Barham, Asst. Division Chief, RD

Manjit Ahuja, Acting Mgr., Acid Deposition & Aerosol Research  
Section, RD

Noni Weir, Staff, RD

Bob Cross, Asst. Chief, Mobile Source Division

Michael Carter, Chief, Off-Road Control Regulation Branch,  
MSD

Jackie Lourenco, Mgr., Off-Road Controls Section, MSD

Scott Rowland, Staff, MSD

Tom Jennings, Staff Counsel

John Batchelder, Mgr., Health Assessment & Air Quality  
Standards Section, RD

Lucille Saloum, M.D., MPH, STAFF, RD

Dennis Shusterman, M.D., Office of Health Hazard  
Assessment, Cal-EPA

Staff Present, continued. . .

Lynn Terry, Mgr., Northern California Liaison Section,  
Office of Air Quality, Transportation & Planning  
David Odabashian, Liaison to Lake Tahoe Air Basin, OAQTP  
Bob Jenne, Staff Counsel

Peter Venturini, Chief, Stationary Source Division  
Don Ames, Assistant Chief, SSD  
Genevieve Shiroma, Chief, Toxic Air Contaminant  
Identification Branch, SSD  
Dr. Joan Denton, Mgr., Substance Evaluation Section, SSD  
Robert Krieger, Staff, SSD  
Dr. James Seiber, Scientific Review Panel  
Kirk Oliver, Staff Counsel  
Tom Jennings, Staff Counsel

Patricia Hutchens, Board Secretary  
Judy King  
Bill Valdez

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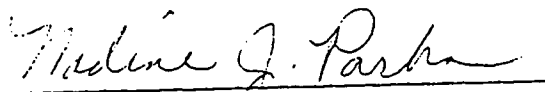
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CERTIFICATE OF SHORTHAND REPORTER

I, Nadine J. Parks, a shorthand reporter of the State of California, do hereby certify that I am a disinterested person herein; that the foregoing meeting was reported in shorthand writing by me, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, nor am I interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of April, 1993.

  
Nadine J. Parks  
Shorthand Reporter

1 MS. HUTCHENS: Wortman?

2 DR. WORTMAN: Aye.

3 MS. HUTCHENS: Madam Chairwoman?

4 CHAIRWOMAN SHARPLESS: Aye.

5 MS. HUTCHENS: Passes 6-0.

6 CHAIRWOMAN SHARPLESS: Okay. Thank you very  
7 much. I look forward to continuing to work together.

8 We need a couple of minutes here to change  
9 slides.

10 (Thereupon, there was a brief recess  
11 while the staff changed positions.)

12 CHAIRWOMAN SHARPLESS: Okay. Okay. The next  
13 item today is staff's proposal for the Board to identify  
14 189 Federal hazardous air pollutants as toxic air  
15 contaminants. This proposal is a requirement of new  
16 legislation which became effective in January of 1993,  
17 and amends our toxic air contaminant program.

18 I understand we have several speakers, Mr. Boyd,  
19 so would you like to begin the item?

20 MR. BOYD: Yes. Thank you Chairwoman Sharpless.  
21 As indicated, today, we are presenting to you a report that  
22 details the basis for our staff recommendation to you that  
23 the 189 Federal hazardous air pollutants be identified as  
24 State of California toxic air contaminants through just  
25 a simple regulation. Let me provide just a bit of

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1 background.

2 Assembly Bill 1807, authored by Assemblywoman  
3 Tanner, became effective, as you know, in 1984, and  
4 created the statutory mandate for the identification and  
5 the control of air toxics in California to protect the  
6 public health of the citizens in the State. And that's  
7 a program we've been living with and working on, as you  
8 know only too well, for quite some time.

9 In 1992, Assemblywoman Tanner authorized AB 2728  
10 with the purpose of facilitating the interface between the  
11 State and the Federal air toxics programs. And, of course,  
12 it fell on the heels of the amendments to the Federal Clean  
13 Air Act.

14 The proposal or the legislation amends our  
15 current program for the identification of toxic air  
16 contaminants, or TACs as we say, by specifically requiring  
17 the Board through a simple regulation to identify the 189  
18 Federal hazardous air pollutants, or HAPS as some call them,  
19 that are listed in the amendments to the Federal Clean Air  
20 Act as State toxic air contaminants.

21 In addition, your staff are recommending that  
22 the Board approve an amended toxic air contaminant list  
23 for the State program, where we've placed the 189 hazardous  
24 pollutants into Category I, which you know is titled,  
25 "Substances Identified as Toxic Air Contaminants by the

1 ARB."

2 Now, the report that you have before you today  
3 includes the list of Federal pollutants. It includes a  
4 copy of Assembly Bill 2728. It includes the updated  
5 toxic air contaminant list and, of course, our  
6 recommendations to your Board.

7 I'd also like to note that the Board, in  
8 identifying these 189 air pollutants, would not be making  
9 any priority decisions or any control decisions, or even  
10 approving any potency values for these substances. As  
11 you'll hear in our staff presentation, we're working with  
12 the Office of Environmental Health Hazard Assessment and  
13 our own Scientific Review Panel on a new process for  
14 dealing with the approval of potencies or so-called health  
15 values through the Scientific Review Panel for these  
16 hazardous air pollutants.

