

MEETING

CALIFORNIA AIR RESOURCES BOARD

CALIFORNIA AIR RESOURCES BOARD

HEARING ROOM

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9:40 A. M.

Nadine J. Parks
Shorthand Reporter

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1 authorized and required by the California Clean Air Act.

2 First, the Act requires the Board to establish and
3 to periodically review the criteria used for designating
4 areas with respect to the State's ambient air quality
5 standards.

6 You initially adopted the designation criteria in
7 1989. You amended these criteria in 1990, and, as you
8 recall, again in 1992.

9 The amendments we're proposing today, which are,
10 relatively speaking, minor, are needed to correct a minor
11 inconsistency in the language of the regulations and to
12 update the regulations to make them consistent with improved
13 methods that we now use for estimating emissions.

14 The Act requires the Board to use these criteria
15 to designate each area of the State as either nonattainment,
16 attainment, or unclassified for the pollutants for which
17 there are State ambient air quality standards.

18 The area designations must be reviewed each year
19 and areas redesignated when new information indicates it's
20 appropriate to do so.

21 You initially designated areas of the State in, as
22 I said, 1989, and amended these regulations every year since
23 then.

24 The second action that we're proposing today is
25 that your Board update the designations of some areas of the

1 State based on this year's annual review of air quality
2 data.

3 With that, I'd like to turn the presentation over
4 to staff now, to Mr. David Ipps of the Air Quality Analysis
5 Section of our Technical Support Division, who will give you
6 the detailed staff report.

7 David, if you would.

8 MR. IPPS: Thank you, Mr. Boyd.

9 Good afternoon, Madam Chairwoman and members of
10 the Board. Good news is hard to come by these days. So,
11 you'll be glad to know that my presentation is one of good
12 news.

13 As you know, the Health and Safety Code requires
14 the Board to review the designation criteria periodically
15 and make updates, as needed, and also to review the area
16 designations annually.

17 This year, the good news is that all the proposed
18 changes in the area designations are either a change to
19 attainment or a change in the direction of attainment. We
20 are not proposing any new nonattainment designations today.

21 This slide shows a summary of what we are
22 proposing. We are proposing to make two changes to the
23 designation criteria and nine changes to the area
24 designations.

25 Before I go into the details of the proposed

1 changes, I will summarize the key provisions of the
2 designation criteria, and go over some of the ore important
3 terminology.

4 First, the designation criteria require that the
5 Board use only data for record when making designations.
6 Data for record are those air quality data that meet Federal
7 and State requirements for siting and quality assurance.

8 The criteria also specify the size of the
9 designated areas, which depends on the nature of the
10 pollutant.

11 In addition, the criteria require the Board to
12 review the area designations on an annual basis and to
13 update them as new information becomes available.

14 Finally, the criteria specify the requirements for
15 three major categories and one subcategory for designation.

16 The categories of designation are: nonattainment,
17 nonattainment-transitional, attainment, and unclassified.
18 the nonattainment-transitional is a subcategory of the
19 nonattainment category, and it represents sort of a yellow
20 light that an area is getting close to attainment. The area
21 may need to reassess whether control measures scheduled for
22 future adoption are still needed.

23 Now, before I describe each of the categories for
24 designation, let me explain some important terms. First of
25 all, there are two terms that are very similar and may cause

1 some confusion. The terms are "exceedance" and "violation."

2 An exceedance is a measurement that is higher than
3 the level of the applicable State ambient air quality
4 standard. However, an exceedance is not necessarily a
5 violation of the State standard.

6 In contrast, a violation is an exceedance that is
7 not affected by a highly irregular or infrequent event. One
8 or more violations in a given area would be the basis for
9 designating that area as nonattainment for the respective
10 pollutant.

11 Now then, what is a highly irregular or infrequent
12 event? In a sense, a highly irregular or infrequent event
13 can excuse an exceedance from being considered as a
14 violation.

15 There are two types of these events. The first
16 type is the exceptional event, which is patterned after the
17 concept developed by the U.S. Environmental Protection
18 Agency for purposes of the national standards.

19 The U.S. EPA defines an exceptional event as an
20 event that is not expected to recur routinely at a given
21 location or is possibly uncontrollable. It is tied to a
22 specific, identifiable cause, such as a chemical spill or a
23 forest fire.

24 The second type of highly irregular or infrequent
25 event is the extreme concentration event. The concept of

1 the extreme concentration event was defined by the Board and
2 is used only for designating areas for the State standards.

3 Similar to the exceptional event, the extreme
4 concentration event refers to an event that is not expected
5 to recur frequently and is not amenable to controls. The
6 difference is that an extreme concentration event is not
7 necessarily tied to any known event, but rather is
8 determined by a statistical calculation.

9 The criteria specify that a recurrence rate of
10 once per year be used in the calculation. Therefore,
11 pollutant concentrations that are determined to recur less
12 often than once a year are considered as affected by an
13 extreme concentration event, and are not counted as
14 violations.

15 Now that we know what those terms mean, we can
16 take a look at the four categories of designation.

17 The first category is nonattainment. An area is
18 designated as nonattainment if there is at least one
19 violation in the last three years. As you may recall,
20 violations are those exceedances that are not affected by
21 highly irregular or infrequent events.

22 The second designation category is nonattainment-
23 transitional. This category is a little bit more
24 complicated. Also, this category is treated differently for
25 ozone than for all the pollutants.

1 For ozone, this category is assigned by operation
2 of law; that is, it is done automatically without a decision
3 by the Board.

4 An area is designated as nonattainment-
5 transitional for ozone if there are no more than three
6 exceedances of the State ozone standard at any time -- at
7 any site in the air basin within the last year.

8 Please note that this designation is based on
9 exceedances, not violations. Therefore, there is no need to
10 do any statistical calculations.

