

MEETING

CALIFORNIA AIR RESOURCES BOARD

CALIFORNIA AIR RESOURCES BOARD

HEARING ROOM

2020 L STREET

SACRAMENTO, CALIFORNIA

THURSDAY, AUGUST 12, 1993

9:35 A.M.

Nadine J. Parks  
Shorthand Reporter

MEMBERS PRESENT

Jananne Sharpless, Chairwoman  
Brian Bilbray  
Eugene A. Boston, M.D.  
M. Patricia Hilligoss  
Betty Ichikawa  
John S. Lagarias  
Barbara Riordan  
Harriet Wieder  
Andrew Wortman, Ph.D.

STAFF:

James D. Boyd, Executive Officer  
Tom Cackette, Chief Deputy Executive Officer  
Mike Scheible, Deputy Executive Officer  
Catherine Witherspoon, Assistant Executive Officer  
Michael Kenny, Chief Counsel

Bob Cross, Assistant Chief, Mobile Source Division  
Susan Huscroft, Chief, On-Road Controls Branch, MSD  
Catherine Lentz, Manager, Planning Section, MSD  
Tom Evashenk, Staff, MSD  
Bill Lovelace, Staff, MSD  
Tom Jennings, Staff Counsel

Gary Agid, Assistant Chief, Technical Support Division  
Don McNerny, Chief, Modeling & Meteorology Branch, TSD  
Rich Bradley, Chief, Air Quality Data Branch, TSD  
Debbie Popejoy, Manager, Air Quality Analysis Section, TSD  
Arndt Lorenzen, Chief Meteorologist, TSD  
Bill Wilson, Staff, TSD  
Bob Jenne, Staff Counsel

Dr. John Holmes, Chief, Research Division  
Bob Barham, Assistant Chief, RD  
Manjit Ahuja, Manager, Acid Deposition & Aerosol Research  
Section, RD  
Dr. Stephen Brown, Staff, RD  
Diane Glazer, Staff Counsel

Patricia Hutchens, Board Secretary  
Bill Valdez

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## AFTERNOON SESSION

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CHAIRWOMAN SHARPLESS: Okay. We will reconvene. And, again, I'd like to remind those of you in the audience who are here to testify on one of the items this afternoon, to please do so, if you haven't already done so, by signing up with the Board Secretary, so we'll know who and how many there are of you.

The next item on the agenda is the consideration of the Triennial Report of Assessments and Mitigation of the Impacts of Transported Pollutants on Ozone Concentrations in California, and to consider amendments to the transport identification and mitigation regulations.

This item for the Board's consideration is the staff's updated assessment of the impacts of transported pollutants on ozone concentrations in California.

The California Clean Air Act of 1988 requires that every three years the Board reassess the contributions of upwind emissions on downwind violations of the State ozone standard.

This information on transport is the basis for the transport mitigation requirements that the Act requires the Board to adopt. So, Mr. Boyd, would you like to introduce the item?

MR. BOYD: Thank you, Madam Chairwoman. Well, as

1 the Chairwoman indicated, the California Clean Air Act  
2 indeed requires your Board to update the assessment of the  
3 transport impact at least every three years. This is the  
4 first triennial.

5 Your staff has completed this first major  
6 reassessment since the law took effect. The first initial  
7 one was made in 1990.

8 The updated report proposes identification of six  
9 new transport couples as well as updating the analysis of  
10 seven previously identified transport couples. Our  
11 assessment now shows overwhelming transport impacts in six  
12 downwind areas where it was not previously identified.  
13 Therefore, we're proposing that the Board require that the  
14 upwind contributors of this areas include in their control  
15 plan measures to mitigate the transport impact in these  
16 particular areas.

17 We have a fairly comprehensive staff presentation.  
18 So, I'd like to now just turn to the presentation, and I'll  
19 turn the microphone over to Mr. Bill Wilson of our  
20 Meteorology Section of the Technical Support Division to  
21 give you the detailed explanations.