17 To facilitate the discussion today, we will  
18 have two presentations. First, Dr. Joan Denton, Manager  
19 of the Substance Evaluation Section of our own Stationary  
20 Source Division will summarize our staff proposal to  
21 identify the 189 pollutants as TACs; then, Dr. James Seiber,  
22 who's here representing the Scientific Review Panel,  
23 following Dr. Denton's presentation, will speak for the  
24 Scientific Review Panel.

25 So, with that, I'd now like to call upon

1 Dr. Denton to make the staff presentation.

2 DR. DENTON: Thank you, Mr. Boyd. I am Joan  
3 Denton, the Manager of the Substance Evaluation Section  
4 of the Stationary Source Division.

5 And before I begin my presentation, I would like  
6 to acknowledge Robert Krieger on my left, who is the staff  
7 leadperson on this report.

8 My presentation this afternoon will cover four  
9 areas, accomplishments of our air toxics identification  
10 program, requirements of AB 2728, the impact of AB 2728  
11 on our air toxics identification program, and, finally, the  
12 staff recommendations.

13 Since the air toxics program was enacted in 1984,  
14 the Board has identified 18 substances as toxic air  
15 contaminants. Five additional substances are currently  
16 being evaluated as toxic air contaminants. Generally,  
17 these substances have the greatest known risk from toxic  
18 air contaminants in California.

19 During the process of identification, the ARB  
20 staff have worked closely with the Office of Environmental  
21 Health Hazard Assessment and our independent Scientific  
22 Review Panel to use the best science available.

23 Requirements of AB 2728: This bill was enacted  
24 into law on January 1st, 1993. The intent of the  
25 Legislature in enacting the legislation was to streamline

1 our air toxics identification program and coordinate our  
2 program with the Federal program.

3 AB 2728 amends the air toxics identification  
4 program by requiring the Board to identify the 189 hazardous  
5 air pollutants as toxic air contaminants. The Board's  
6 action today does not include adoption of any control  
7 measures. In addition, it will not be subject to the  
8 Office of Administrative Law requirements. Finally,  
9 AB 2728 requires the Board to coordinate our air toxics  
10 control program with the Federal control program by  
11 clarifying the Board's existing authority to implement the  
12 Federal program and minimize duplication.

13 What are hazardous air pollutants? These 189  
14 substances were listed by Congress in Section 112(b) of the  
15 Clean Air Act amendments of 1990. They were chosen  
16 because of their potential to cause adverse health and  
17 environmental effects.

18 This list may be modified by the Environmental  
19 Protection Agency in the future and, if changed, we will  
20 propose to the Board modifications to the list.

21 In addition, I want to mention that the  
22 hazardous air pollutants list includes some substances which  
23 have pesticidal uses. And the Department of Pesticide  
24 Regulation retains the authority to identify them as toxic  
25 air contaminants in their use as pesticides.

1           The identification of the 189 hazardous air  
2 pollutants changes our toxic air contaminant identification  
3 list, which the Board last approved in March of 1991.  
4 The 189 compounds are placed in Category I, increasing the  
5 number in that category from 18 to 194 substances.

6           This leaves approximately 50 nonhazardous air  
7 pollutants in Categories II and III of our list.  
8 Category II contains substances currently under review  
9 and nominated for review, and Category III contains  
10 substances which are being evaluated for entry into  
11 Category II.

12           This list is in Appendix 3 of the staff report.

13           This reorganization does not change our prioritiza-  
14 tion process for evaluating substances of concern, nor  
15 does it provide potency values or noncancer values, which  
16 we call health assessment values.

17           Our prioritization process will continue with  
18 both the hazardous air pollutants and nonhazardous air  
19 pollutants, so that the most important substances are  
20 evaluated first. The OEHHA staff will develop the health  
21 assessment values and the ARB staff will develop the  
22 exposure data.

23           The Scientific Review Panel will be responsible  
24 for approval of the health assessment values with full  
25 public participation, including workshops and written comment



1 periods.

2           Once these numbers are approved by the  
3 Scientific Review Panel, they will be used if control  
4 measures are developed.

5           I also want to note that the Scientific Review  
6 Panel appointed Drs. Seiber and Glantz to work with us  
7 on the implementation of this process, and we plan to work  
8 closely with them over the next several months on this  
9 matter.

10           Substances on our list which are not listed  
11 has HAPS will continue through the complete identification  
12 process, which includes prioritization, development of  
13 identification reports, full public participation,  
14 Scientific Review Panel review, a Board hearing, listing  
15 in the California Code of Regulations, and the OAL  
16 requirement.

17           Examples of nonHAPS currently in our  
18 identification process are diesel exhaust and inorganic  
19 lead.

20           Before I move to the staff recommendations, I want  
21 to mention that we plan to give you periodic updates on the  
22 program, including whether substances should be added to or  
23 removed from the TAC identification list.

24           We received letters from the North American  
25 Insulation Manufacturers Association, and CertainTeed

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1 Corporation asking that the footnote on the Federal HAPS  
2 list, which accompanies the substance "fine mineral  
3 fibers" in our regulation, be included as a footnote to our  
4 toxic air contaminant identification list.