11 Now, for pollutants other than ozone, an area that
12 requests the nonattainment-transitional designation must
13 meet two criteria: One, there are no more than two
14 violations at any site in the area in the last year and,
15 two, the area is expected to reach attainment within three
16 years.

17 Well, that was the most complex designation
18 category. Now, we can move on to the other two categories,
19 which are both much simpler.

20 The third designation category is attainment. An
21 area is designated as attainment if there are no violations
22 in the last three years. Again, to rephrase what I said
23 earlier*, an area that has exceedances may still qualify for
24 attainment if the exceedances are the result of highly
25 irregular or infrequent events.

1 Finally, the last designation category is
2 unclassified. This is sort of the default category. That
3 is, if there are insufficient data available to designate a
4 given area in any of the first three categories, that area
5 will be designated as unclassified.

6 Now that we have gone through the basic
7 terminology for designations, we can move on to the staff's
8 proposals.

9 We are proposing to make changes to both the
10 criteria and the area designations.

11 To the designation criteria, we propose two
12 changes. First, we propose to modify the criteria for
13 determining data completeness. Second, we propose to modify
14 an emission screening value used for designating an area as
15 attainment for nitrogen dioxide when air quality data are
16 incomplete. I'll now explain each of these proposed changes
17 in detail.

18 The first proposed change is to modify the data
19 completeness criteria. The reason for this change is to
20 make the data completeness criteria consistent with the
21 attainment criteria. As I mentioned earlier, our tests for
22 attainment allows us to exclude data that are affected by
23 highly irregular or infrequent events.

24 However, our data completeness criteria currently
25 do not allow such an exclusion. The staff believes that

1 this discrepancy should be corrected.

2 The purpose of the data completeness criteria is
3 to ensure that the data we use in making designations are
4 complete enough to represent the temporal variations of the
5 ambient concentrations.

6 Ideally, three years of data should be used. But
7 the data completeness criteria allow us to use less than
8 three years of data if the data meet certain conditions.

9 We can use two years of data if the maximum
10 measured concentration during those years is less than
11 three-quarters of the level of the State standard. Further,
12 we can use only one year of data if the maximum measured
13 concentrations during that year is less than one-half the
14 level of the State standard.

15 Now, when using three years of data, we exclude
16 concentrations that are affected by highly irregular or
17 infrequent events. But we presently do not make such an
18 exclusion when using one or two years of data. The staff
19 believes that there is no need for the additional stringency
20 when using one or two years of data to determine attainment.

21 Therefore, we propose changing the data
22 completeness criteria so that we use the maximum
23 concentration from either one or two years of data after we
24 first exclude the data that are affected by highly irregular
25 or infrequent events.

1 This change would make the attainment test
2 consistent across all levels of data completeness.

3 Now, let's go on to the second change to the
4 designation criteria. We are proposing to modify an
5 emission screening value used for making attainment
6 designations for nitrogen dioxide, or NO₂, when data are
7 incomplete.

8 The reason for this change is to update the
9 screening to make it consistent with the latest methods for
10 estimating emissions for motor vehicles.

11 The screening procedure provides a basis to
12 designate an area as attainment when ambient data are either
13 incomplete or unavailable if all conditions are satisfied.
14 There are a number of screening parameters in the procedure
15 and they vary depending on the pollutant.

16 For NO₂, we may designate an area as attainment if
17 it meets each of several screening parameters. These
18 parameters are related to the area's population, emissions
19 of oxides of nitrogen, or NO_x, plus any available ambient
20 data.

21 One of the screening parameters for NO₂ is the
22 annual total NO_x emissions in the air basin. The current
23 screening value for this parameter is 25,000 tons per year.

24 That is, an air basin's total NO_x emissions must not exceed
25 this value to be eligible for attainment. This screening

1 value is based on the Board's emission inventory that was
2 available back in 1989, which was the year the screening
3 procedure was first adopted.

4 The Board's staff upgrades the methods for
5 estimating emissions on a periodic basis. The latest
6 upgrade has significantly increased the NOx emission
7 estimates for motor vehicles for all air basins.

8 As a result, the current NOx screening value is
9 out of date and needs to be revised upwards to correspond to
10 revised emission estimates.

11 Therefore, the staff proposes to change the
12 screening value for total annual NOx emissions in the air
13 basin from the current 25,000 tons per year to 40,000 tons
14 per year. This new screening value is calculated using the
15 same method that was used when the screening procedure was
16 first adopted.

17 If this change is not made, two air basins -- the
18 North Coast and Mountain Counties Air Basins -- would need
19 to be redesignated as unclassified. This is because their
20 revised NOx emission estimates now exceed 25,000 tons per
21 year only as a result of the change in the method for
22 estimating emissions, but not an actual change in the
23 emissions.

24 By revising the screening value to 40,000 tons per
25 year, both air basins would still satisfy the screening

1 parameter as before, and would remain designated as
2 attainment.

3 Now that I have completed describing the proposed
4 changes to the designation criteria, I'll move on to the
5 proposed area designations.

6 Our proposed changes in the area designations are
7 based on the staff's review of the air quality data for the
8 three-year period of 1990 through 1992. As shown on this
9 slide, w are proposing to change the designation for five
10 pollutants.

11 We propose to change -- we propose to redesignate
12 one area for ozone, four areas for carbon monoxide, one area
13 for sulfur dioxide, one area for sulfates, and two areas for
14 hydrogen sulfide.

15 The one change in ozone designation is for the
16 three counties in the North Coast Unified Air Quality
17 Management District; that is, Del Norte, Humboldt, and
18 Trinity Counties.

19 These three counties are currently designated as
20 unclassified.

21 The North Coast District has requested in writing
22 that the three counties be redesignated as attainment for
23 ozone based on two years of data at the Gasquet Airport
24 site. The staff considers this site as the high-ozone site
25 in the three-county area.