22 Mr. Wilson.

23 MR. WILSON: Thank you, Mr. Boyd. Good afternoon,  
24 Madam Chairwoman and Board members.

25 Today, we will be providing you with the first

1 triennial update of the assessment and mitigation of the  
2 impacts of transported pollutants on ozone concentrations in  
3 California.

4 My presentation will include a brief background on  
5 the California Clean Air Act requirements for this triennial  
6 update and will review the steps you took three years ago.

7 I will discuss the proposed regulatory changes,  
8 including the addition of six new transport couples to the  
9 identification regulation and the assessment of existing  
10 mitigation requirements to cover additional areas.

11 Various transport assessment study methods will be  
12 explained and the application of those methods to transport  
13 couple identifications will be outlined.

14 The staff recommendations will be presented,  
15 followed by a discussion of public comments received.  
16 Before I go into more detail, I think it is important for  
17 the Board to note that the staff is not proposing to add new  
18 requirements to the mitigation regulation. We are only  
19 proposing to extend existing mitigation requirements to  
20 cover additional areas.

21 The movement or transport of pollutants from an  
22 upwind area frequently causes or contributes to violations  
23 of the State ambient air quality standard for ozone in a  
24 downwind area. In some instances, this transport is nearly  
25 the sole cause of such violations.

1           The California Clean Air Act of 1988 requires the  
2 Air Resources Board to assess the relative contributions of  
3 upwind emissions to downwind State ozone standard  
4 violations. The Act also requires the Board to update this  
5 assessment at least every three years.

6           The staff will also return to the Board sooner  
7 than three years if information becomes available. The  
8 first assessment was considered by the Board in August,  
9 1990. Today's hearing is the first triennial update of the  
10 1990 assessment.

11           The California Clean Air Act also requires the  
12 Board to establish mitigation requirements for upwind  
13 districts commensurate with the degree of contribution to  
14 downwind State ozone standard violations.

15           Due to data limitations and the State of numerical  
16 model development, quantification of transport contribution  
17 by upwind and downwind areas is not currently feasible; so,  
18 the staff has grouped transport impacts into three broad  
19 qualitative categories -- overwhelming, significant, and  
20 inconsequential.

21           Overwhelming transport means that transport of  
22 ozone or ozone precursor emissions from an upwind area  
23 almost entirely causes the standard violations in the  
24 downwind area.

25           Significant transport means that both the upwind

1 and downwind areas contribute to the standard violations;  
2 whereas, inconsequential transport means that only downwind  
3 or local emissions cause the violations.

4 In March, 1993, the Board amended the mitigation  
5 requirements which were originally adopted in August, 1990.  
6 There are now only two parts to the mitigation requirements  
7 for upwind areas: First, commit to adopt best available  
8 retrofit control technology for permitted stationary sources  
9 of reactive organic gases and oxides of nitrogen emissions;  
10 and, second, where overwhelming transport exists, include  
11 sufficient measures in the air quality plans to ensure  
12 expeditious attainment of the ozone standard in the downwind  
13 areas.

14 State law explicitly requires the ARB to assess  
15 the contribution of upwind emissions to downwind ozone  
16 concentrations based on the preponderance of evidence, and  
17 to establish transport mitigation requirements that area  
18 commensurate with these contributions.

19 We have been asked by commenters to wait until  
20 various modeling studies are completed. However, we believe  
21 that the mandate in State law precludes consideration of  
22 this "no action" alternative.

23 We will, of course, reevaluate our assessment as  
24 each model's results become available.

25 It is important to note that your action today

1 will amend current mitigation regulations that apply to some  
2 districts, but will not change mitigation requirements of  
3 the law.

4 Areas in which the regulations are amended can be  
5 grouped into two categories: new transport couple  
6 identifications and new areas with mitigation  
7 responsibilities based on assessment findings.