5 And in response to these requests, we plan to  
6 add all of the footnotes from the Federal list to our  
7 TAC identification list.

8 We also received a letter from Mark Saperstein  
9 of Arco requesting -- or supporting our recommendation to  
10 list the HAPS as TACs, and expressing the concern that  
11 this action infers they are of health concern in  
12 California.

13 As I mentioned earlier in my presentation, the  
14 action taken by the Board today does not involve adoption  
15 of any potency numbers or control measures. We will be  
16 working closely with the SRP in prioritizing these  
17 substances so that the most important ones for California  
18 are evaluated first.

19 The staff have two recommendations. First, we  
20 recommend that the Board adopt the proposed regulation that  
21 identifies the 189 HAPS as TACs, as required under AB 2728;  
22 and, second, that the Board approve the amended TAC  
23 identification list.

24 I will now turn the presentation over to  
25 Dr. Jim Seiber, who has several comments to make on behalf

1 of the Scientific Review Panel.

2 Dr. Seiber.

3 DR. SEIBER: Thank you. Madam Chairperson,  
4 members of the Board, it's a pleasure to be here. I'm  
5 representing the Scientific Review Panel. I've been a  
6 member of the Panel for about two years. My expertise is  
7 on the fate and occurrence of chemicals in the air, with  
8 particular attention to pesticides and other trace  
9 constituents.

10 The Scientific Review Panel met February 26th,  
11 this year, under its Chairperson James Pitts, with six of  
12 us in attendance, and we discussed at that meeting with  
13 ARB and OEHHA staff the requirements of AB 2728.

14 Of particular interest is the identification of  
15 Federal Clean Air Act amendments list of 189 HAPS as  
16 toxic air contaminants under California law, as you heard.

17 Clearly, this will add to our list of TACs  
18 considerably, adding substantially to workload scheduling  
19 and all related activities leading through the risk  
20 assessment and, then, eventual regulation.

21 Some have said we've entered a new era of  
22 toxic air contaminants with this large list of materials.  
23 The Scientific Review Panel asked that I bring several  
24 comments to the Board. First of all, the Panel is working  
25 closely with staff of ARB and OEHHA on ways of expediting

1 the assessment of all the TACs. The new process will,  
2 in addition to expediting, be done without any sacrifice  
3 in quality in the assessments.

4 Clearly, identification as TACs is just the  
5 first step. There also needs to be carried out quantitative  
6 risk assessments. That takes a good deal of time.  
7 Furthermore, there's no guidelines on prioritizing among  
8 the list of 189 presently.

9 So, one early step may be a setting of priorities  
10 for risk assessment. Which of the 189 are most critical  
11 in California? Which are not a problem? Perhaps they're  
12 not used. Perhaps there's no emissions. Those, clearly,  
13 would be of lower interest in the State. So, we need to  
14 look at a setting of priorities.

15 Scientific Review Panel member Stan Glantz and I  
16 were designated to work with the staffs towards methods  
17 of prioritizing and evaluating compounds of most concern  
18 and assembling the information for full risk assessment.

19 We expect help at the Federal level, since EPA  
20 has the same list to deal with. A committee of the  
21 National Academy of Sciences, called the Committee on  
22 Air Pollutant Risk Assessment, CAPRA for short, is providing  
23 information on how EPA might deal with, processwise, the  
24 Clean Air Act Amendment '90 list of 189 compounds, also.

25 I'm a member of CAPRA; so is Dr. Peter Witschi,

1 who's an SRP member from U.C. Davis.

2 We expect this report to be issued in May or  
3 June of this year, and I think Dr. Witschi and I will be  
4 able to help the staffs pull out that information from the  
5 report that could be helpful to us in California.

6 At our February 26th meeting, the Panel also  
7 discussed extensively how much exposure information, along  
8 with health information, would be needed for 189. We felt  
9 that good exposure data's critical because, after all,  
10 risk is a function both of exposure and toxicity. You need  
11 them both to do a good job. Unfortunately, the amount and  
12 quality of exposure data's quite uneven, certainly for  
13 California or within California for the 189 compounds.

14 The Panel also recognizes the need for  
15 flexibility in evaluating risk of the 189. For example --  
16 quick example -- 2,4-Dinitrotoluene is on the list, but  
17 its important isomers, the 2,3-, 2,5-, and 2,6-Dinitrotoluene  
18 are not on the list. And there's information that would  
19 suggest perhaps they're the primary threat, or at least  
20 as important as the 2,4. So, we don't want to go down  
21 a route of being blinded by the list and oblivious to other  
22 threats that perhaps are more important.

23 In summary, the Panel is aware of the challenges  
24 which ARB and OEHHA will be facing in the expanded TAC  
25 list. And we thus pledge to work closely with their staffs

1 on the process of risk assessment. The SRP was chosen for  
2 a balance of experiences, backgrounds in toxicology,  
3 clinical health assessment, and environmental chemistry.  
4 So, we feel that we are in a good position to provide that  
5 service.

6 Obviously, the SRP wants to make sure that the  
7 best science available is brought to bear on the  
8 evaluation process. So, thank you for including SRP in  
9 this discussion. I'll be pleased to answer any questions.