1 According to the current designation criteria,
2 when there are only two years of data, the maximum
3 concentration must be less than three-quarters of the level
4 of the State standard for the data to be considered complete
5 for the attainment designation.

6 Now, you may recall that, earlier in my
7 presentation, we proposed to amend the designation criteria
8 to allow the exclusion of highly irregular or infrequent
9 events before determining the maximum concentration.

10 On the basis of that amended criteria, the maximum
11 concentration at Gasquet would be only 6 parts per hundred
12 million, which is less than three-quarters of the level of
13 the State ozone standard. Therefore, the staff concludes
14 that the area qualifies for attainment under the criteria
15 proposed earlier.

16 Now, we'll move on to the four redesignations for
17 carbon monoxide, or CO. There are two State CO standards
18 that apply for each area. In all four cases, the areas have
19 been meeting the one-hour CO standard. It is the eight-hour
20 CO that is more difficult to meet.

21 The first area that we are proposing to
22 redesignate for CO is the San Jose Urbanized Area. This
23 area is currently designated as nonattainment. The Bay Area
24 Air Quality Management District has requested the Board to
25 redesignate this area as nonattainment-transitional.

1 There were four violations of the eight-hour CO
2 standard in 1990 and also in 1991. But there were no
3 violations in 1992.

4 The San Jose Urbanized Area meets both conditions
5 in the criteria for nonattainment-transitional for CO.
6 First, the area has less than two violations in the last
7 year and, second, the district has demonstrated that
8 attainment is expected within three years, or by 1995.
9 Therefore, we conclude that area qualifies for nonattainment
10 transitional for CO.

11 The second area we are proposing to redesignate
12 for CO is the San Francisco Bay Area Air Basin portion of
13 Solano County. Currently, the Vallejo Urbanized Area part
14 of this area is designated as nonattainment-transitional,
15 and the remaining part of the area is designated as
16 unclassified.

17 The staff proposes to redesignate the entire San
18 Francisco Bay Area portion of Solano County as attainment
19 for CO.

20 During the last three years, there was only one
21 exceedance of the eight-hour CO standard in the Vallejo
22 Urbanized Area. That exceedance, 9.6 parts per million, is
23 excluded as an extreme concentration event.

24 Since Valley is the largest urban area in this
25 portion of Solano County, the staff does not expect any

1 other urban area in the county portion to have higher CO
2 concentrations.

3 Because there are no violations of the CO
4 standards in the last three years, we conclude that the
5 entire San Francisco Bay Area portion of Solano County
6 qualifies for attainment for CO.

7 The next area we are proposing to redesignate for
8 CO is the San Diego Air Basin. This area has a CO situation
9 that is very similar to the area we just looked at.
10 Currently, the western part of the San Diego Air Basin is
11 designated as nonattainment-transitional, and the remaining
12 part of the basin is designated as unclassified.

13 The staff proposes to redesignate the entire air
14 basin as attainment for CO.

15 During the last three years, there was only one
16 exceedance of the eight-hour CO standard in the San Diego
17 Air Basin. That exceedance, 9.1 parts per million, is
18 excluded as an extreme concentration event.

19 Since the western part of the San Diego Air Basin
20 is more urbanized than the remainder of the basin, the staff
21 concludes that it would reflect the highest expected CO
22 concentrations in that air basin.

23 Because there are no violations of the CO
24 standards in the last three year, we conclude that the
25 entire San Diego Air Basin qualifies for attainment for CO.

1 The last area we are proposing to redesignate for
2 CO is the nonurbanized part of Sacramento county.

3 Currently, all of Sacramento County is designated as
4 nonattainment for CO.

5 We propose to limit the nonattainment area to only
6 the Sacramento Urbanized Area, as defined by the Census
7 Bureau, and redesignate the remainder of the county as
8 attainment for CO.

9 This proposal is based on the written request from
10 the Sacramento Metropolitan Air Quality Management District.

11 The staff's review of the air quality data for the
12 last three years shows that all violations of the State CO
13 standard in Sacramento County have occurred within the
14 boundaries of the Sacramento Urbanized Area.

15 There is one CO monitoring site outside the
16 urbanized area located at the Sacramento Metropolitan
17 Airport. There have been no CO violations at the airport
18 site in the last three years.

19 Further, the staff has determined that the airport
20 site represents the highest expected CO concentrations
21 outside the Sacramento Urbanized Area.

22 The staff believes that the change in the boundary
23 of the nonattainment area is reasonable, because most other
24 CO nonattainment areas in the State are limited to just the
25 urbanized areas.

1 The proposed change would make the State CO
2 nonattainment area for Sacramento consistent with the
3 Federal CO nonattainment area for Sacramento. Therefore, we
4 propose to limit the CO nonattainment area to only the
5 urbanized part of Sacramento County, and redesignate the
6 remainder of the county as attainment for CO.

7 Okay, that was the last redesignation proposal for
8 CO. Now, let's move on to the other pollutants.

9 The next three proposals are all for Humboldt
10 county, but for three different pollutants. The North Coast
11 Unified Air Quality Management District has requested in
12 writing to redesignate Humboldt County from unclassified to
13 attainment for sulfur dioxide, sulfates, and hydrogen
14 sulfide.

15 First, the basis for the redesignation for sulfur
16 dioxide, or SO₂, is the change occurring at a major point
17 source in Humboldt county. This point source has been
18 contributing the majority of the emissions of sulfur oxides,
19 or SO_x, in the county.

20 In 1991, this source switched fuels from oil to
21 natural gas, thereby decreasing its SO_x emissions. The SO_x
22 emissions from other sources are also lower now.

