

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

**Final Statement of Reasons for Rulemaking
Including Summary of Comments and Agency Responses**

PUBLIC HEARING TO CONSIDER THE TRIENNIAL REVIEW OF ASSESSMENT AND MITIGATION OF THE IMPACTS OF TRANSPORTED POLLUTANTS ON OZONE CONCENTRATIONS IN CALIFORNIA AND TO CONSIDER AMENDMENTS TO THE TRANSPORT IDENTIFICATION AND MITIGATION REGULATIONS

Public Hearing Date: August 12, 1993

Agenda Item No.: 93-10-2

TABLE OF CONTENTS

<u>Contents</u>	<u>Page</u>
I. INTRODUCTION.	
II. MODIFICATION TO THE REGULATIONS	
III. SUMMARY OF COMMENTS AND AGENCY RESPONSES.	
A. General Comments on Assessments	
B. Southeast Desert Air Basin Assessment	
C. North Central Coast Air Basin Assessment.	
D. San Joaquin Valley Air Basin Assessment	
E. Other Air Basin Assessments	

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I. GENERAL

The Staff Report: Initial Statement of Reasons for Rulemaking ("Staff Report"), entitled "Assessment and Mitigation of the Impacts of Transported Pollutants on Ozone Concentrations in California", released June 1993, is incorporated by reference herein.

Following a public hearing on August 12, 1993, the Air Resources Board (the "Board" or "ARB"), by Resolution 93-52, approved amendments to the transport identification and mitigation regulations. The regulations amended are contained in sections 70500 and 70600, Title 17, California Code of Regulations (CCR). As approved, the amendments include one modification to the original staff proposal which was released in June 1993. This modification reflects concerns expressed by the ARB staff and by those testifying at the August 12, 1993 public meeting. The Board directed the Executive Officer to incorporate the approved modification into the originally proposed text with such other conforming modifications as may be appropriate. In accordance with Government Code section 11346.8(c), Resolution 93-52 directs the Executive Officer to make the modified regulatory text available to the public for a supplemental 15-day comment period. He is then directed to either adopt the modified regulation with such additional modifications as may be appropriate in light of comments received, or to present them to the Board for further consideration if he determines the comments warrant such action.

The modified regulatory text was made available to the public for a 15-day comment period from November 1, 1993 to November 16, 1993. A "Notice of Public Availability of Modified Text" together with a copy of the full text of the regulations with the modification clearly indicated was mailed November 1, 1993 to each of the individuals described in subsections (a)(1) through (4) of section 44, Title 1, CCR. A typographical error was made in this notice, in that the second page of the notice incorrectly stated that the deadline for public comment was October 13, 1993. To correct this error and avoid any confusion, a second notice (entitled "Supplemental Notice of Public Availability of Modified Text") was mailed on November 16, 1993 to each of the individuals described above. The second notice extended the public comment period an additional 15 days (until December 1, 1993),

thereby allowing a total of 30 days for public comment. The Board received no comments during the 30-day comment period. The Executive Officer subsequently adopted the modified regulations (as approved by the Board on August 12, 1993) after determining that no additional modifications were warranted. The modification made to the regulations is described in Section II of this Final Statement of Reasons.

The Board has determined that this regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies, except as noted below:

This regulatory action may create costs to, and impose a mandate upon, the Bay Area Air Quality Management District, the San Joaquin Valley Air Quality Management District, and those air pollution control and air quality management districts located within the Broader Sacramento Area. These districts may need to adopt additional control measures in order to mitigate the impact of their emissions on downwind areas. Such control measures would be proposed as part of district air quality attainment plans for ozone under the California Clean Air Act, and would be adopted by the districts pursuant to their normal regulatory adoption procedures. (See Health and Safety Code sections 40725-40728.5.) However, this mandate does not require state reimbursement pursuant to Government Code sections 17500 et seq., and section 6 of Article XIII B of the California Constitution, because the districts have the authority to levy fees sufficient to pay for the mandated program. (See Health and Safety Code sections 42311 and 41512.5.)

