State of California
AIR RESOURCES BOARD

Resolution 01-27

November 1, 2001

Agenda Item No.: 01-6-6

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the State Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, ARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the "Act"; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (districts) necessary to comply with the Act;

WHEREAS, section 39602 of the Health and Safety Code also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, section 41650 of the Health and Safety Code requires ARB to approve the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, 40701, 40702, 40910, and 41650 of the Health and Safety Code;

WHEREAS, the Bay Area Air Quality Management District (District) is the local air district for the San Francisco Bay Area Air Basin, which includes Alameda,

Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma Counties, pursuant to section 40200 of the Health and Safety Code;

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation agency for the San Francisco Bay Area and has responsibility for preparing and implementing transportation control measures to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, and traffic congestion for the purpose of reducing motor vehicle emissions pursuant to sections 40233 and 40717 of the Health and Safety Code;

WHEREAS, the Association of Bay Area Governments (ABAG) is the regional agency coordinating land use planning for the San Francisco Bay Area and has responsibility for preparing population and employment projections for use in air quality plans;

WHEREAS, air quality planning in the Bay Area is the joint responsibility of three co-lead agencies: the District, MTC, and ABAG;

WHEREAS, in the July 10, 1998 *Federal Register* (63 FR 37258), the United States Environmental Protection Agency (U.S. EPA) determined that air quality in the San Francisco Bay Area did not meet the federal one-hour ozone standard, and therefore redesignated the San Francisco Bay Area as an ozone nonattainment area under the Act;

WHEREAS, in the July 10, 1998 *Federal Register*, U.S. EPA identified the elements of a required SIP revision for the Bay Area, including control measures to achieve sufficient reductions in volatile organic compounds (VOC) and nitrogen oxides (NOx) to attain the federal one-hour ozone standard by November 15, 2000;

WHEREAS, on June 16, 17, and 23, 1999 respectively, the District, ABAG, and MTC each adopted the "San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard" (1999 Plan);

WHEREAS, ARB approved the 1999 Plan on July 22, 1999 and submitted it to U.S. EPA as a SIP revision on August 12, 1999;

WHEREAS, ARB, the District, and MTC implemented the emission reduction measures in the 1999 Plan but the Bay Area nevertheless experienced ozone levels above the federal one-hour ozone standard at the Livermore Old First

Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma Counties, pursuant to section 40200 of the Health and Safety Code;

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation agency for the San Francisco Bay Area and has responsibility for preparing and implementing transportation control measures to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, and traffic congestion for the purpose of reducing motor vehicle emissions pursuant to sections 40233 and 40717 of the Health and Safety Code;

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WHEREAS, in the July 10, 1998 *Federal Register*, U.S. EPA identified the elements of a required SIP revision for the Bay Area, including control measures to achieve sufficient reductions in volatile organic compounds (VOC) and nitrogen oxides (NOx) to attain the federal one-hour ozone standard by November 15, 2000;

WHEREAS, on June 16, 17, and 23, 1999 respectively, the District, ABAG, and MTC each adopted the "San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard" (1999 Plan);

WHEREAS, ARB approved the 1999 Plan on July 22, 1999 and submitted it to U.S. EPA as a SIP revision on August 12, 1999;

WHEREAS, ARB, the District, and MTC implemented the emission reduction measures in the 1999 Plan but the Bay Area nevertheless experienced ozone levels above the federal one-hour ozone standard at the Livermore Old First

Street monitoring site on two days in 2000, thereby failing to attain the standard or qualify for a one-year extension of the attainment date;
WHEREAS, on March 30, 2001, U. S. EPA published in the *Federal Register* (66 FR 17379), a notice proposing to find that the Bay Area had failed to attain the federal one-hour ozone standard, and to partially approve and partially disapprove the 1999 Plan;

WHEREAS, in the March 30, 2001 *Federal Register* notice, U.S. EPA proposed to disapprove the 1999 Plan's attainment assessment, motor vehicle conformity budgets, and reasonably available control measures (RACM) review, and to require that deficiencies in these components be corrected with a revised SIP demonstrating attainment by a new 2006 date;

WHEREAS, on June 15, 2001, the co-lead agencies released a proposed "2001 San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard" (2001 Plan) and Negative Declaration to attain the federal one-hour ozone standard by 2006 and to correct the deficiencies in the 1999 Plan;