23 Further, in early 1993, that largest point source
24 permanently ceased operations. As a result, the SO_x
25 emissions in Humboldt County are now lower than the emission

1 screening values for SO2 attainment.

2 Therefore, we propose to redesignate Humboldt
3 County as attainment for SO2.

4 Next, the staff proposes to redesignate Humboldt
5 County from unclassified to attainment for sulfates. As
6 shown on this slide, the basis for this change is
7 essentially the same as the basis for the SO2 -- for
8 changing the SO2 designation we just discussed.

9 As a result of the lower SOx emissions from major
10 sources in the county, the screening value for sulfate
11 attainment are also satisfied. Therefore, we conclude that
12 Humboldt County qualifies for attainment for sulfates.

13 The third pollutant for which the staff proposes
14 to redesignate Humboldt county is hydrogen sulfide, or H2S.

15 The county is currently designated as
16 unclassified. There is not any direct monitoring for
17 ambient H2S in Humboldt County, but there is monitoring for
18 total reduced sulfur, which includes H2S.

19 The staff's review of the data for total reduced
20 sulfur determined that H2S concentrations did not exceed the
21 State standard.

22 Therefore, we conclude that Humboldt County
23 qualifies for attainment for H2S.

24 Finally, the last proposal in the area
25 redesignations is for H2S for Santa Barbara County.

1 Currently, the Santa Maria Valley-Solomon Hills
2 Area of the county is designated as nonattainment for H2S,
3 while the remainder of the county is designated as
4 unclassified. The staff proposes to redesignate the entire
5 county as attainment for H2S.

6 There was only one exceedance of the State H2S
7 standard in Santa Barbara County in the last three years.
8 However, this exceedance is excluded as an extreme
9 concentration event.

10 The staff has determined that the exceedance
11 occurred in the area of highest expected H2S concentrations.
12 Because there are no H2S violations in the last three years,
13 we conclude that the entire Santa Barbara County qualifies
14 for attainment for H2S.

15 In summary, let me reiterate that we are proposing
16 changes to both the designation criteria and the area
17 designations. The changes to the designation criteria are
18 proposed only to achieve internal consistency within the
19 regulation.

20 The proposed changes to the area designations
21 either bring areas into attainment or move them in that
22 direction.

23 It's a pleasure to report to you that these
24 changes demonstrate that we have continued to, make progress
25 toward clean air for the citizens of California.

1 That concludes my presentation.

2 Debbie Popejoy will summarize the comments we have
3 received on this item.

4 If you have any questions, we'll be happy to
5 answer them.

6 MS. POPEJOY: Thank you, Dave.

7 We've received only one letter so far on this
8 item, and it's with regard to the criteria themselves. The
9 letter is from Gene Huber, President of G. A. Huber Company,
10 an environmental and regulatory compliance specialist, based
11 in Carlsbad.

12 Let me summarize his comments. He would like
13 population exposure to be included in the designation
14 criteria and he thinks population exposure could be useful
15 in making area comparisons and in allocation of limited
16 resources.

17 The staff agrees that population exposure
18 information is useful in trend analysis and in developing
19 planning strategies, but should not be used in the
20 designation process.

21 People living in an area with poor air quality
22 should be informed that the air they breathe does not meet
23 the health-based standards -- whether there's two million or
24 two people living in the area.

25 Under the State statute, an area must be

1 designated as nonattainment before strategies need to be
2 developed to control sources of air pollution. Once an area
3 is determined to be nonattainment, then there are several
4 criteria the districts can use to develop the control
5 strategies.

6 Population exposure, as well as emission
7 inventories, cost, and technologies are used in making these
8 control decisions.

9 Last July, you heard the staff presentation on air
10 quality indicators to be used in tracking air quality
11 trends. At the Board meeting, you recommended the staff's
12 calculation for estimating population exposure be used in
13 the triennial updates.

14 Planners can use this procedure to evaluate the
15 progress their air quality plans are making towards reducing
16 exposure and they can also use this in making control
17 decisions.

18 So, we don't think it's appropriate that it be
19 used in the designation criteria.

20 MR. LAGARIAS: Thank you. Are there any questions
21 from the Board to the staff? Dr. Boston?

22 DR. BOSTON: What do you attribute the improvement
23 of the CO pollution in the areas that you're defining
24 compared to other pollutants? Why is carbon monoxide
25 improving so rapidly compared to the other pollutants?

1 MS. POPEJOY: Well, I don't think it's improving
2 so much more rapidly than the other pollutants. It's just
3 that we're getting -- you know, we're closer to attainment
4 in many parts of the State.

5 We also saw oxygenated fuels last year, which did
6 have some effect, a 10 percent reduction in emissions that
7 we saw last winter or a 10 -- yeah, reduction in emissions,
8 and a 10 percent reduction or improvement in air quality.

9 SUPERVISOR BILBRAY: We're just closer to the mark
10 with that?

11 MS. POPEJOY: With CO. Right.

12 SUPERVISOR BILBRAY: So, as we move, that's the
13 first one across the line.

14 MS. POPEJOY: Right.

15 MR. LAGARIAS: Any other questions?

16 DR. BOSTON: Thank you.

17 MR. LAGARIAS: We have two witnesses. First,
18 Victoria Evans, Sonoma Technology.

19 MS. EVANS: Thank you. I'm Victor Evans, the
20 Manager of Environmental Policy and Planning at Sonoma
21 Technology, which is in Santa Rosa. And I'm appearing here
22 today on behalf of the Monterey Bay Clean Air Coalition.
23 The Clean Air Coalition is a partnership comprised of nearly
24 every city, business, and industry group in the Monterey Bay
25 Region.

1 The Coalition has dedicated itself to the task of
2 analyzing ozone nonattainment management and planning in the
3 district, the Monterey Bay Unified Air Pollution Control
4 District.

