

State of California
AIR RESOURCES BOARD

Summary of Board Meeting
September 15, 2005
South Coast Air Quality Management District
21865 East Copley Drive
Diamond Bar, California 91765

MEMBERS PRESENT: Madam Chairman Riordan
Sandra Berg
Dorene D'Adamo
Supervisor Mark J. DeSaulnier
Henry Gong, Jr., M.D.
Lydia Kennard
Ronald O. Loveridge
Supervisor Barbara Patrick

AGENDA ITEM #

05-8-1: Health Update: Linking Particulate Pollution to Atherosclerosis

SUMMARY OF AGENDA ITEM:

Staff presented a recent study by the University of Southern California that found a relationship between atherosclerosis (a chronic disease of the large arteries that is the primary cause of heart disease and stroke) and fine particle pollution (PM_{2.5}). Previous animal studies found that PM exposure leads to the progression of atherosclerosis. The USC study is the first human epidemiologic evidence of a chronic blood vessel effect, identified by a ultrasound measurements of the carotid arteries in 798 "healthy" male and female participants over age 40. Given the leading role of heart disease as a cause of death, this study has significant public health implications. However, the researchers also cautioned that the study needs to be repeated.

ORAL TESTIMONY: None

FORMAL BOARD ACTION: None (Informational Item)

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: No

05-8-2: Public Meeting to Consider Research Proposals (5)

SUMMARY OF AGENDA ITEM:

The Board considered the following five research proposals.

- “Assessment of Health Impacts of Particulate, Matter from Indoor Air Sources: Development of *in vitro* Methodology”, UC Davis, \$399,998, #2588-249
- “Survey of the Use of Ozone-generating Air Cleaners by the California Public”, \$99,997, UC Berkeley, #2590-249
- “Responses to Short-term Fluctuation in Particulate Air Pollution in Asthmatic Children: Implications for Asthma Natural History”, UC Berkeley, \$350,000, #2591-249
- “Environmental Justice Saturation Monitoring of Selected Pollutants in Wilmington”, Desert Research Institute, \$475,451, #2589-249
- “Follow-on Development of CARBITS”, UC Davis, \$100,000, #2587-249

The Board directed staff to ensure that UC Berkeley submit the required draft final report under a previous contract #99-322 before any payment is issued for work for the proposed project, “Responses to Short-term Fluctuation in Particulate Air Pollution in Asthmatic Children: Implications for Asthma Natural History.”

ORAL TESTIMONY: None

FORMAL BOARD ACTION: The Board unanimously Approved Resolution Numbers 05-41 through 05-45.

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: Yes

05-8-7: Public Hearing to Consider the Proposed Amendments to the Portable Fuel Container (PFC) Regulations

SUMMARY OF AGENDA ITEM:

Staff presented amendments to the regulations for Portable Fuel Containers (PFC) to address consumer complaints and improve enforceability. The amendments were:

- An expanded PFC definition to include non-compliant containers;
- A certification program to improve product quality;
- Modifications to existing spout regulations to improve spillage control;
- A voluntary Consumer Acceptance Program to support and encourage user friendly designs;
- A new 0.40 gram/gallon-day diurnal emission test standard; and
- New PFC test procedures to streamline testing.

The amendments will reduce reactive organic gases by an additional 18 tons per day (tpd) by the year 2015.

ORAL TESTIMONY:

Phil Monckton, Sceptor
 Richard Wallace, Fair Trail Enterprises
 Dave Smith, boat owner

FORMAL BOARD ACTION: The Board unanimously approved resolution number 05-50.

RESPONSIBLE DIVISION: Monitoring and Laboratory Division

STAFF REPORT: Yes

05-8-4: Public Hearing to Consider the Adoption of a Clean On-Road School Bus Regulation for School Buses Operating in the South Coast Air Quality Management District

SUMMARY OF AGENDA ITEM:

Staff presented a potential regulation to reinstate and reinforce the South Coast Air Quality Management District’s clean fuel fleet rule for school buses and contrasted that proposal with the District’s existing Rule 1195.

To put the proposal into context, staff discussed the U.S. District Court’s May 2005 ruling affirming SCAQMD’s authority to regulate public fleets, and the District’s resumption of Rule 1195 enforcement on private fleets that contract with public agencies. Staff also clarified that the proposed ARB regulation would not provide any additional benefits, above and beyond Rule 1195.

After extensive public testimony on both sides of the issue, the Board elected not to approve the proposed ARB regulation. Instead, the Board adopted Resolution 05-60 expressing its support for the SCAQMD's efforts to reduce harmful pollutants through the District's own fleet rules. Resolution 05-60 also directs ARB staff to monitor the legal proceedings for the District's fleet rules and to return to the Board with options should the District lose its fleet rule authority.