The Board has determined that the amended regulations may have a significant adverse economic impact on businesses, since it is possible that additional costs may be imposed on individual businesses through the adoption of control measures in the districts described above. At this time it is not possible to estimate the cost of any additional control measures. An opportunity for public review and participation is provided in all district rulemakings, and the economic effects from future proposed regulations will be disclosed and addressed during the rulemaking proceedings.

The Board has determined that the implementation of the required mitigation measures in upwind areas will have positive environmental impacts in the downwind and in most of the upwind areas.

The Board has further determined that no alternative considered by the agency would be more effective in carrying out the purposes for which the regulatory action was proposed or would be as effective and less burdensome to affected private persons than the action taken by the Board.

The Final Statement of Reasons updates the Staff Report ("Assessment and Mitigation of the Impacts of Transported Pollutants on Ozone in California" (June 1993)) by identifying and explaining the modification to the originally proposed text. The Final Statement of Reasons also contains

a summary of the public comments the Board received during the formal rulemaking process and the Board's responses to these comments.

For the record, in the transcript of the August 12, 1993 Board hearing there are a few references to a document called the "Board book" or "handbook". This document consists of the hearing notice, initial statement of reasons (Staff Report), and the text of the regulations for the proposed rulemaking action. The Board book is provided as a convenience to Board members and the public so that a single document can be referred to in testimony and Board discussions.

II. MODIFICATION TO THE REGULATIONS

At a public hearing on August 12, 1993, the Board by Resolution 93-52 approved amendments to the transport identification and mitigation regulations contained in sections 70500 and 70600, Title 17, California Code of Regulations.

With one exception, the amendments the Board approved are identical to those originally proposed and made available with the Staff Report ("Assessment and Mitigation of the Impacts of Transported Pollutants on Ozone in California" (June 1993)). The following paragraphs include a description of the modification to the original proposal and the rationale for that modification.

The approved modification is to subsection (b)(2) of section 70600 which describes the downwind area in the Broader Sacramento Area for which the Bay Area Air Quality Management District (Bay Area AQMD) is responsible for demonstrating attainment due to the impacts of overwhelming transport of pollutants from the San Francisco Bay Area Air Basin to the Broader Sacramento Area. Subsection (b)(2) as originally proposed describes "that portion of the Broader Sacramento Area west of the Yolo-Sacramento County line." Subsection (b)(2) was modified to describe "that portion of Solano County within the Broader Sacramento Area."

This modification more clearly defines the downwind area in the Sacramento Valley and makes it consistent with the analysis of the impacts of transported pollutants from the San Francisco Bay Area Air Basin. The analysis did not support including Yolo County in the impacted area. Therefore, the modification removes Yolo County from the Bay Area AQMD's responsibility for mitigating overwhelming transport.

III. SUMMARY OF PUBLIC COMMENTS AND AGENCY RESPONSES

A list of commenters is set forth below. Following the list is a summary of each objection or recommendation made regarding the specific adoption and amendments proposed, together with an explanation of how the proposed action has been changed to accommodate the objection or recommendation, or the reasons for making no change. Several commenters expressed general support or criticism of certain parts of the analysis

contained in the Staff Report, but did not suggest that the Board take any specific action. While these comments were considered by the Board and ARB staff, most of these comments are not separately addressed in this Final Statement of Reasons because they were not objections or recommendations specifically directed at the proposed action or the procedures followed by the Board in proposing or adopting the proposed action.