5 Staff scientists at STI have been providing
6 technical assistance and educational information to the
7 Coalition about air quality planning in the district since
8 the fall of '92. And I would comment that it's been a real
9 challenge to learn how to speak about air quality without
10 using acronyms.

11 Attached to my written testimony is a copy of our
12 technical memorandum -- I've provided copies to the
13 Secretary -- providing our review of the ARB report on ozone
14 designation criteria.

15 Today, I'm only going to highlight the major
16 points of my comments. Regarding the exclusion of
17 infrequent or extreme events, we support the ARB's proposed
18 amendment to the criteria for excluding these events for
19 instances where there's incomplete data sets. We agree that
20 it represents a policy consistency, and we recommend that
21 that amendment be adopted.

22 The Coalition representatives did meet with
23 several staff in August, '93, and appeared before the ARB
24 Board on issues concerning long-range transport of ozone.

25 The next part of my comments will relate to that.

1 The primary issue voiced at that time was the use of
2 Pinnacles monitoring data in the ozone design value
3 calculation for the North Central Coast Air Basin and
4 elimination of days of significant long-range ozone
5 transport.

6 We're awaiting ARB staff's analysis on these
7 points. We understand that this analysis will be available
8 to us shortly.

9 In the meantime, Pinnacles data are also
10 apparently used for calculating the ozone designation value
11 which determines the Monterey Bay District's State ozone
12 attainment.

13 STI and the Coalition both have concerns about
14 ARB's including Pinnacles data for determining ozone
15 designation values.

16 Some of these conclusions that I'm presenting
17 today were in a prior report issued by STI in February of
18 '93. The report was provided to you, the ARB, and the
19 district and reviewed by both agencies.

20 We have a question about inclusion of Pinnacles
21 ozone data for the basin in the ARB draft staff report. The
22 staff report does not reference ozone data collected at
23 Pinnacles, which is a site located within the North Central
24 Coast Air Basin.

25 Preliminarily, we got all excited. We believed

1 that this meant that ARB was responsive to the Coalition's
2 concern expressed in August of '93. But when we did talk to
3 staff, the Pinnacles data were apparently included in the
4 analysis that was done for designation value determinations,
5 although the data were not shown in the report on page E-2.

6 This was a little confusing to us, and we
7 understand that the Pinnacles data are actually reported in
8 the EPA's data collection system as opposed to being
9 reported by the ARB.

10 And our recommendation about that is, if these
11 data were included in the ARB analysis, that the Pinnacles
12 data should be provided in a revised draft report before the
13 draft report is finalized.

14 Next, regarding Pinnacles ambient ozone
15 monitoring, the location of the Pinnacles site we find is
16 inconsistent with EPA ambient monitoring and siting criteria
17 used by the ARB, which are called SLAMS, for ambient ozone
18 monitoring relative to Federal and State ozone standards.

19 The Pinnacles site is in a rural area. It's
20 located in a National Monument. The data there do not
21 represent ozone that can be conclusively attributed to
22 sources within the basin.

23 And the site does not meet the EPA/ARB criteria
24 for being near a populated area, since it is a designated
25 National Monument managed by the National Park Service. So,

1 the data collected there do not represent ambient ozone
2 conditions in an urban scale where people really live.

3 The Monterey Bay Air District also recognizes that
4 the Pinnacles site does not meet monitoring site criteria
5 for being in a populated area, and they so state in their
6 1991 AQMP.

7 As a matter of fact, the district didn't use the
8 data recorded at Pinnacles in their plan nor in their
9 earlier, 1989, plan, for this was the plan written for the
10 Federal ozone standard.

11 Only data from the four district-operated
12 monitoring stations were used in 1991 for comparison against
13 the ambient air quality standards and for trends analysis.

14 So, the Pinnacles site we find does not meet all
15 the monitoring and siting criteria, but it could qualify as
16 a special site to be representative of ozone on a regional
17 scale.

18 Thus, we recommend that Pinnacles data are
19 expected to be primarily useful for assessing ozone
20 transport conditions into the basin. We submit that the ARB
21 recently agreed with the Bay Area Air Quality Management
22 District to reclassify one of the district's stations as a
23 research monitoring station -- this station is in the Santa
24 Cruz Mountains -- since it doesn't fully meet the siting
25 criteria for ambient ozone monitors.

1 And we understand that ARB did give the district,
2 the Bay Area District, approval to exclude the data from
3 that station to demonstrate Federal ozone attainment in
4 their submittal to EPA.

5 Thus, ARB staff has demonstrated that there are
6 occasions when sites can be reclassified as special purpose
7 stations.

8 And this is despite the fact that the Santa Cruz
9 site, which is at a spot called Mount Uminum -- which is a
10 real mouthful -- even though data indicating high levels of
11 ozone were collected there.

12 The Santa Cruz Mountain site and the Pinnacles
13 site within the Monterey District are similar, in that
14 they're located at high elevations at mountain tops. And we
15 feel that data collected there really represent ozone
16 concentrations that are obviously aloft of ground level
17 concentrations or conditions within populated areas.

18 The next part of our finding is that the Pinnacles
19 site does not appear to meet ARB's criteria for data of
20 record. The site -- upon reading the criteria, the site
21 does not meet the criteria, since the monitoring data are,
22 quote, ". . .are not collected by or under the auspices of
23 the State Board or the districts." Close quote.

24 However, the data is collected by and the site
25 operated by the National Park Service and their contractors.

1 And I used to work for the National Park Service for this
2 Division, and I know that they operate the site according to
3 the same monitoring equipment specifications.

4 However, I'm talking here just about the criteria
5 that ARB uses for State determinations. We recommend that
6 since Pinnacles does not meet the EPA or ARB criteria for
7 siting ambient ozone monitors or ARB's criteria for data of
8 record, we request that the Pinnacles monitoring site be
9 reclassified as a special purpose station and designated,
10 perhaps, as a research station.