WHEREAS, on June 26, 2001, ARB released a notice of public hearing to consider the 2001 Plan, plus a staff report evaluating and recommending approval of that Plan contingent on local adoption of the 2001 Plan;

WHEREAS, on July 18, 2001, the District Governing Board approved the Negative Declaration, and the Governing Boards of the District and MTC, and ABAG Administrative Committee adopted the 2001 Plan and further directed their staffs to hold a minimum of six community meetings within the next 60 days in the evening or on weekends with a facilitator and translator to provide additional opportunity for public input on the 2001 Plan, and to submit any appropriate measures that result from this process to strengthen the SIP;

WHEREAS, on July 26, 2001, ARB conducted a public hearing to consider the 2001 Plan;

WHEREAS, at the July 26, 2001 hearing, commenters raised concerns about the lack of an Enhanced Smog Check program in the 2001 Plan and about the adequacy of the process for public input; the Board continued the hearing to allow time for the six community meetings;

WHEREAS, the District, MTC, and ABAG held the six community meetings and then released a revised version of the 2001 Plan (Revised 2001 Plan) and the Negative Declaration (Revised Negative Declaration) on September 17, 2001;

WHEREAS, on September 20, 2001, U. S. EPA published in the *Federal Register* (66 FR 48340), the final notice finding that the Bay Area had failed to attain the federal one-hour ozone standard, partially approving and partially disapproving the 1999 Plan, and setting a new attainment date of 2006;

WHEREAS, on October 1, 2001, ARB released a notice stating that the hearing on the 2001 Plan would continue at a special meeting to be held on November 1, 2001, contingent on local adoption of the Revised 2001 Plan;

WHEREAS, on October 24, 2001, the District Governing Board approved the Revised Negative Declaration for the Revised 2001 Plan and the Governing Boards of the District and MTC and the ABAG Administrative Committee, adopted the Revised 2001 Plan and;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations (CFR), section 51.102 requires that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted before the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the District prepared a Revised Initial Study/Negative Declaration which determined that no significant adverse environmental impacts will result from the implementation of the Revised 2001 Plan;

WHEREAS, the Revised 2001 Plan and Revised Negative Declaration were available for public review and comment for at least 30 days, and a noticed public hearing was conducted in Oakland prior to consideration of the Revised 2001 Plan and Revised Negative Declaration as required by the Act and U.S. EPA regulations;

WHEREAS, the District, MTC, and ABAG formally submitted the Revised 2001 Plan to the ARB as a SIP revision on October 31, 2001, along with proof of public notice publication and environmental documents in accordance with State and federal law;

WHEREAS, on September 20, 2001, U. S. EPA published in the *Federal Register* (66 FR 48340), the final notice finding that the Bay Area had failed to attain the federal one-hour ozone standard, partially approving and partially disapproving the 1999 Plan, and setting a new attainment date of 2006;

WHEREAS, on October 1, 2001, ARB released a notice stating that the hearing on the 2001 Plan would continue at a special meeting to be held on November 1, 2001, contingent on local adoption of the Revised 2001 Plan;

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WHEREAS, the Revised 2001 Plan and Revised Negative Declaration were available for public review and comment for at least 30 days, and a noticed public hearing was conducted in Oakland prior to consideration of the Revised 2001 Plan and Revised Negative Declaration as required by the Act and U.S. EPA regulations;

WHEREAS, the District, MTC, and ABAG formally submitted the Revised 2001 Plan to the ARB as a SIP revision on October 31, 2001, along with proof of public notice publication and environmental documents in accordance with State and federal law;

WHEREAS, the Revised 2001 Plan will reduce ozone-forming emissions in the Bay Area by 271 tons per day between 2000 and 2006 (147 tons per day of VOC emission reductions and 124 tons per day of NOx emission reductions) based on adopted regulations and enforceable commitments to adopt and implement new measures;

WHEREAS, the Revised 2001 Plan includes commitments by the District to adopt and implement new or tighter rules for aqueous solvents, architectural coatings, surface preparation and cleanup for metal parts coatings, as well as four refinery rules for storage of organic liquids, low emission refinery valves, vessel depressurization, and flare monitoring;

WHEREAS, the District has also committed to further study the feasibility of additional controls on refinery blowndown systems, wastewater systems, organic liquid storage tanks, and marine vessel tanks, and make the study results available by the end of 2003;