8 Before I go into the proposed regulatory changes,  
9 let me briefly explain the methods used in the assessments.  
10 Four basic methods are recognized for study of transported  
11 pollutants. Photochemical grid models use mathematics to  
12 simulate the physical and chemical mechanisms that produce  
13 ozone in the atmosphere.

14 Meteorological and air quality data, such as wind  
15 speed, wind direction, turbulence, temperature, and ambient  
16 pollutant concentrations, must be put into this model. The  
17 model then calculates the hourly contributions of precursors  
18 of ozone, taking into account emissions, the movement of  
19 pollutants, the chemistry that occurs among chemical  
20 species, and the meteorological variables, such as  
21 temperature, that influence chemical reaction rates.

22 Several models are being currently developed;  
23 however, results from these models were not available for  
24 this transport review.

25 The second and third methods include

1 meteorological and air quality analyses, and were extensive.  
2 Every violation day in every downwind area was evaluated.  
3 meteorological analyses included many or all of the  
4 following evaluations: wind data, both surface and aloft;  
5 air flow types, back trajectories, surface pressure gradient  
6 data, daily maximum temperatures, and temperature  
7 inversions.

8           The air quality data analyses included geographic  
9 extent of ozone violations, evaluation of the diurnal  
10 patterns of the violations, time series analysis, and the  
11 evaluation of precursor emission sources, both the location  
12 and magnitude.

13           The meteorological analyses and the air quality  
14 analyses were then integrated to give as complete a picture  
15 as possible.

16           And in each case, a literature review was  
17 conducted to ensure that all available information was  
18 included in this review.

19           Now, transport assessment.

20           Let me describe the staff's assessment  
21 conclusions. The staff is proposing that the Board identify  
22 six new couples, and the staff has completed evaluations of  
23 the transport impacts of these couples.

24           Also, the staff reevaluated transport impacts in  
25 seven previously identified couples. These couples were

1 reevaluated because there were new data available from  
2 studies, new monitor sites were established, or boundary  
3 changes had been made, such as between the broader  
4 Sacramento area and the upper Sacramento Valley.

5 From the reevaluation, the staff recommends  
6 changes to the mitigation regulation for two couples: the  
7 San Francisco Bay Area to the San Joaquin Valley and the San  
8 Francisco Bay Area to the broader Sacramento area.

9 The reevaluation also resulted in a proposed  
10 change to the severity of transport for one other couple.

11 This slide shows the current list of transport  
12 couples as found in Section 70500 of the California Code of  
13 Regulations. They are, starting from the top left, the San  
14 Francisco Bay Area to the North Central Coast, to the San  
15 Joaquin Valley, and to the broader Sacramento area.

16 The South Coast to San Diego, Southeast Desert,  
17 and to the South Central Coast, and from the South Central  
18 Coast back to the South Coast.

19 On top right, the San Joaquin Valley to the  
20 Southeast Desert and the broader Sacramento area, the  
21 broader Sacramento area back to the San Joaquin Valley and  
22 to the San Francisco Bay Area, and to the upper Sacramento  
23 Valley.

24 A previously "unidentified" to the Great Basin  
25 Valleys and, lastly, the California Coastal Waters to the

1 South Central Coast.

2 I will present the assessment update on these  
3 existing couples after I explain the new couples.

4 The next three slides present the results of the  
5 review as shown in Table II.2 on page II.5 of the report, or  
6 page 71 of the Board book.

7 In these slides, the "O" represents "overwhelming"  
8 transport, "S" means "significant," and "I" means  
9 "inconsequential."

10 Couples numbered 1 through 6 on this slide and the  
11 next are the proposed new couples.

12 Number 1, for the broader Sacramento area to the  
13 Mountain Counties, we looked at the impact of the broader  
14 Sacramento area pollutants on monitors located in Placer and  
15 Nevada Counties. The staff concluded that all violations in  
16 the downwind area were caused by overwhelming transport from  
17 the broader Sacramento area.