11 Further, if Pinnacles becomes a special purpose
12 station, we understand that Pinnacles ozone data would be
13 excluded from determinations of ozone designations and ozone
14 design value calculations.

15 However, we do recommend that the data from
16 Pinnacles, as a research station, should be included and
17 used in ozone and ozone precursor transport analysis.

18 Once the data are excluded, perhaps a review of
19 the basin's ozone data from a single monitoring site should
20 be made to determine whether the district should remain
21 designated as moderate for State ozone nonattainment or be
22 redesignated.

23 And one final point. We find there are
24 discrepancies in the Pinnacles data that are reported, and
25 we found this to be troublesome and something we haven't

1 been able to resolve yet.

2 Since the data are important to understanding
3 regional ozone levels as well as ozone transport, and the
4 site records high levels -- even though it's located in a
5 remote, unpopulated area -- we feel that this data -- the
6 discrepancies in the data should be looked at some more.
7 Because it is well recognized by ARB staff and in studies
8 that have been done Sonoma Technology that many of the
9 higher readings are due to overwhelming transport into the
10 basin.

11 We've noted there's differences in the Pinnacles
12 data reported by the Monterey Bay District and the U.S. EPA
13 in their AIRS data system.

14 And since ARB doesn't report this data, we've had
15 to rely on those two sources and never the twain shall meet
16 currently.

17 We'd like to recommend that a review is needed to
18 reconcile these data -- the district's data with the data
19 reported by the EPA's AIRS system.

20 And we encourage the ARB to perhaps lead this
21 review.

22 And this concludes my statement.

23 MR. LAGARIAS: Thank you. Does the staff want to
24 comment to the suggestions that the Pinnacles station be a
25 special purpose monitoring station?

1 MR. BRADLEY: Well -- my name is Rich Bradley.
2 I'm Chief of the Air Quality Data Branch. And first, I'd
3 like to set this in perspective.

4 First of all, to set this in perspective, to my
5 knowledge, whether or not Pinnacles data are included or
6 not, there would be no change to the staff's proposal.
7 There would be no consideration of other designations.

8 So, first, I'd like you to understand that fact.
9 Second, there's a fair amount of information that was
10 presented to us in the last 15 minutes, and it's the first
11 time that we've heard some of this information. So, you
12 know, the staff has not had adequate time to investigate
13 some of the information.

14 And so, certainly, we'd be happy to look further
15 into the situation as we move forward.

16 MR. LAGARIAS: All right. Thank you, Rich.

17 MS. EVANS: I'd like to make one statement. The
18 piece that I talked about, about excluding Pinnacles was the
19 same point that Sonoma Tech made in their report on behalf
20 of the Coalition to the ARB. And I realize we made a lot of
21 points in that report, and it's one of the ones that maybe
22 didn't bubble up to the surface yet for resolution.

23 But that's why I highlighted it today, so I know
24 that -- it was in that report, and the Coalition members did
25 talk about in August. They might not have been -- we didn't

1 have a suggested solution to the problem. But they did
2 speak to that point.

3 MR. LAGARIAS: All right. Well, you made one
4 other suggestion. You said there was a discrepancy between
5 the way Monterey Bay and EPA are reporting the results, and
6 you want us to get involved?

7 Don't we have enough troubles?

8 (Laughter.)

9 MS. EVANS: I guess our suggestion there was more
10 in the spirit of making sure that we're all using the right
11 data pool; that, since ARB is using this data in the data
12 pool -- as I call it -- for ozone design and ozone
13 designation values, that it might be good to sit down and go
14 through that.

15 And, frankly, in the past, staff has offered to do
16 that. I'd just like to encourage that to happen sooner
17 rather than later.

18 CHAIRWOMAN SHARPLESS: Perhaps I can ask a
19 question. I apologize for not being here for part of your
20 testimony. But we have heard testimony in the past on the
21 Pinnacles site, and I would like maybe for somebody to bring
22 it to the action that we're considering today.

23 How does this fit into the action we're
24 considering today in terms of -- isn't this something that
25 can be dealt with by a continued dialogue with the folks

1 from Monterey concerning this site?

2 Because there's nothing, I think, included in the
3 action today that would resolve this problem, is there?

4 MR. BRADLEY: That's correct. There's
5 sufficiently high ozone values elsewhere within the same
6 basin that there would not be a different designation
7 considered today.

8 CHAIRWOMAN SHARPLESS: Were you suggesting that,
9 or you're just focusing on the Pinnacles and how to -- what
10 to do with the data that comes out of the Pinnacles site,
11 right?

12 MS. EVANS: Right. In the past, Pinnacles has
13 been -- some of the readings from Pinnacles have contributed
14 to some of these values in the past. Currently, it wouldn't
15 affect the designation.

16 The one point of confusion that I was looking for
17 today was some clarification on the part of the staff as to
18 whether the Pinnacles data were part of the staff report or
19 not. Preliminary conversation with staff indicated they
20 were, but they're not reported in the actual report.

21 And there could be a correction to that.

22 CHAIRWOMAN SHARPLESS: Okay. That's narrowing it
23 down. Mr. Bradley?

24 MR. BRADLEY: Okay. Yeah, the staff did consider
25 the ozone values at Pinnacles. One of the problems we have

1 is that the data used to be reported directly to us. They
2 are no longer reported to us. There's some delays in our
3 obtaining the data, and took us a while to get the data.

4 But since we knew that ozone values were higher at
5 Pinnacles than they were at some of the other sites in the
6 basin, and that it wasn't at issue at today's Board meeting,
7 it wasn't a big concern.