10 CHAIRWOMAN SHARPLESS: Well, first of all,  
11 Dr. Seiber, I want to thank you for coming here on behalf  
12 of the Panel to participate in this discussion with the  
13 Board. I appreciate your input.

14 Mr. Lagarias?

15 MR. LAGARIAS: I, too, agree with the Chair that  
16 the Scientific Review Panel has done an outstanding job.

17 I have two questions, and I don't know whether  
18 they should be directed to you, but I'll direct them  
19 through you.

20 The first is a language problem that I always  
21 seem to run into. Why do we have to have hazardous  
22 air pollutants now identified as toxic air contaminants?  
23 Why can't we identify 189 hazardous air pollutants as  
24 hazardous air pollutants? Why do they have to become -- be  
25 given a new name, and what does that mean?

1 DR. SEIBER: I'll defer that question to --

2 (Laughter.)

3 DR. SEIBER: -- someone with more expertise.

4 MR. AMES: I'll take a shot at it, although I'm  
5 not the lawyer. I believe that the statute, as set up by  
6 Assemblywoman Tanner in 1982, set forth the definition  
7 TAC, and that that's basically the jargon that was chosen  
8 to be used by the State Legislature.

9 MR. LAGARIAS: Well, why can't we --

10 MR. AMES: In essence, it's the same.

11 MR. LAGARIAS: All right. But why can't we just  
12 say that? Having two different terms always lends  
13 confusion to an issue. And I think that some clarification  
14 on that would help.

15 MR. AMES: For the last eight years, we've stuck  
16 with the term toxic air contaminant, and we intend to  
17 continue to use that term.

18 MR. LAGARIAS: Does the Federal Clean Air Act  
19 mean hazardous air pollutants as toxic air pollutants --  
20 as toxic air contaminants?

21 MR. VENTURINI: I think they're similar, Mr. Lagarias,  
22 in terms of the intent at the Federal level or at the  
23 State level, whether it's a HAP or a TAC.

24 MR. LAGARIAS: Well --

25 MR. AMES: As far as the criteria used in

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1 defining TAC and the hazardous air pollutant, the  
2 definition is quite broad, looking at the -- if a substance  
3 has the potential to adversely affect human health or the  
4 environment -- the Federal says, "or the environment."  
5 The State law says, "human health."

6 MR. LAGARIAS: In looking at the public  
7 perception, walking across railroad tracks is hazardous,  
8 but it's not toxic.

9 (Laughter.)

10 MR. LAGARIAS: So, it's the use of --

11 MR. VENTURINI: We'd be willing to take a look  
12 at the legislation and the definitions to see if there's  
13 a problem here.

14 MR. LAGARIAS: Well, I think just a general  
15 paragraph that explains the equivalency would be helpful.

16 DR. SEIBER: That's a good point. We've lived  
17 with this difference for several years, as it was pointed  
18 out, and this isn't the first time a Federal HAP was  
19 considered for adoption as a TAC in California. I think  
20 the law requires it. So, we've been doing this for some  
21 time. It's just that we have a bigger list to deal with  
22 right now.

23 MR. LAGARIAS: The second question refers to the  
24 Federal list of 189 compounds. And I notice that the first  
25 160 or so are organic compounds, and they're all listed



1 specific by name, and they're organic. And then, all of a  
2 sudden, there's a catchall, and they say, antimony  
3 compounds, manganese compounds, chromium compounds,  
4 nickel compounds. And there's a whole family of these  
5 inorganic and organic compounds. That seems to me that we  
6 aren't looking at 189 compounds, but maybe 589 compounds,  
7 and that's missing.

8 DR. SEIBER: There's several problems with the  
9 list. I've tried to find out where the list came from and,  
10 apparently, it's a conglomeration of several lists. And  
11 so far, I have not been able to find out in a way I could  
12 explain how the list came about. But mixtures are certainly  
13 something we have to deal with regardless of the list of  
14 189.

15 We've got environmental tobacco smoke, diesel  
16 fuel, and diesel exhaust, things of this type. So, we have  
17 to deal with mixtures. Now, the inorganics, where you have  
18 different valent states and different counterions give  
19 you a special problem. But I think mixtures is going to  
20 be a big challenge for us in the future.

21 MR. LAGARIAS: I don't have problems with mixtures  
22 like tobacco smoke or coke oven emissions, but when we see  
23 nickel compounds, that can be --

24 DR. SEIBER: Wide open.

25 MR. LAGARIAS: -- wide open.

1 CHAIRWOMAN SHARPLESS: Dr. Seiber, I have a  
2 couple of questions as well. As you say, now that we're  
3 listing these 189 as a result of legislation requiring  
4 this, we do enter into a sort of new era of how we deal  
5 with these and public participation as well, and reactions  
6 to potency factors and exposure information.

7 And I realize that you all are still in the  
8 process of trying to sort how we're going to deal with  
9 this. And you've raised two issues: One is how we're  
10 going to prioritize it, and I think that's very important,  
11 obviously.

12 I don't know whether, us listing 189 is really  
13 going to speed up the process much more than what we've  
14 been able to do in the past. And second of all, with  
15 regard to the potency factors, which has always been a  
16 very controversial issue, do you believe that this is going  
17 to put additional pressure on the Panel to have a different  
18 process of allowing more input, public input into your  
19 process, and how is the Panel now feeling about that?