WHEREAS, the District has also committed to request that the Bureau of Automotive Repair implement improvements to the Smog Check program in the Bay Area to reduce VOC emissions by 4 tons per day in 2006;

WHEREAS, more than three-fourths of the total emission reductions in the Revised 2001 Plan come from adopted State measures for cleaner vehicles, fuels, and equipment, which have reduced and will continue to reduce emissions from mobile sources;

WHEREAS, local and regional agencies can enhance the effectiveness of ARB's emission standards for new vehicles through programs to reduce travel growth and accelerate fleet turnover to lower-emission vehicles;

WHEREAS, as part of the Revised 2001 Plan, MTC is supplementing its existing transportation control measures with commitments to implement five additional measures and study seven further measures;

WHEREAS, the Revised 2001 Plan identifies the efforts of co-lead agencies to address the land use/transportation/air quality connection through "Smart Growth" and other initiatives;

WHEREAS, ARB staff determined that these District and MTC strategies constitute all reasonably available control measures between now and the attainment year for the federal one-hour ozone standard;

WHEREAS, to support the region's longer-term efforts to maintain the federal one-hour ozone standard, attain the spectrum of more health protective State and federal standards, and reduce air toxics exposures, ARB staff has also identified a need to accelerate the evaluation of refinery further study measures, continue to evaluate new technology for all sources, increase outreach to local communities, and expand programs to reduce the growth in travel demand;

WHEREAS, the Act requires regional transportation plans, programs, and projects to conform to the on-road motor vehicle emissions budgets established in the SIP;

WHEREAS, the Revised 2001 Plan has identified an emissions budget for transportation conformity of 164 tons per day of VOC and 270 tons per day of NOx in 2006;

WHEREAS, the attainment assessment in the Revised 2001 Plan relies on seven analyses of current air quality and emissions, including use of isopleth diagrams generated from a 1989 modeling study, to project the level of emissions needed to attain the standard using a "weight of evidence" approach;

WHEREAS, ARB has conducted the Central California Ozone Study (CCOS), which will provide data to support improved photochemical modeling for the Bay Area and be available for use in 2003;

WHEREAS, in the Revised 2001 Plan, the co-lead agencies have committed to utilize the results of the CCOS modeling to reassess the emission reductions that are needed for attainment in 2003, conduct a mid-course review and adopt a SIP revision by March 2004, and submit the SIP revision to ARB for approval and forwarding to the U.S. EPA by April 15, 2004;

WHEREAS, recognizing the uncertainty of the attainment target based on the existing analyses, the co-lead agencies included in the Revised 2001 Plan a joint commitment by the District, MTC, ABAG, ARB, and U.S. EPA to adopt measures necessary to achieve a total of 148 tons per day of VOC emission reductions by the attainment deadline, unless modified by the mid-course review;

WHEREAS, the intent of the joint commitment, which was negotiated by ARB, U.S. EPA, and the co-lead agencies, is to provide further VOC emission reductions of 26 tons per day (if needed) beyond the 122 tons per day of VOC emission reductions committed to in the Revised 2001 Plan; the 122 tons per day are to be achieved from a combination of already adopted regulations and commitments by the co-lead agencies to adopt specific measures;

WHEREAS, to support the region's longer-term efforts to maintain the federal one-hour ozone standard, attain the spectrum of more health protective State and federal standards, and reduce air toxics exposures, ARB staff has also identified a need to accelerate the evaluation of refinery further study measures, continue to evaluate new technology for all sources, increase outreach to local communities, and expand programs to reduce the growth in travel demand;

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WHEREAS, ARB has conducted the Central California Ozone Study (CCOS), which will provide data to support improved photochemical modeling for the Bay Area and be available for use in 2003;

WHEREAS, in the Revised 2001 Plan, the co-lead agencies have committed to utilize the results of the CCOS modeling to reassess the emission reductions that are needed for attainment in 2003, conduct a mid-course review and adopt a SIP revision by March 2004, and submit the SIP revision to ARB for approval and forwarding to the U.S. EPA by April 15, 2004;