8 We were not planning to reissue the document, but
9 we'd certainly be happy to calculate the value for Pinnacles
10 as the data are available and make it available to you.

11 MS. EVANS: Fine. Okay.

12 CHAIRWOMAN SHARPLESS: This seems to maybe resolve
13 or at least go toward resolving the issue, the issue that
14 you've raised.

15 MS. EVANS: I guess I heard you saying that staff
16 would be available to speak with us about the possible --

17 CHAIRWOMAN SHARPLESS: Oh, definitely.

18 MS. EVANS: -- redesignation of the site.

19 CHAIRWOMAN SHARPLESS: Yes. This has been sort of
20 an ongoing issue, and I'm not quite sure where the staff is
21 in terms of dealing with.

22 MR. BRADLEY: Well, as I understand the criteria
23 that the Board has adopted and that we work under, both the
24 Act and the criteria allow highly irregular and infrequent
25 events to be excluded.

1 CHAIRWOMAN SHARPLESS: Right.

2 MR. BRADLEY: I mean, this has been talked about
3 when David -- in David's presentation. And certainly, we
4 would exclude those values at Pinnacles. The other part of
5 the criteria are data for record.

6 Now, to my knowledge, the Air Resources Board had
7 the monitoring lab quality assurance audit the Pinnacles
8 site. And, as a result of that audit, we consider those
9 data data for record coming from Pinnacles.

10 So, we have no reason -- we consider them good
11 quality data. So, we have no reason to not consider those
12 data. But we would exclude highly irregular and infrequent
13 events, the same as we do at all sites.

14 MS. EVANS: We don't have a problem with the data.
15 We just have a problem with the site location in terms of it
16 being in an unpopulated area, and in terms of it not meeting
17 the criteria under the SLAMS program. That's really where
18 we're coming from.

19 MR. BRADLEY: Well, but there are 4 monitoring --
20 EPA monitoring objectives, including one of general
21 background.

22 And I think it would be hard to say that Pinnacles
23 data did not meet that objective.

24 MS. EVANS: Right. However, the criteria talk
25 about the site should meet all four criteria for use for

1 ambient -- for calculating against ambient standards.
2 That's what, when we reviewed these criteria, that's what we
3 were going by.

4 And because the precedent has been set also -- at
5 least currently -- with the Santa Cruz Mountain site
6 exclusion for the Bay Area District. Their site, Mount
7 Uminum, is going to be designated as a research station.

8 And it's also in a situation similar to Pinnacles.
9 It's the same issue for us. We like the data. It's just
10 the site location. It doesn't appear to be the kind of a
11 site that would meet SLAMS criteria and, then, therefore,
12 should not be included in the data pool that you use.

13 CHAIRWOMAN SHARPLESS: Let me see if I can maybe
14 scope this out. This is an issue that I know has been
15 brought before this Board, and we have continued to listen
16 to a dialogue on it.

17 And I think that we understand what the issues are
18 here. Now, today's -- today's regulation, I don't think,
19 really depends on the resolution of this. But I would like
20 to be able to somehow take this issue and get a group
21 together to discuss it, so that we can come to sort of
22 closure on what the issues are and what we need to do, or
23 what the disagreements are, and deal with it.

24 Because this is like the third or fourth time, I
25 think, that we've had this discussion, and it never quite

1 seems to fit exactly where we are --

2 MR. BOYD: Madam Chair?

3 CHAIRWOMAN SHARPLESS: -- in the discussion
4 process.

5 Mr. Boyd, you're going to help me out here?

6 MR. BOYD: I'm going to help you a little bit,
7 just to assure you -- and Catherine Witherspoon has joined
8 us at the table here, because both of us have put a
9 disproportionate number of hours, I believe, into this issue
10 vis-a-vis all the other public health problems in the State.

11 But the people there are quite concerned and we've
12 had numerous meetings, and we have a long-standing
13 commitment to try to have this issue resolved by the end of
14 this calendar year.

15 And the staff has put untold ours into analyses
16 and additional analysis, and extraordinary analyses. There
17 are two sides to this issue and each side feels strongly
18 about the issue, and we're trying to walk down the middle
19 and resolve it.

20 So, you're right. We've heard it a lot. And I
21 expect we will hear more of it. But we have continually
22 committed -- I mean, there have been delegations of local
23 folks here, and I've met with them, we've met with them, and
24 we're working our way through the data and doing extra
25 analyses, quite frankly.

1 CHAIRWOMAN SHARPLESS: Did you say, Mr. Boyd, that
2 the issue, you think, will be resolved by the end of the
3 year?

4 MR. BOYD: Well, we made that commitment.

5 CHAIRWOMAN SHARPLESS: Okay. Do you think in
6 January, perhaps a memo could be sent to the Board members
7 describing how -- what's happening with the issue and how
8 it's either being resolved or why we have concerns?

9 MR. BOYD: That will be fine.

10 CHAIRWOMAN SHARPLESS: Okay.

11 MR. BOYD: I don't know if Ms. Witherspoon has any
12 additional comments. I stole her thunder.

13 CHAIRWOMAN SHARPLESS: Mr. Lagarias?

14 MR. LAGARIAS: As the Chair has said, this issue
15 has come up a number of times. We've heard it in Santa
16 Barbara at a monitoring station at a high elevation. We've
17 heard it in the Bay Area, and we've heard it from the
18 Pinnacles. And each time it's -- as I understand it, EPA
19 has said, well, it's a QA-approved station. It's in a rural
20 background area. Use it for background.

21 I think the suggestion that you've made, that it
22 be considered for use for transport conditions makes a lot
23 of sense. But the fact that it's in a very rural area --
24 that these stations are in rural areas; they're usually at
25 high elevations, and they do report high levels of ozone,

1 which may not have meaning as far as a public health issue
2 is concerned. You may very well make a case for considering
3 these stations for looking at transport and taking them out
4 of the -- the attainment designation consideration.