The comments summarized below include the written comments received during the 45-day public comment period after the release of the Staff Report ("Assessment and Mitigation of the Impacts of Transported Pollutants on Ozone Concentrations in California (June 1993)) and oral testimony presented at the August 12, 1993, public hearing. The summary also includes late comments submitted after the public hearing and comments received in response to the two 15-day Notice periods. The Board received written comments from the following public agencies, industry groups, and environmental organizations:

- U.S. Forest Service (USFS)
- Monterey Bay Clean Air Coalition (MBCAC)
- North American Chemical Company (NACC)
- United States Department of the Interior, National Park Service, Yosemite, (YNP)
- U.S. Army (USA)
- Feather River Air Quality Management District (FRAQMD)
- Mojave Desert Air Quality Management District (MDAQMD)
- San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD)
- Bay Area Air Quality Management District (BAAQMD)
- Monterey Bay Unified Air Pollution Control District (MBUAPCD)
- League to Save Lake Tahoe (LSLT)

At the public hearing on August 12, 1993, oral testimony was presented by USFS, MBCAC, NACC, Naval Air Weapons Station (NAWS), YNP, FRAQMD, MDAQMD, Mariposa County Air Pollution Control District and Health Department (MCAPCDHP), Mitsubishi Cement Corporation (MCC), BAAQMD, California Air Pollution Control Officers Association (CAPCOA), Western States Petroleum Association (WSPA), and Mariposa County.

A. General Comments on Assessments

1. Comment: The Board should support two legislative changes: (1) State law should be changed to allow interbasin offsets, and (2) Federal law should be changed so that transported pollutants are discounted in the Federal designation of an area as nonattainment. (MDAQMD)

Agency Response: These proposed changes in state and federal law are beyond the scope of the transport mitigation triennial update.

2. Comment: The ARB should hold off requiring mitigation until extensive quantitative modeling is available. (MDAQMD)

Agency Response: The modifications to the transport mitigation regulation are designed only to expand the size of downwind areas for which upwind areas are responsible to mitigate transport impacts. The mitigation

requirements, themselves, were not proposed to be altered by this regulatory action. If subsequent modeling or other information indicates that it is appropriate to modify the content of the mitigation requirements, such modifications would be proposed as part of a future regulatory action.

3. Comment: Health and Safety Code section 39610(b) requires the Board to establish mitigation requirements. Current requirements are proposed to the effect that upwind basins causing overwhelming pollution to downwind areas should be required to adopt unspecified control measures sufficient to attain the ozone standard in the impacted downwind area. As such, this recommendation does not comply with the legal requirements of Health and Safety Code section 39610, which requires that the Board establish specific mitigation requirements. The Board should direct the staff to draft specific mitigation measures to be imposed on upwind areas. (SJVUAPCD)

Agency Response: As explained in the response to the previous comment, it is beyond the scope of this regulatory action to modify the content of the mitigation requirements. Furthermore, the ARB does not agree that section 39610 requires more "specific" mitigation requirements than the ARB has already adopted in section 70600, Title 17, California Code of Regulations.

Under the existing ARB mitigation requirements the decision is left up to the local districts regarding which control measures to adopt in order to attain the ozone ambient air quality standard in impacted downwind areas. This approach allows the districts to develop mitigation strategies as part of the air quality attainment planning process established by the California Clean Air Act (see Health and Safety Code section 40910 et seq.). The ARB believes that this regulatory approach is fully consistent with the language of Health and Safety Code 39610. In addition, in order to assist the districts in this process ARB staff is working on model measures, such as best available retrofit control technology (BARCT) and best available control technology (BACT), that districts can use.

4. Comment: The staff should work together with the districts and form a statewide committee to discuss transport issues. (BAAQMD, WSPA, CAPCOA, MDAQMD)

Agency Response: As requested by the commenter, the Statewide Transport Task Force was formed in December 1993. This Task Force includes the ARB, districts, and all interested parties.

5. Comment: The ARB should use consistent methodologies in determining transport couples and severity of impacts (inconsequential, significant, and overwhelming). (SJVUAPCD)

Agency Response: The availability of data varies from area-to-area. The data availability both limits and dictates the types of assessment analyses the staff can use. Additionally, population density patterns, terrain, emissions, prevailing and exceptional airflow, and model development were factors limiting and dictating analyses types. Staff found different characteristics primarily important with different transport couples. Thus, the Staff Report reads differently for various transport

couple assessments. Where practical, similar assessment methods were used. However, in each area, the staff's objective was to make the best assessment possible given available data.