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WHEREAS, the intent of the joint commitment, which was negotiated by ARB, U.S. EPA, and the co-lead agencies, is to provide further VOC emission reductions of 26 tons per day (if needed) beyond the 122 tons per day of VOC emission reductions committed to in the Revised 2001 Plan; the 122 tons per day are to be achieved from a combination of already adopted regulations and commitments by the co-lead agencies to adopt specific measures;

WHEREAS, ARB has reviewed and considered the Revised 2001 Plan along with the Revised Negative Declaration prepared for the 2001 Plan, as well as the significant issues raised and oral and written comments presented by interested persons and ARB staff, and finds that the Revised 2001 Plan is consistent with the requirements of the Act and U.S. EPA's rulemaking on the 1999 SIP;

WHEREAS, ARB finds that the Revised Negative Declaration prepared for the Revised 2001 Plan meets the requirements of CEQA, and environmental documentation for individual measures identified in the Plan will be prepared as necessary as each new measure is considered for adoption; and

WHEREAS, air quality in the Bay Area exceeds the State and federal health-based standards for ozone and the State particulate matter standards.

NOW THEREFORE BE IT RESOLVED, that the Revised 2001 Plan is an important element of the overall clean air strategy to protect residents of Bay Area communities and downwind regions from the harmful effects of ozone, particulate matter, and air toxics;

BE IT FURTHER RESOLVED, that the Board finds that the attainment assessment in the Revised 2001 Plan meets applicable requirements through its use of the only available air quality modeling and additional "weight of evidence" analyses to project an interim attainment target within the range of uncertainty;

BE IT FURTHER RESOLVED, that the Board hereby approves the Revised 2001 Plan for submittal into the California SIP, including:

(1) a revised 1995 emission inventory,
(2) an emission inventory for each year from 2000 through 2006,
(3) an assessment of the VOC and NOx emission reductions needed to attain the federal one-hour ozone standard by 2006,
(4) a control strategy comprised of new and adopted measures for stationary, area, and mobile sources that provide sufficient emission reductions to attain the federal ozone standard by 2006,
(5) further study measures that could provide additional, unquantified reductions from any measures determined to be feasible;
(6) an analysis of reasonably available control measures,
(7) contingency measures, and
(8) new transportation conformity budgets for motor vehicle emissions;

BE IT FURTHER RESOLVED, that the Board specifically approves the Bay Area 2000 On-Road Motor Vehicle Emissions Inventory in the Revised 2001 Plan, (based on emission factors from San Francisco Bay Area EMFAC 2000 with up-to-date transportation activity data and current control strategy benefits), for use in only the Bay Area's Revised 2001 Ozone SIP and in subsequent conformity analyses for budgets identified in that SIP;

BE IT FURTHER RESOLVED, that the Board will partner with the District, MTC, ABAG, and U.S. EPA in a joint commitment to:

(1) adopt measures necessary to achieve an additional 26 tons per day of VOC emission reductions by November 15, 2006, unless modified by the mid-course review, which increases the total VOC emission reductions in the Revised 2001 Plan to 148 tons per day,
(2) conduct the mid-course review by December 15, 2003 to determine the level of emission reductions needed to attain the federal one-hour ozone standard,
(3) continue working with Bay Area stakeholders in an open, public process to ensure that the mid-course review is a comprehensive and thorough evaluation, and
(4) should the mid-course review show that more, equal, or fewer reductions are necessary, submit to U.S. EPA a SIP revision by April 15, 2004 that includes a revised emission reduction calculation and any additional control measures needed for attainment;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to expeditiously submit the Revised 2001 Plan, together with the appropriate supporting documentation, to U.S. EPA as a revision to the California SIP;

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Officer to include in the submittal or subsequent documentation any technical corrections, clarifications, or additions that may be needed to secure U.S. EPA approval, provided such changes do not reduce the effectiveness of the control strategy in the Revised 2001 Plan adopted by the Board;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to seek expedited approval of the emission budgets and Revised 2001 Plan by U.S. EPA to avoid the imposition of a transportation conformity lapse in the Bay Area in January 2002;

BE IT FURTHER RESOLVED, that the Board specifically approves the Bay Area 2000 On-Road Motor Vehicle Emissions Inventory in the Revised 2001 Plan, (based on emission factors from San Francisco Bay Area EMFAC 2000 with up-to-date transportation activity data and current control strategy benefits), for use in only the Bay Area's Revised 2001 Ozone SIP and in subsequent conformity analyses for budgets identified in that SIP;