20 DR. SEIBER: The Panel's always welcomed input  
21 in a written form and through the use of workshops.

22 CHAIRWOMAN SHARPLESS: Exactly.

23 DR. SEIBER: And I can see, at the very least, it  
24 will have to increase that process. Certainly, I would  
25 expect that we'd have more workshops more frequent along

1 specific chemicals. So, that certainly would happen.

2 Now, whether we have open input at our meetings  
3 has not been discussed by the Panel. And I'd be happy to  
4 raise that issue. Others have; members of the Panel have  
5 brought it up. We've not discussed it as a group. I  
6 expect we probably will. I don't have any opinion one way  
7 or the other. I think the more input you can get the  
8 better, as long as it doesn't upset the orderly process of  
9 decision-making.

10 CHAIRWOMAN SHARPLESS: Well, I think one of the  
11 decisions of why the Panel to date hasn't opened sort of  
12 oral presentations was the fact that you have focused on  
13 peer-reviewed information; and that by providing written  
14 information, it gives you all an opportunity to review it  
15 in a time frame in which you can offer more intelligent  
16 reflection maybe.

17 I don't know if this is going to increase the  
18 amount of time that the Panel has to put into these. It's  
19 very possible. I just raise it. I think you know it.  
20 But it's certainly an issue that we've been dealing with  
21 for some time, and we want to help you get through it. It  
22 does sort of shift from this Board to your Panel the  
23 politics on potency factors, although the potency factor  
24 will come into play at this Board when we develop the  
25 control measures.

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1           Then we have the additional issue of the 2588  
2 process and the fact that many local districts now are  
3 asking for potency factors from OEHHA that I don't even  
4 think you're involved in to deal with the significant risk  
5 facilities that they have in their area.

6           How we sort through all of this and how we make  
7 some sense and rationale to the public and keep this  
8 process focused on good science. That's something that I  
9 think we're all going to have to work very hard at.

10           I guess all I'm saying is that, by listing this  
11 189, we certainly haven't simplified the process. We've  
12 just got 189 on this list in Class I, right?

13           DR. SEIBER: Right. I agree with your comments.  
14 The process is working quite well now, but with this larger  
15 group to deal with, we may have to look at some alternate  
16 mechanism. The workshops, in my opinion, are very  
17 valuable. That's a good place to air issues. But on the  
18 other hand, it can be very time-consuming for the SRP  
19 to attend and listen to those arguments.

20           So, I'm not sure what the best way to go is.

21           CHAIRWOMAN SHARPLESS: Okay. Yes, Dr. Wortman.

22           DR. WORTMAN: This is just to satisfy by  
23 curiosity. I understand we have identified almost seven  
24 and a half million substances. How do we choose from  
25 such a mass?

1 DR. SEIBER: There are actually close to 12  
2 million --

3 DR. WORTMAN: 12 million!

4 DR. SEIBER: -- chemicals known in the Chemical  
5 Abstract Service database.

6 How do we choose 189? Is that your question?

7 DR. WORTMAN: Or the next 189, say.

8 DR. SEIBER: Right. This has been a problem.  
9 Of course, Federal agencies have listed chemicals before --  
10 the priority pollutant list of 120, I believe it was --  
11 for water. It was promulgated about 10 years ago, and  
12 it's -- we live with that list all the time. It hasn't  
13 really been changed.

14 So, my feeling is that 189 is a list we're going  
15 to have to deal with in the same way. But there's  
16 arbitrariness in how things get on the list, and it's very  
17 difficult to take things off the list once they're on the  
18 list. That's a problem with the process.

19 I don't know the answer as to where it ends.

20 DR. WORTMAN: If you have to choose, is there a way  
21 to sort the 12 million and knock out 11.9, say, or something  
22 like that?

23 DR. SEIBER: Well, I think we -- no, of course  
24 not. But there is a process for identifying additional  
25 HAPs in California. So, we're not -- of course, we're not

1 saying that the 189 is it for us. We may add another  
2 50, or 75, or a hundred as time goes on, as we get  
3 exposure and toxicity data. That's what you need.

4 CHAIRWOMAN SHARPLESS: Of course, the point that  
5 Dr. Wortman's making is a good point, and an interesting  
6 point, and I think also a point that the staff and you are  
7 making, that the 189 aren't necessarily a problem in  
8 California.

9 What we have to do is sort through, based on the  
10 best information/data that we've got out of this list  
11 that we now have what we're going to focus on and what  
12 we're going to go after. So, it's going to be much more  
13 methodical than the way the 189 got put together, I hope.

14 MR. LAGARIAS: Well, aren't we, under 2588,  
15 trying, first of all, to prioritize which compounds we  
16 look at first? The ones that we know are most potent  
17 we look at. If they're in high concentrations, we focus  
18 on them. If they're present in California, we focus on  
19 them. And if they're not present, we put them aside for  
20 now.

21 So, it's a prioritizing issue of looking at those  
22 that are -- that we're at greatest from.

23 DR. SEIBER: Exactly. And that is going on. And  
24 I don't know whether you want to add to that comment on  
25 prioritizations.