6. Comment: The findings presented in the Staff Report are supported by the data. (MCAPCDHP, YNP, BAAQMD)

Agency Response: ARB staff agrees with the commenters.

B. Southeast Desert Air Basin Assessment

7. Comment: More data and more analyses are required to support the ARB's transport assessment conclusion regarding transport on September 15, 1989, in the Southeast Desert. ARB staff may have arrived at this conclusion without considering all of the potentially significant factors in the area which may have an effect, such as mobile sources which are "just passing through". The Board should strike the "inconsequential" conclusion of September 15, 1989 - and any other "inconsequential" conclusions on days which are not transport from the South Coast Air Basin - until adequate, scientifically supportive results have been reached, studies completed, and viable models developed. The Board should direct staff to work closely with the MDAQMD to collect further data and perform additional analysis. (MDAQMD, NACC, NAWS, MCC, USA)

Agency Response: The conclusions contained in the Staff Report are fully supported by the data. All available data was considered in the September 15, 1989, transport assessment. As well, all available methods of analyses were used in this transport assessment. September 15, 1989, was only one of many days used to arrive at the conclusion of inconsequential transport into the Southeast Desert.

"Inconsequential" pollutant transport into the Southeast Desert is a sound transport assessment. Using a preponderance of available data, staff concluded that there were days in which inconsequential transport occurred in the Southeast Desert Air Basin. When additional data is made available and/or additional studies have been completed which indicate an other-than-inconsequential assessment for all exceedances, the assessment will be revisited. As well, when new models become available, the staff will use the models in future transport assessments. The staff will also continue to work with the MDAQMD and will consider additional data submitted by interested parties at any time.

8. Comment: The entire Southeast Desert Air Basin should not be treated as one homogeneous area of nonattainment. (NAWS) Until the cause of ozone exceedances are understood and cost-effective remedies are developed, money may inappropriately be expended on unproductive remedies which do not solve the problem. (NACC, USA)

Agency Response: The scope of this rulemaking action is to assess transport impacts. Variations within the Southeast Desert Air Basin--and what regulatory controls on emissions are appropriate for different areas within the Basin--are appropriately addressed in the district planning process under the California Clean Air Act (see Health and

Safety Code section 40910 et seq.), such as was done recently when the Mojave Desert Air Quality Management District exempted internal combustion engines in Needles from controls.

9. Comment: Nonattainment for the state ozone standard is an incorrect classification for the Southeast Desert Air Basin. (NAWS)

Agency Response: Nonattainment is a designation issue (see Title 17, California Code of Regulations, section 60200 to 60209) and depends on whether or not there are violations of the state ozone standard in the Southeast Desert Air Basin, irrespective of any transport contributions. The issue of nonattainment is outside the scope of this regulatory item.

10. Comment: Designating the Southeast Desert Air Basin as nonattainment for ozone puts the burden on industrial stationary sources to be the main ozone reduction sources. This basically means that industry must reduce NO_x, which is an ozone precursor. NO_x reduction is a very expensive and unproven technology for the cement industry. (MCC)

Agency Response: As discussed in responses to the two previous comments, designation of an area as nonattainment is outside the scope of this regulatory item. Furthermore, consideration of what emission controls are appropriate is part of the planning process undertaken by local districts pursuant to the California Clean Air Act (see Health and Safety Code sections 40910 et seq.), and is also outside of the scope of this regulatory item.

11. Comment: The Mojave Desert Air Quality Management District (MDAQMD) submitted a number of comments in a document entitled Technical Staff Report in Response to the 1993 ARB Transport Assessment for the SCAB-SEDAB Transport Couple. The following MDAQMD comments primarily emphasize suggestions and recommendations regarding the Southeast Desert Air Basin's September 15, 1989, ozone violation day. The comments also emphasize South Coast Air Basin ozone and ozone precursor transport. The MDAQMD commented that the ARB should:

a. Consider and document geographical features of all associated areas and their orographic impacts.

b. Consider the previous 5 to 7 day period in all associated areas, using all necessary meteorological parameters, when analyzing ozone violations.