BE IT FURTHER RESOLVED, that the Board will partner with the District, MTC, ABAG, and U.S. EPA in a joint commitment to:

(1) adopt measures necessary to achieve an additional 26 tons per day of VOC emission reductions by November 15, 2006, unless modified by the mid-course review, which increases the total VOC emission reductions in the Revised 2001 Plan to 148 tons per day,
(2) conduct the mid-course review by December 15, 2003 to determine the level of emission reductions needed to attain the federal one-hour ozone standard,
(3) continue working with Bay Area stakeholders in an open, public process to ensure that the mid-course review is a comprehensive and thorough evaluation, and
(4) should the mid-course review show that more, equal, or fewer reductions are necessary, submit to U.S. EPA a SIP revision by April 15, 2004 that includes a revised emission reduction calculation and any additional control measures needed for attainment;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to expeditiously submit the Revised 2001 Plan, together with the appropriate supporting documentation, to U.S. EPA as a revision to the California SIP;

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Officer to include in the submittal or subsequent documentation any technical corrections, clarifications, or additions that may be needed to secure U.S. EPA approval, provided such changes do not reduce the effectiveness of the control strategy in the Revised 2001 Plan adopted by the Board;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to seek expedited approval of the emission budgets and Revised 2001 Plan by U.S. EPA to avoid the imposition of a transportation conformity lapse in the Bay Area in January 2002;

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 CFR section 51.102 that the Revised 2001 Plan was adopted after notice and public hearing as required by 40 CFR section 51.102;

BE IT FURTHER RESOLVED, that the District, MTC, and ABAG should increase their efforts to work effectively with local communities to continue progress towards the goal of attaining all State and federal health-based standards and reducing air toxics in all communities in the Bay Area and in downwind regions;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District, MTC, ABAG, and Bay Area stakeholders to implement, as appropriate, the recommendations provided by U.S. EPA's facilitator to improve their relationships and air quality;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to assist the District in defining measures as soon as possible that would achieve the additional 26 tons per day of VOC reductions committed to in the Plan;

BE IT FURTHER RESOLVED, that the Board urges the District to complete the refinery further study measures by December 2002;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to assist the District in its efforts to complete the evaluation of refinery further study measures as expeditiously as possible and in its efforts to expedite the development and adoption of any measures determined to be feasible; the Executive Officer is to report to the Board on the status of these efforts by the end of December 2002;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District and stakeholders to continue evaluating and implementing new technologies to reduce harmful air pollution from all sources;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convene a meeting, by the first quarter of 2002, between members of the Board, District, San Joaquin Valley Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, and key stakeholders to pursue expansion of the Enhanced Smog Check program to the Bay Area;

BE IT FURTHER RESOLVED, that the Board encourages the District, MTC, and ABAG to vigorously promote local agency implementation of "Green Fleet" purchasing programs and other initiatives to increase the number of lower emitting vehicles in their fleets;

BE IT FURTHER RESOLVED, that the Board urges the District, MTC, and ABAG to play stronger leadership roles in coordinating land use planning, transportation, and air quality through joint policies and decision making to achieve the region's overarching economic, environmental, and quality of life goals;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with MTC and stakeholders to incorporate further long-range strategies to reduce the rate of growth in travel demand through increased access to transit and transit ridership via infrastructure improvements, linking various travel modes, economic incentives related to land use decisions, and other approaches, and to reflect those additions in the next SIP revision for the region; and

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to report back in mid-2002 regarding the efforts of ARB staff, the District, MTC, and ABAG to implement the above resolutions.

I hereby certify that the above is a true and correct copy of Resolution 01-27, as adopted by the Air Resources Board.

Marie Kavan

Marie Kavan, Clerk of the Board

BE IT FURTHER RESOLVED, that the Board urges the District, MTC, and ABAG to play stronger leadership roles in coordinating land use planning, transportation, and air quality through joint policies and decision making to achieve the region's overarching economic, environmental, and quality of life goals;

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Marie Kavan

Marie Kavan, Clerk of the Board

bcc: Lynn Terry
Bob Fletcher
Peter Venturini, SSD
Dean Simeroth, SSD
Cynthia Marvin
Kim Heroy-Rogalski
Gary Honcoop
Kurt Karperos
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Doug Ito
Sylvia Morrow
Jeff Weir
Bruce Tuter
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