18 Number 2 and 3, for the San Joaquin Valley to  
19 Mountain Counties, we looked at the impact of pollutants  
20 from the San Joaquin Valley on monitors located in Amador,  
21 Calaveras, and Tuolumne Counties.

22 For the San Francisco Bay Area to Mountain  
23 Counties, we looked at the impact on just the monitors  
24 located in Amador and Calaveras Counties.

25 The staff also used data collected during the San

1 Joaquin Valley air quality study. The staff concluded that  
2 all the violations in the downwind areas were caused by  
3 overwhelming transport from the San Joaquin Valley with  
4 significant contributions from the San Francisco Bay Area.

5 When the San Joaquin Valley air quality model is  
6 available, the staff will evaluate the quantitative  
7 contributions of the two upwind basins on the Mountain  
8 Counties.

9 Last December, the Board designated the Mountain  
10 Counties as nonattainment. The California Clean Air Act  
11 requires nonattainment areas to develop plans and adopt  
12 regulations to reach attainment. However, a finding by the  
13 Board of overwhelming transport to the Mountain Counties  
14 would relieve the Mountain Counties districts of the  
15 planning requirements.

16 Changes to the mitigation would place  
17 responsibility for attainment on the broader Sacramento area  
18 and the San Joaquin Valley.

19 Number 4, for Mexico to the Southeast Desert, we  
20 looked at the impact of pollutants from Mexicali on monitors  
21 located at Calexico and El Centro. The staff concluded that  
22 the transport from Mexico is overwhelming on some days and  
23 significant on others.

24 Number 5, for Mexico to San Diego, we looked at  
25 the impact of pollutants from Tijuana on monitors located in

1 the southern end of San Diego County.

2 Staff concluded that the transport from Mexico is  
3 overwhelming on some days, significant on some days, and  
4 inconsequential on other days.

5 Number 6, for the San Joaquin Valley to the South  
6 Central Coast, we also used data collected during the San  
7 Joaquin Valley air quality study. The assessment was  
8 focused on the impacts on monitors in San Luis Obispo  
9 County. The staff concluded that transport from the San  
10 Joaquin Valley is significant on some days and  
11 inconsequential on others.

12 In addition, prior to the 1990 assessment, the  
13 Great Basin Valleys Air Basin was identified as a downwind  
14 receptor of overwhelming transport by the upwind  
15 contributor, but the upwind contributor was undetermined.

16 In the 1990 assessment, the mitigation regulation  
17 was amended to assign the responsibility for attainment in  
18 the Great Basin Valleys Air Basin to the San Joaquin Valley.  
19 However, the transport identification regulation was not  
20 amended to identify the San Joaquin Valley to Great Basin  
21 Valleys' couple. The staff is proposing to amend the  
22 transport identification regulation to be consistent with  
23 the mitigation regulation by identifying the San Joaquin  
24 Valley as the upwind contributor to the Great Basin Valleys  
25 Air Basin.

1           The staff recommends changes to the mitigation  
2 regulation with new responsibility to mitigate overwhelming  
3 impacts for Couples 7 and 8 -- the San Francisco Bay Area to  
4 the broader Sacramento area, and to the San Francisco Bay  
5 Area -- and the San Francisco Bay Area to the San Joaquin  
6 Valley.

7           In the previous assessment, the Board found that  
8 transport from the San Francisco Bay Area to the broader  
9 Sacramento area and to the San Joaquin Valley to be  
10 significant on some days and inconsequential on others.

11           This recent assessment focused on the impact of  
12 transported pollutants on monitors located just downwind of  
13 the San Francisco Bay Area.

14           For the broader Sacramento area, we looked at the  
15 impact on Vacaville. For the San Joaquin Valley, we looked  
16 at the impact on Crow's Landing.