1 MR. VENTURINI: Let me just -- excuse me. My  
2 voice is a little hoarse today.

3 On the 2588 program, that list is something on  
4 the order of 700 compounds, and that's the universe of  
5 compounds. The sources subject to that program have  
6 to determine whether or not they emit those compounds  
7 and then, if so, make some estimation of the emissions of  
8 those compounds.

9 And it's from the emissions data that we collect  
10 through the program that enables us to, first of all,  
11 identify -- are there some additional compounds that we  
12 weren't aware of that are being emitted in California that  
13 we should be concerned about; and, secondly, it provides  
14 that prioritization you were mentioning -- which of those  
15 compounds that are hazardous or toxic compounds that are  
16 being emitted in California should we be focusing on?  
17 And, basically, what are those that we believe, in  
18 consultation with OEHHA and the Scientific Review Panel,  
19 present the greatest potential harm to California?

20 So, that data has been very valuable to us to  
21 focus our resources on the compounds that we look at.  
22 And a comment was made about the 189. And it was true  
23 that many of those compounds probably aren't emitted in  
24 California. Coke oven emissions are on the list. We  
25 don't have coke ovens in California. So, we do have to

1 sort through that list and make sure we focus on those  
2 that we need to deal with.

3 MR. LAGARIAS: But we have transport.

4 CHAIRWOMAN SHARPLESS: Oh, Jack. Let's not get  
5 into transport.

6 MR. LAGARIAS: Well, I'd like to comment. In the  
7 Bay Area, some numbers -- and I don't hold me precisely  
8 to this. The risk from ambient air in the Bay Area's  
9 about 238 risk per million -- and this is residential  
10 risk. And of that 238, based on ambient air quality  
11 measurements, there are some 10 or 11 compounds that are  
12 identified.

13 But if you take the top three -- benzene,  
14 hexavalent chromium, and formaldehyde -- that accounts for  
15 about two-thirds of the total risk in the ambient air.  
16 So, the major contaminants are being addressed, and now  
17 we're fine-tuning to try to get the other ones as we  
18 identify them.

19 CHAIRWOMAN SHARPLESS: Well, hopefully, all these  
20 processes will marry together. And I guess that's what  
21 we're really looking for guidance from the Panel to help  
22 us sort through to make sure that our process makes sense.

23 DR. SEIBER: Well, certainly, the Federal and  
24 State needs to, because we're dealing with the same  
25 list. So, there needs to be probably more frequent contact



1 with Federal agencies.

2 CHAIRWOMAN SHARPLESS: More frequent. Okay.  
3 We'll put that on the list, too. Thank you very much,  
4 Dr. Seiber.

5 DR. SEIBER: Thank you.

6 CHAIRWOMAN SHARPLESS: Staff, is there any  
7 additional testimony or additional presentation you want  
8 to make before we call forward the witness?

9 MR. BOYD: No. There's no further staff  
10 presentation, Madam Chair.

11 CHAIRWOMAN SHARPLESS: Okay. Then, we'll call  
12 Dr. Pearson, Western Ag Chemical Association, forward.

13 DR. PEARSON: Good afternoon. My name is John  
14 Pearson. I represent the Western Agricultural Chemicals  
15 Association in the capacity of the Chairperson for the  
16 Air Quality Task Force.

17 And I have a comment and question, mainly for  
18 clarification, that I read in the staff report.

19 And in the staff report, in the section  
20 titled -- Section III -- "Changes in Other State Agencies  
21 and Review Groups," it is stated that 38 pesticides  
22 are listed, and all of them have industrial uses.

23 We believe that not all of these pesticides have  
24 industrial uses, such as the chemical trifluralin,  
25 according to our understanding of industrial uses as

1 compared to pesticidal uses. We question the significance  
2 of the industrial-use designation, and just further  
3 request that the -- any risk assessments and control  
4 measures for the two uses are treated fairly and in  
5 agreement with the legal uses for all materials.

6 That's mainly the point as far as the  
7 clarification goes. And I just want to take the  
8 opportunity to hope that the ARB and DPR will continue  
9 the excellent cooperation that I have seen recently, in  
10 the last year or so, and also that I've heard about over  
11 a period of time.

12 Thank you.

13 CHAIRWOMAN SHARPLESS: Yes. Staff, do we need  
14 to make a clarification in our report?

15 MR. AMES: We did talk with EPA and the  
16 Department of Pesticide Regulation before we made this  
17 statement in the staff report.

18 And it's our understanding from both the EPA  
19 and Department of Pesticides that the 82 substances  
20 which have pesticidal uses, 38 are registered for use as  
21 pesticides in California; but within the United States,  
22 not necessarily within California, there are certain  
23 commercial/industrial applications, where those  
24 substances have the potential to be emitted. We are not  
25 making any comment at this point as to whether any of

1 those -- any such uses occur in California. It's very  
2 clear that the Department of Pesticide Regulation  
3 retains the sole authority to regulate any of these 38  
4 substances in California in their pesticidal use.