ORAL TESTIMONY:

Barry Wallerstein, South Coast AQMD
Kurt Wiese, South Coast AQMD
Herbert Burnett, Burnett & Burnette
Stephanie Magnien, Representing Assembly Member Judy Chu
Jackie McHenry, City of Claremont
Tzeitel Paras Caracci, City of Duarte
Henry Lo, Representing Senator Gloria Romero
Laurene Weste, City of Santa Clarita
Sharon Rubalcava, for the California School Bus Contractors
Angelo Bellomo, LA Unified School District
Rick Feinstein, Colton Unified School District
Steve Umber, Placentia-Yorba Linda Unified School District
Bob Wigginton, Rowland Unified School District
Mike Patton, Capistrano Unified School District
Stephen Rhoads, School Transportation Coalition
Bill Duplissea, California School Transportation Association
Jene Jansen, Antelope Valley Schools Transportation Agency
David Walthall, Ontario Montclair Unified School District
Doug Snyder, California Assn of School Transportation Officials
Neal Abramson, Santa Monica-Malibu Unified School District
John Jessie, Anaheim Union High School District
Daniel Ibarra, Montebello Union School District
Jim Seal, California School Transportation Association
Raul Lopez, Coachella Valley Unified School District
John Frala, Rio Honda College
David Raley, Desert Sands Unified School District
Pamela McDonald, Orange Unified School District
Winston Mitchell, Durham School Services
Rick Benfield, Tumbleweed Transportation
Shari Libicki, Environ Corporation
Rick Sikes, City of Santa Monica
Brian Stokes, Clean Vehicle Education Foundation
Rosa Washington, Western Riverside County Clean Cities
Jed Mendel, Engine Manufacturers Association
Bruce Magnani, California Chamber of Commerce

Cathy Reheis-Boyd, WSPA and Californians for a Sound Fuel Strategy

Stephanie Williams, California Trucking Association

Rick Zbur, International Truck and Engine Corporation

James Lyons, Ph.D., Sierra Research

Allen Schaeffer, Diesel Technology Forum

Kirk Hunter, Southwest Transportation Agency

Jeffrey Noonan-Day, John Deere

Bob Lucas, Lucas Advocates

Michael Eaves, California Natural Gas Vehicle Coalition

Charles Lapin, Lapin Associates

Patrick Charbonneau, Internat'l Truck and Engine Corporation

Sean Edgar, Edgar and Associates

Robert Ireson, Ph.D., Air Quality Management Consulting

Michael Tunnell, American Trucking Association

Mitchell Pratt, Clean Energy

Brian Decker, CIOMA

Mark Gaines, Southern California Gas

Julie Masters, Natural Resources Defense Council

Bonnie Holmes-Gen, American Lung Association

Patricia Byrd, American Lung Association

Shabaka Heru, Community Coalition for Change

Joe Lyou, California Environmental Rights Alliance

Margaret Wilkinson

Todd Campbell, Coalition for Clean Air

Robert Van Driel, First Student

Francisca Porchas, Bus Riders Union

Wynesta Dale

Henry Hogo, South Coast AQMD

Dave Smith, BP

Bill Haller, Sierra Club

FORMAL BOARD ACTION: Adopted Resolution 05-60.

RESPONSIBLE DIVISION: Mobile Source Control Division

STAFF REPORT: Yes

05-8-5:

Public Hearing to Consider Proposed Amendments to the Diesel Particulate Control Measure for On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles: Fleet Rule for the South Coast Air Quality Management District

SUMMARY OF AGENDA ITEM:

Staff presented proposed amendments to ARB's solid waste collection rule that could be used as a backstop for South Coast AQMD Rule 1193, should the Board determine that such a backstop was appropriate. The amendments included new engine compliance standards and would have generally required solid waste collection entities within the District to select the cleanest engines or technologies when buying or leasing new collection vehicles.

Staff estimated that the amendments would only reduce nitrogen oxide (NOx) emissions by 0.1 tons per day if the District continued its current enforcement of Rule 1193. Absent Rule 1193, the NOx reduction would be 0.3 tons per day over ARB's existing rule at a cost-effectiveness of \$52,000 per ton of NOx reduced.

As with the clean fuel school bus rule, staff discussed how recent litigation and court rulings affected the need for a separate state rule. And as it did with the school bus rule, the Board declined to adopt a backstop regulation but instead expressed support for the District's continued implementation of its own fleet rule.

ORAL TESTIMONY:

Kelly Astor, Solid Waste Association of Orange County
Angelo Bellomo, LA Unified School District
Cathy Reheis-Boyd, WSPA
Herbert Burnett, South Coast AQMD consultant
Patricia Byrd, American Lung Association
Todd Campbell, Coalition for Clean Air
Tzeitel Caracci, Mayor Pro Tem City of Duarte
Patrick Charbonneau, Int. Truck & Engine
Brian Decker, Ca. Independent Oil Marketers As.
Russell Dix, Consolidated Disposal Service
Michael Eaves, Ca. Natural Gas Coalition
Sean Edgar, Ca. Refuse Removal Council
Gordon Exel, Cummins Westport Inc.
Rick Feinstein, Colton Unified School District
Bill Haller, Sierra Club
Staci Heaton, Ca. Trucking Association
Shabaka Heru, Community Coalition for Change
Bonnie Holmes-Gen, American Lung Association
Henry Hogo, South Coast AQMD