c. Reevaluate the case study day (September 15, 1989) using all available data and revised analyses.

d. Conduct further investigation, documentation, analyses, and research in light of additional surface data and data on both the vertical and horizontal components of the wind flow.

e. Construct a) a forward trajectory for the state boundary area between California, Nevada, and Arizona and b) a numerically devised trajectory based on a series of mathematical equations.

f. Adapt a model for the exceedance region in order to construct a trajectory for comparison with the previously devised trajectory.

g. Investigate, document, analyze, research, and evaluate a three dimensional analysis of the meteorology and of the pollutant stratification during the ozone episode.

h. Investigate, document, analyze, research, and determine the likelihood of stratospheric injection of ozone during the episode period.

i. Investigate, document, analyze, research, and systematically classify the types of weather systems which lead to ozone exceedances in the Southeast Desert Air Basin.

j. Document, investigate, and determine a) the amount of NO_x in the upper and lower atmosphere in the Southeast Desert Air Basin and all upwind areas and b) the amount of NO_x that is converted to PAN in the South Coast Air Basin and its relative presence in the Southeast Desert Air Basin.

k. Document, investigate, and accurately estimate the amount of biogenic and geogenic emissions in the Southeast Desert Air Basin.

l. Document, investigate, and assess the transport of South Coast Air Basin biogenic and geogenic emissions to the Southeast Desert Air Basin and evaluate the ozone formation potential.

m. Document, investigate, and evaluate to what degree the atmosphere over the rural portions of the Mojave desert is impacted by the ozone precursor emissions of very urbanized upwind locales (i.e. Southern California and Clark County, Nevada).

n. Document and investigate Nevada and Arizona emission inventory data - especially for the Las Vegas metropolitan and Needles areas.

o. Document, investigate, and compare the relative emission contribution potential from all areas. Then, evaluate the impact on the overall photochemistry in the atmosphere on a large scale.

p. Use a 5 to 7 day time interval for all transport evaluations in the Southeast Desert Air Basin for ozone formulation and transport analysis.

q. Obtain all available meteorological data for the region during the time interval under review.

Agency Response: The ARB staff's evaluation was far broader than indicated in the Mojave Air District Staff Report submitted by the commenter. The Board's staff evaluated many more days than just September 15, 1989. Also, all data known to the staff at the time of assessment were considered and all pertinent analyses were performed. Since the Board

hearing, staff has sought additional sources of air quality and meteorological data, however, there are no new data available for this review period. The Mojave Staff Report contained many good suggestions for future transport assessments - some of which are already being used.

With regard to the issue of transport from the South Coast Air Basin and other upwind areas (i.e., Nevada and Arizona), ARB staff has already clearly acknowledged the role of ozone and ozone precursor transport on ozone violations in the Southeast Desert. The staff's analysis of these issues is fully set forth in the Staff Report, and no additional analysis of the current data is necessary at this time.

The commenter's suggestions and recommendations regarding the need for additional upper air data are shared by the ARB staff. Research grants are currently being negotiated in that endeavor. Both ARB and district staff see the lack of upper-air data as a critical focus for future research. To the extent permitted by available resources, the ARB also intends to pursue appropriate future research in the other areas suggested by the commenter.

The ARB staff has created a transport committee, specifically to look further into the issue of transport of pollution into the Southeast Desert Air Basin. A goal of the committee is to share available information and data among the participants in an effort to reach a consensus on the methods and data used to assess transport into the air basin. Another goal is to coordinate studies to collect data aloft in order to resolve uncertainties.

The ARB staff will continue to use all available air quality, emission, and meteorological data in transport assessment evaluations. Normal practice has been to use data extending 48 hours before the violation. Occasionally this time frame has been extended to 72 hours. A 5- to 7-day period has not been documented as advantageous.