5 MR. PEARSON: Thank you.

6 CHAIRWOMAN SHARPLESS: Does that clarify your  
7 question?

8 MR. PEARSON: Yes.

9 CHAIRWOMAN SHARPLESS: Okay. Thank you. We  
10 also have Richard Parks, Department of the Navy?

11 MR. PARKS: Thank you, Ms. Chairwoman.

12 I wasn't prepared to speak, but I did want to  
13 offer some comments.

14 I came here from Washington. My name is Richard  
15 Parks. I'm the Director of Materiels Engineering. My  
16 office is responsible for amendments to the Clean Air  
17 Act and how it pertains to shipbuilding practices,  
18 overall procedures, et cetera.

19 My office is also the DOD point of contact for  
20 the Clean Air Act amendments. We have a very close liaison  
21 with EPA and their developments of the HAPs list and  
22 what they're doing with that in their continued measures.

23 And you spoke a few minutes ago of close liaison  
24 with the Federal agencies. I'm glad you said that,  
25 because that's why I'm here. The Navy went through some

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1 very rough times in '81 -- excuse me -- '91 and '92,  
2 concerning compliance with the VOC program. It look a  
3 lot of abuse, and it was a rough road to go through.

4 And so, I'm here to offer assistance to the  
5 Board, to participate in a coordinated effort, because  
6 we have a proactive effort to address all the HAPs  
7 and all the materials the Navy specifies for preservation  
8 and overall of Navy ships. And we also have an effort  
9 to look at compliance measures to reduce or eliminate  
10 HAPs.

11 So, we're well on the way of what you're  
12 adopting, and we're quite concerned and have addressed  
13 this concern to the EPA of what control measures they  
14 will adopt and implement nationwide, and how that will  
15 fit with the California attainment and control measures  
16 they will eventually be adopting.

17 Because the Navy wants to make sure that what we  
18 do nationwide is consistent with what California does,  
19 so that we can be there when you implement the laws  
20 and be in compliance. And the Navy's a big entity and a  
21 big business and, so, it does take us time to react to  
22 things. So, if we can participate with control measures  
23 as they're adopted -- and we, too, prioritize the  
24 attack of HAPs and what materials and processes we use  
25 most readily, like the highest volume paints we may use,

1 or abrasive media, and if we can work together on what  
2 you're identifying as a top hitter, so we can address,  
3 or minimize, or eliminate those HAPs and those products  
4 first, we'll work closely so that we can both come to  
5 closure when you implement your control measures.

6 CHAIRWOMAN SHARPLESS: Of those 189 that we  
7 we're listing, what are the ones of top concern that  
8 would impact the Navy?

9 MR. PARKS: I'm not prepared to answer that,  
10 because right now, we're looking at all the materials,  
11 and there's thousands of -- I have hundreds of paint  
12 specifications, and abrasive media, and every process we  
13 have, and we're breaking down the details of which  
14 HAPs are in it, what level, what volume. We're addressing  
15 nickel, we're addressing hexavalent chrome, lead --  
16 especially lead right now is a major problem in the Navy,  
17 ships, of course, removal of lead-based paints. So, I  
18 can't comment on that yet. That's --

19 CHAIRWOMAN SHARPLESS: Does the Federal  
20 Government have an interagency working group that you're  
21 working with -- with other Federal agencies, with EPA --  
22 on the HAPs issue?

23 MR. PARKS: Again, my office is the DOD lead,  
24 coordinating the Army, the Air Force, et cetera, with EPA.  
25 We're also working with the Shipbuilders Council of

1 America on the impact on the industrial side.

2 CHAIRWOMAN SHARPLESS: So, your information  
3 right now is going into U.S. EPA.

4 MR. PARKS: Directly to the EPA, specific  
5 to people developing the HAPs list concerning shipbuilding  
6 practices.

7 CHAIRWOMAN SHARPLESS: Well, we would certainly  
8 want to have you participating in our efforts as well.  
9 I think that coordination is necessary in what we do,  
10 and we try very hard to bring in people when we know  
11 that they're affected.

12 One of the problems sometimes is that, as we get  
13 closer to a control measure down the regulatory path,  
14 we touch people that originally we didn't realize they  
15 might be affected. So, if we can design or figure out  
16 a way to bring you all in early on in the process to get  
17 maybe that same information that you're giving U.S. EPA  
18 to help us in our process, it might be the best thing to  
19 do.

20 Don, did you have something you wanted to --

21 MR. AMES: I just wanted to thank Mr. Parks for  
22 his offer to work with us. We look forward to that.

23 Just a comment on our hot spots program: It's  
24 my understanding that the Navy has done a very good job  
25 in California at its naval shipyards in complying with the

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1 toxic hot spots program and reporting its emissions and  
2 potential risk. And, as Mr. Parks said, we do see a lot  
3 of hexavalent chromium, the toxic metals -- lead and a  
4 lot of chlorinated solvent use as you would imagine.

5 CHAIRWOMAN SHARPLESS: Don, who is your  
6 contact person here in the State of California when you --

7 MR. AMES: I'm not sure we have a single. I  
8 know for each shipyard, there's a point person that  
9 is responsible to the local air quality district in  
10 reporting 2588, and we've had conversations with those  
11 point persons, also. But it's primarily the linkage  
12 between the local districts and the local naval shipyard.