Charlie Ker, Westport Innovations
Gretchen Knudsen, Int. Truck & Engine Corp.
Sheri Libick, Environ Corp.
Henry Lo for Senate Majority Leader Gloria Romero
James Lyons, Sierra Research
Dr. Joseph Lyou, Ca. Enviro. Rights Alliance
Bruce Magnani, Ca. Chamber of Commerce
Stephanie Magnen for Assemblymember Judy Chu
Jed Mandel, Engine Manufacturers Association
Julie Masters, Nat. Resources Defense Council
Jacqueline McHenry, Claremont City Council
Jeffrey Noonan-Day, John Deere
Francisca Porchas, Bus Riders Union
Mitchell Pratt, Clean Energy
Allen Schaeffer, Diesel Technology Forum
Rick Sikes, City of Santa Monica
David Smith, British Petroleum
Brian Stokes, Clean Vehicle Education Foundation
Kent Stoddard, Waste Management
Mike Tunnell, American Trucking Association
Lee Wallace, So. Cal. Gas Co.
Barry Wallerstein, South Coast AQMD
Rosa Washington, Western Riverside Gvt. Council
Laurene Weste, Mayor pro Tem of Santa Clarita
Kurt Wiese, South Coast AQMD
Stephanie Williams, Ca. Trucking Association
Margaret Wilkinson
Dave Winnett, City of Torrance
Rick Zbur, Latham & Watkins

FORMAL BOARD ACTION:

Adopted Resolution 05-60 expressing support for the District's efforts in enforcing Rule 1193 and directing staff to apprise the Board of any changes to the District's clean fleet authority.
RESPONSIBLE DIVISION: Mobile Source Control Division

STAFF REPORT: Yes

05-8-6: Public Hearing to Consider Amendments to the Exhaust Emission Standards and Test Procedures - 1985 and subsequent Model Heavy-Duty Urban Bus Engines and Vehicles and the Fleet Rule for Transit Agencies Specific to Agencies Operating in the South Coast Air Basin (Noticed as "Public Hearing to Consider Proposed Amendments to the Exhaust Emission Standards for 2007-2009 Model-Year

Heavy Duty Urban Bus Engines and the Fleet Rule for Transit Agencies")

SUMMARY OF AGENDA ITEM:

In 2000, the Board adopted a statewide transit bus fleet rule which required each transit agency to select a compliance path – either “diesel” or “alternative-fuel” – by January 1, 2001 and to abide by that selection through 2015. In 2000, the South Coast AQMD adopted Rule 1192, “Clean On-Road Transit Buses,” which stipulates that transit agencies in its jurisdiction may only acquire alternative-fuel buses when procuring or leasing new buses. In essence, the District rule had the effect of placing all South Coast transit agencies on the “alternative fuel” path, though six of the local 17 transit agencies did not make that election of their own accord.

Although challenged in court with appeals still pending, the SCAQMD transit rule remains in effect and is being enforced by the District. Accordingly, the Board weighed whether a backstop rule was necessary, as it did for the SCAQMD school bus rule and the District’s solid waste collection rule. Ultimately, the Board determined that the SCAQMD transit rule was different from the other two clean fuel fleet rules, since the six non-alternative fuel districts should have been complying with the District’s rule since 2000. Also, ARB’s own transit rule has an alternative fuel element that could be applied to South Coast transit agencies without fundamentally changing Board policy or the likelihood of obtaining a federal waiver. Accordingly, the Board approved backstop language developed by the staff that requires that all transit agencies operating in the District follow the alternative-fuel compliance path, beginning January 1, 2006.

ORAL TESTIMONY:

Todd Campbell, Coalition for Clean Air
Michael Eaves, California Natural Gas Vehicle Coalition
Joshua Goldman, ISE Corporation
John Hall, Torrance Transit
Bill Haller, Sierra Club
Shabaka Heru, Community Coalition for Change
James Lyons, Sierra Research
Dr. Joseph Lyou, Ca. Enviro. Rights Alliance
Bruce Magnani, California Chamber of Commerce
Jed Mandel, Engine Manufacturers Association
Julie Masters, Natural Resource Defense Council

Jeffrey Noonan-Day, John Deere
James Parker, City of Norwalk
Allan Pollack, Montebello Bus Line
Francisca Porchas, Bus Riders Union
Michael Pratt, Clean Energy
Joshua Shaw, California Transit Association
Richard Teebay, Los Angeles County Department of Public Works
Lee Wallace, Southern California Gas Co
Barry Wallerstein, SCAQMD
Margaret Wilkinson
David Winnett, City of Torrance

FORMAL BOARD ACTION:

The Board voted 6 to 1 to approve Resolution 05-47, adopting the amendments to ARB's fleet rule for transit districts.

RESPONSIBLE DIVISION: Mobile Source Control Division

STAFF REPORT: Yes.