C. North Central Coast Air Basin Assessment

12. Comment: The ARB should recalculate the Monterey district ozone design value, which should:

- a. be based on readings [other than Pinnacles] from another district monitoring station not significantly affected by transport pollution,
- b. be representative of air quality in the district,
- c. meet all EPA siting criteria, and
- d. as a matter of policy, be based on data from district-operated monitors. (MBCAC)

Agency Response: The issue of calculating the ozone design value is beyond the scope of this regulatory action relating to transport identification and mitigation. Nonetheless, the ARB is also concerned that appropriate data be used to guide all local air quality control programs. The ozone design day (May 7, 1990) value of 11 pphm at Pinnacles was based on preliminary data analysis conducted by ARB staff in 1992. Over the past twelve months, considerable staff time was devoted to analyzing the data from the Monterey Bay district area. The final transport analysis for May 7, 1990, is inconclusive. The staff also analyzed all 1990-1992 ozone

exceedance days. All 11 pphm readings at Pinnacles were deemed either overwhelmed or inconclusive. In addition, after review of the 1993 data, it has been determined that the ozone design value for North Central Coast Air Basin is 10 pphm.

13. Comment: There is no basis in using the two "inconclusive" days to justify a Pinnacles-based ozone design value." (MBCAC)

Agency Response: See the response to the previous comment

14. Comment: Even if the inconclusive days are shared between the San Francisco Bay Area Air Basin (SFBAAB) and the North Central Coast Air Basin (NCCAB), the relative contribution of the NCCAB APCD is minimal. (MBCAC)

Agency Response: The relative contribution of emissions from the NCCAB is smaller than the contribution from the SFBAAB. However, in making a transport impact designation, the ARB staff looked both at emission differences in the upwind and downwind air basin and the back trajectory path from the exceedance location. Shared transport impact occurred when the back trajectory originated in the San Francisco air basin and the trajectory passed over or near a large urban area in the Monterey district. This was the case for those exceedance days in the NCCAB which were assessed as "significant." Currently, analytical tools are not available to quantify the contributions of upwind and downwind emissions on ozone concentrations in the downwind area.

15. Comment: Using Pinnacles data for NCCAB regulatory purposes is inconsistent with the Monterey Bay Unified Air Pollution Control District's Air Quality Management Plan. (MBCAC)

Agency Response: It is correct that the Monterey District's 1991 Air Quality Management Plan did not consider the Pinnacles data. However, the ARB sent a November 15, 1991 letter to the District which commented on the plan, pointed out that this data should be considered, and suggested that the Pinnacles data be incorporated into the 1994 plan, which the district has agreed to do. Since at least late 1991, it has been both the ARB's and the District's intent to include Pinnacles data for planning and regulatory purposes.

16. Comment: The ozone design value calculation for the North Central Coast Air Basin should not be based on exceedance readings from the Pinnacles. Of the 22 ozone standard exceedances, 20 were either rated as overwhelming or significantly caused by transport. Two others were rated as inconclusive, which means no exceedances were caused by local emissions alone. The ARB's Staff Report recommends that the transport from the SFBAAB to the NCCAB be classified as overwhelming on some days and significant on others. Given that there are no inconsequential days, there is no support to base an ozone design value on data from Pinnacles. (MBCAC)

Agency Response: "Inconclusive" days were assigned by the ARB staff when there was insufficient data to make a determination between transport and local impact. However, 3 of the 22 days were assessed as significant. This means that 3 of the 22 days had enough local pollutant

contribution to require the District's attainment plan to address the impacts of local emissions.

17. Comment: It seems almost magical that ozone violations can occur at Pinnacles, such as on May 7, 1990, when there are no violations at other District stations. (MBCAC)

Agency Response: The ARB staff agrees that transport analysis for May 7, 1990 was inconclusive. Pinnacles was the only station to exceed the ozone standard in northern and central California on May 7, 1990. Consequently, the emission source(s) contributing to the Pinnacles exceedance could not be determined strictly on spatial distribution. More data are needed to identify the air pollutant source which resulted in the Pinnacles exceedance on May 7, 1990.

18. Comment: The Pinnacles station monitoring quality assurance is questionable because it is operated by the National Park Service rather than by the district. (MBCAC)

Agency Response: The ARB considers data valid if the monitoring equipment is periodically calibrated and audited in accordance with established state or federal procedures. The ARB staff reviewed the quality assurance audit history for Pinnacles and determined the Pinnacles data since June 1987 to be valid.