13 MR. VENTURINI: For us, I'd suggest Mr. Parks  
14 can get in touch with Don to coordinate within the ARB.

15 CHAIRWOMAN SHARPLESS: I was going to suggest  
16 that. It sounds to me -- I'm really happy you're here  
17 early on in the process, and I hope that somehow we can  
18 establish a close working relationship if we can figure  
19 out who in your organization we should be hooking up  
20 with.

21 As you can see, they're dealing with the  
22 districts and with the individual yards. That may or may  
23 not be the best way to do it in the future. And if we  
24 need to have better coordination, we can talk about that.

25 MR. PARKS: Well, I can comment about the

1 various yards. They work thorough the Naval Facilities  
2 Command, which reports back to my command. And for  
3 changeover to compliance, changing processes and  
4 processes, they have no authority for that.

5 If we're going to change ingredients in  
6 materials, that is at my level. As I said, we have a  
7 multiyear, multimillion dollar effort underway right now  
8 to look at reduction of HAPs in all materials.

9 The major concern, I will point out, that we've  
10 brought to the EPA's attention -- and the major paint  
11 industry has done -- is that, when you lower HAPs or  
12 reduce HAPs, simultaneously, they're looking at lowering  
13 the level of VOCs in materials, they play against each  
14 other.

15 CHAIRWOMAN SHARPLESS: Right.

16 MR. PARKS: And that's a big concern of a  
17 balancing level. We're going to go as low as we can  
18 and be aggressive and go below everybody else. We're  
19 looking at standards well below the national level of  
20 lead. We're going to 50 parts per million if it's  
21 achievable. Everything's achievable. I appreciate --  
22 I'm in the same boat you are: Is it technically  
23 achievable? And, if so, what's the cost factor and what's  
24 the time for compliance?

25 And the lessons I learned three or four years



1 ago were very painful, although we did come into  
2 compliance. And I will tell you that EPA is looking at  
3 the California lead for VOC and adoption of the '94  
4 standards as their national standards, which, thank God,  
5 because of the Navy and their progressive program, that's  
6 going to be the law.

7 So, we're there with VOCs.

8 CHAIRWOMAN SHARPLESS: It works for you, huh?

9 MR. PARKS: Yeah, but I have scars.

10 (Laughter.)

11 CHAIRWOMAN SHARPLESS: Scars to show for it.

12 MR. PARKS: Yeah. So, this effort here is to  
13 make sure that we're ahead of the game and comply in time,  
14 so that there won't be any --

15 CHAIRWOMAN SHARPLESS: Why don't you leave your  
16 card with Mr. Ames, and we'll make sure that we --

17 MR. PARKS: I'll meet with him after the meeting.

18 CHAIRWOMAN SHARPLESS: -- we have a good fax  
19 line to your office.

20 MR. LAGARIAS: Mr. Parks --

21 MR. PARKS: Yes, sir.

22 MR. LAGARIAS: -- you mention that you're in  
23 charge of HAPs for shipbuilding. Are you also in charge  
24 for ship dismantling?

25 MR. PARKS: Yes, my office.

1 MR. LAGARIAS: I think that may be a larger  
2 program.

3 (Laughter.)

4 MR. PARKS: Yes. My office is shipbuilding,  
5 overall repair and disposal, and you name it.

6 MR. LAGARIAS: Deep Six.

7 CHAIRWOMAN SHARPLESS: Yes. Thank you very much,  
8 Mr. Parks.

9 Okay. That is the end of the witness list.  
10 Mr. Boyd, is there any further comment by ARB staff?

11 MR. BOYD: I believe there's no further  
12 comment, Madam Chair.

13 CHAIRWOMAN SHARPLESS: Okay. I do believe we  
14 have a resolution that affirms the staff's recommendation  
15 here.

16 MRS. ICHIKAWA: Do we need these?

17 CHAIRWOMAN SHARPLESS: Well, those are basically  
18 support letters, and I think that the staff has indicated  
19 that, in response to the comment letters, we are going  
20 to honor their request and put the footnotes in. And  
21 so, I think we basically have taken care of the issues  
22 in the comment letter.

23 I don't believe we have a 15-day rule here, so  
24 I would like to close the record by saying that, since  
25 all testimony, written submissions, and staff comments for

1 this item have been entered into the record, and the  
2 Board has not granted an extension of the comment period,  
3 I will officially close the record on this portion of  
4 Agenda Item No. 93-6-6. Written or oral comments  
5 received after the comment period has been closed will  
6 not be accepted as part of the official record on this  
7 agenda item.

8 Now, we have before us the resolution. It's  
9 Resolution 93-26. Right?

10 Do I hear a motion for approval?

11 MRS. ICHIKAWA: I so move.

12 CHAIRWOMAN SHARPLESS: Okay. Mrs. Ichikawa  
13 moves the resolution.

14 DR. BOSTON: Second.

15 CHAIRWOMAN SHARPLESS: Okay. It's been seconded  
16 by Patty Hilligoss.

17 Any further discussion on this?

18 Why don't we take a voice vote on this? All  
19 those in favor, say aye?

20 (Ayes.)

21 Any opposed?

22 Will the record show that it was voted on  
23 unanimously?

24 Okay. Thank you very much for those of you  
25 who participated in this item. I appreciate your

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