5 MS. EVANS: Thank you.

6 CHAIRWOMAN SHARPLESS: I'm going to thank you very
7 much, and we'll go on to our next witness. Mr. Morgan.
8 Wayne Morgan?

9 Good news for you. Attainment, attainment,
10 attainment.

11 MR. MORGAN: Yes. I like those words.

12 SUPERVISOR BILBRAY: Would you like us to
13 reconsider?

14 MR. MORGAN: Pardon me?

15 SUPERVISOR BILBRAY: Would you like us to
16 reconsider it?

17 (Laughter.)

18 MR. MORGAN: No, I wouldn't.

19 CHAIRWOMAN SHARPLESS: Welcome, Mr. Morgan. What
20 do you have on your mind?

21 MR. MORGAN: Well, I -- as I came into town this
22 morning, I was made aware and shocked by some of the news
23 that I heard. And that was that the Chairwoman of this

24 Board has resigned and --

25 SUPERVISOR BILBRAY: Moving up and on.

1 MR. MORGAN: I'd like to think that it's moving up
2 and on. But I'm very disheartened by that, because in my
3 20-plus years of experience in this business, I think
4 Chairwoman Sharpless has exercised one of the greatest
5 leadership roles in air quality control that California has
6 ever seen.

7 And that's going to be missed.

8 CHAIRWOMAN SHARPLESS: Thank you, Mr. Morgan. But
9 I'm not gone. I'm just dealing in another arena.

10 MR. MORGAN: And I hope that is the case, because
11 I know sometimes our disappointments turn into pluses for
12 each of us. And I certainly hope that that's your case.

13 CHAIRWOMAN SHARPLESS: Thank you.

14 MR. MORGAN: The staff of the North Coast Unified
15 AQMD have been busy over the past few years in collecting
16 various ambient pollutant data. We've been busy over the
17 last year in working with your staff in the Technical
18 Support Division to achieve a change in the district's air
19 quality status from unclassified to attainment.

20 We recommend and urge the Board to follow the
21 wisdom and recommendations of your staff in this matter by
22 adopting, one, the proposed amendments to the criteria for
23 determining data completeness, and the screening procedures
24 for nitrogen dioxide attainment designations that are listed
25 in Attachment A of your staff report; two, the proposed

1 changes in designations from the unclassified to attainment
2 for the following pollutants -- ozone for the entire North
3 Coast Unified AQMD, sulfur dioxide and sulfates for the
4 Humboldt County portion of the district, hydrogen sulfide
5 also for the Humboldt County portion of the district, which
6 I think are both listed in Attachment B.

7 I might add, we had some very involved discussions
8 concerning this topic with Rich Bradley and his staff. And
9 throughout, Mr. Bradley, in particular, has displayed
10 professionalism and courtesy in dealing with the North
11 Coast, and we appreciate that very much.

12 Secondly, in California, there is a major effort
13 underway to streamline and consolidate processes,
14 particularly directed towards the permitting processes. The
15 emphasis is to relieve the regulatory burden placed on
16 businesses and industry.

17 In the past, it's my understanding that this topic
18 under discussion was handled in a two-part process by the
19 Air Resources Board.

20 The criteria for determination of the air quality
21 status was first adopted, or amended; and, secondly, then a
22 year or so later, a change in the actual air quality status
23 of an area was considered.

24 I also commend Mr. McGuire and the Technical
25 Support Division for their effort this year in streamlining

1 this two-part process into one. I think that is to be
2 commended.

3 I would recommend to the Board also to embrace
4 this approach and approve the recommendations offered by
5 your staff.

6 Thank you. And I'd be happy to try to answer any
7 questions you may have.

8 CHAIRWOMAN SHARPLESS: Thank you very much, Mr.
9 Morgan? Are there any other comments or questions of Mr.
10 Morgan? Okay.

11 Thank you very much. Well then, I guess, since
12 all testimony, written submissions, and staff comments for
13 this item have been entered into the record and the Board
14 has not granted an extension period, I'm officially closing
15 the record on this portion of the agenda item 93-14-3.

16 Written or oral comments received after the
17 comment period has been closed will not be accepted as part
18 of the official record on this agenda item.

19 A quick review by Board members, is there any ex
20 parte communication on this item? I kind of doubt it, but
21 we'll ask. No?

22 Okay. We do have a resolution before us to adopt
23 the staff's recommendations.

24 MRS. ICHIKAWA: Madam Chair, I so move.

25 CHAIRWOMAN SHARPLESS: Okay.

1 SUPERVISOR BILBRAY: 93-60?

2 CHAIRWOMAN SHARPLESS: 93-60.

3 SUPERVISOR BILBRAY: Second.

4 CHAIRWOMAN SHARPLESS: I have a second. We'll do
5 it by voice vote. All those in favor, say aye?

6 (Ayes.)

7 CHAIRWOMAN SHARPLESS: Opposed? Let the Board
8 Secretary show that it was a unanimous vote of those
9 present.

10 Okay. That brings us to the next item on the
11 agenda. We'll let the staff change here.

12 Okay. This is one of the reviews that we do
13 periodically, and it has to do with the conflict of interest
14 code that's required by law.

15 The Fair Political Practices Commission requires
16 agencies to update their conflict of interest code
17 regulations every two year, if needed, and to reflect
18 changes within the agency's reporting categories.

19 We've had some changes, and we need to do that.
20 Mr. Boyd, would you like to take this item forward?

21 MR. BOYD: Thank you, Chairwoman Sharpless.

22 As you've already mentioned, the Government Code
23 that's administered by the Fair Political Practices
24 Commission does require biennial update of agencies'
25 conflict of interest codes. Ours was last amended in