19. Comment: Although in the Staff Report the ARB is meeting its basic responsibility as set forth in Health and Safety Code section 39610, we are concerned that the following recorded NCCAB ozone violations were apparently not analyzed:

<u>AM STATION</u>	<u>DATE</u>	<u>PEAK CONC(pphm)</u>
Pinnacles	7-27-92	10
Pinnacles	7-28-92	11
Pinnacles	8-01-92	10
Pinnacles	8-11-92	10
Pinnacles	8-13-92	10
Pinnacles	8-19-92	10
Pinnacles	10-11-92	10
Hollister	10-11-92	10

(MBUAPCD)

Agency Response: Analyzing this data is a very resource-intensive process, and ARB staff did not have sufficient time to fully examine all of the 1992 Pinnacles data prior to the publication of the Staff Report. While it is always possible to wait longer and have more data available, it was necessary for the ARB to complete the transport analysis within the three-year period mandated by Health and Safety Code section 39610(b) (i.e., by August 1993). Data analysis continues on an ongoing basis, and the results will be made publicly available as the analysis is completed by ARB staff.

D. San Joaquin Valley Air Basin Assessment

20. Comment: The Board should include Stockton and Modesto as part of the area that is impacted by overwhelming transport from the Bay Area. (SJVUAPCD)

Agency Response: The ARB staff agrees there is considerable transport impact from the San Francisco Bay Area to the San Joaquin Valley, but staff also believes Stockton and Modesto have sufficient emissions to cause shared or "significant" ozone exceedances in those areas.

The staff makes the "overwhelming" recommendation only when the downwind district does not make a significant contribution to the ozone exceedance. This was not the case for the following reasons. By the time an air parcel has traveled as far east as Stockton and Modesto, a considerable amount of dispersion has taken place and the air parcel has picked up emissions from the downwind area - especially as it nears those two urban areas. There is probably substantial impact from the Bay Area, but there are also enough contributing emissions from the San Joaquin Valley to render the responsibility shared.

21. Comment: The Board should rescind its March 11, 1993, decision wherein the Bay Area (classified as serious) has a 15 ton per year new source threshold and the San Joaquin Valley (classified as severe) has a 10 ton per year new source threshold. (SJVUAPCD)

Agency Response: The issue identified by the commenter was discussed at great length at the Board's March 11, 1993 hearing, and the Board reached a decision after full consideration of the commenter's arguments. It is outside the scope of the current rulemaking action to revisit the Board's March 11, 1993 decision. The current rulemaking action is designed to address the geographical applicability of the mitigation regulation based on transport data, not the content of the mitigation requirements. (Further discussion of the scope of this rulemaking action can be found in Chapter I of the Staff Report and in the responses to previous comments.) To address the commenter's concerns, however, additional research on transport from the San Francisco Bay Area is being conducted by the ARB. If the results of this research demonstrate that it is appropriate to modify the content of the mitigation requirements in some way, a regulatory action will be proposed in the future to make such modifications.

E. Other Air Basin Assessments

22. Comment: For the San Francisco Bay Area Air Basin, we request that section 70600(b)(1), Title 17, CCR, should be modified to change the January 1, 1994 date to June 1, 1994. (BAAQMD)

Agency Response: As explained in the response to the previous comment, the proposed date change is outside the scope of this regulatory action because the change concerns the content of the mitigation requirements, not their applicability.

23. Comment: We do not believe that the Bay Area is an "overwhelming" contributor to exceedances of the state ambient ozone standard at the Vacaville and Crows Landing sites on the days designated by ARB staff. Monitoring sites at Vacaville and Crows Landing should be reestablished and continued in operation so data will show when those sites are no longer impacted by overwhelming transport from the San Francisco Bay Area. (BAAQMD)

Agency Response: As explained in detail in the Staff Report, we believe that the data supports the conclusions reached by ARB staff regarding transport impacts at these two sites. In addition, ARB staff is working with both affected downwind districts to reestablish monitors at Vacaville and Crows Landing at same or similar sites. Monitors are expected to be situated for the 1994 ozone season.

24. Comment: The Board should continue looking at transport into the Tahoe Basin - emphasis should be on ozone impacts on vegetation. (USFS)

Agency Response: Since the Lake Tahoe Air Basin is in attainment of the state ambient air quality standard for ozone, there is no need, within the scope of a triennial update, to study further the transport of pollutants into the Lake Tahoe Air Basin. However, other research is currently being conducted on ozone impacts to vegetation in the Sierra Nevada. In addition, mitigation requirements applicable to districts upwind of the Mountain Counties Air Basin will likely benefit the Lake Tahoe Air Basin.

25. Comment: The Board should continue research into the transport of pollutants to the Lake Tahoe Basin. California has a commitment through its participation in the bi-state Tahoe Regional Planning Compact to attainment of the Lake Tahoe Regional Planning Agency (TRPA) standards, and the Lake Tahoe basin is not in attainment for the more stringent TRPA standards even though the basin is in attainment for the ARB air quality standards. (LSLT)

Agency Response: The purpose of this regulatory item is to satisfy the legislative mandate of Health and Safety Code section 39610, which directs the ARB to assess the impacts of transported pollutants that cause or contribute to a violation of the state ambient air quality standard for ozone. Since the Lake Tahoe Basin is currently in attainment for the state ozone standard, it is not appropriate to conduct research on transport into the Lake Tahoe basin as part of the ARB's triennial transport assessment. The ARB also has no statutory obligation to attain the TRPA ozone standards. However, to the extent permitted by available resources the ARB staff will continue to monitor the air quality situation in the Lake Tahoe Basin and work with TRPA and LSLT to identify areas that need further research.

26. Comment: The Board should remove the remainder of the South Sutter County area from the Broader Sacramento Area and place it in the Upper Sacramento Valley for planning purposes. The Board should also request EPA to modify its designation which placed South Sutter County in

the Sacramento Metropolitan Area and change the area designation back to the Yuba City Metropolitan Statistical Area. (FRAQMD)

Agency Response: At its May 28, 1992 hearing the Board thoroughly considered the requests made by the commenter but decided against removing the South Sutter area from the Broader Sacramento Area. Reconsideration of this planning and designation issue is outside the scope of this regulatory item (see response to comments #8 and 9).

27. Comment: The San Joaquin Valley and the Bay Area should be found equally responsible as significant transport contributors to the Mountain Counties Air Basin (MCAB). (SJVUAPCD)

Agency Response: The staff found that the ozone concentrations measured in the southern portion of the MCAB to be the result of overwhelming transport. In evaluating the upwind contributions, the staff found that ozone concentrations on some days were overwhelmingly impacted by precursor emissions or ozone transported from the San Joaquin Valley Air Basin (SJVAB). Due to meteorological patterns there was no evidence of contribution from the SFBAAB on these days.

On other days there were transport contributions from both the SJVAB and the SFBAAB. It is not currently possible to assign "equal responsibility" to San Joaquin Valley Air Basin and San Francisco Bay Air Basin based on the available data. However, when the results of the San Joaquin Valley Air Quality Study (SJVAQS/AUSPEX) model are available, the staff will try to determine the relative contributions from each air basin.

28. Comment: The Board should take no action regarding a San Joaquin Valley/San Luis Obispo County transport couple until sufficient quantitative data are available to reach an informed determination about transport in both directions. (SJVUAPCD)

Agency Response: Using the extensive data collected during the SJVAQS/AUSPEX field study, the staff was able to identify a significant transport contribution from San Joaquin Valley sources to ozone exceedances in San Luis Obispo County on August 6, 1990. The staff was not able to identify other than "inconsequential" impacts in the opposite direction. All transport findings to date have been based on qualitative assessments of the available data. There is nothing unique about the San Joaquin Valley/San Luis Obispo transport couple which warrants a delay in action.