17           The staff concluded that the transport from the  
18 San Francisco Bay Area is overwhelming at these two sites.  
19 the staff recommends that the mitigation regulation be  
20 amended so that mitigation responsibilities are assigned to  
21 the Bay Area District for the limited portions of the  
22 downwind air basins in the vicinity of the Vacaville and  
23 Crow's Landing monitors.

24           Couples 9 and 10 have new responsibilities within  
25 the planning process, but without changes to the mitigation

1 regulation.

2 In the 1990 assessment, the Board found that  
3 transport from the South Coast Air Basin to the Southeast  
4 Desert Air Basin was overwhelming on some days and  
5 inconsequential on others.

6 The previous assessment did not include an  
7 analysis of transport impacts on violations in the Imperial  
8 County portion of the Southeast Desert. In this recent  
9 assessment, the staff concluded that transport of pollutants  
10 from the South Coast is overwhelming on some days and  
11 significant on others in Imperial County.

12 Since the previous assessment found overwhelming  
13 transport from the South Coast to the Southeast Desert, this  
14 new conclusion does not require amending the mitigation  
15 regulation.

16 In May, 1992, the Board changed the boundary which  
17 separates the broader Sacramento area and the upper  
18 Sacramento Valley. Yuba County was previously part of the  
19 broader Sacramento area, but is now part of the upper  
20 Sacramento Valley.

21 In this recent assessment, we looked at the  
22 impacts of pollutants from the broader Sacramento area on  
23 violations at the monitor site in Yuba City. The staff  
24 concluded that this transport is overwhelming on some days.  
25 Since the previous assessment also found overwhelming

1 transport from the broader Sacramento area, the staff  
2 conclusions do not require changes to the mitigation  
3 regulation.

4 We do not recommend changes to the  
5 responsibilities of Couples 11 through 20, which -- as shown  
6 in our shorthand here -- are the San Francisco Bay Area to  
7 the North Central Coast, San Joaquin Valley to the Southeast  
8 Desert, South Coast to San Diego and to the South Central  
9 Coast, South Central Coast back to South Coast -- and to the  
10 top right -- San Joaquin Valley to the broader Sacramento  
11 area and to Great Basin Valleys, broader Sacramento to the  
12 San Joaquin Valley and to the San Francisco Bay Area, and  
13 the California Coastal Waters to the South Central Coast.

14 These couples are from the previous assessment,  
15 and the mitigation responsibilities do not change with this  
16 update.

17 In 1990, the staff committed to evaluate transport  
18 to the Lake Tahoe Air Basin. However, last year, the Lake  
19 Tahoe Air Basin was designated attainment for ozone and,  
20 therefore, an assessment of transport is no longer needed.

21 Not all the questions about transport of air  
22 pollutants and precursors have been answered with this  
23 update of the 1990 transport assessment.

24 Through the process of putting this update  
25 together, the staff has identified areas that need further

1 research. This includes data collection to understand and  
2 assess transport aloft, assessment of potential new couples,  
3 photochemical modeling to quantify upwind contributions,  
4 data collection along transport routes, and analyses of  
5 existing data from field studies.

6 It is likely that transport aloft may dominate the  
7 overall transport of ozone and precursors throughout  
8 California.

9 Instrumented aircraft or monitors placed on  
10 towers, or in high terrain, and in transport corridors may  
11 offer a way to measure pollutants transported aloft. Remote  
12 sensing with wind, temperature, and ozone vertical profilers  
13 offers new and exciting advantages over currently used  
14 methods.

15 This coming year, the staff will be evaluating  
16 contract work in this area. And, assuredly, photochemical  
17 grid models will be used for transport assessment as soon as  
18 they become available.

19 The staff has identified locations for air quality  
20 monitors to help characterize transport for future  
21 assessments. Two monitor locations, in particular, are  
22 Vacaville and Crow's Landing.

23 The monitors at these two sites are no longer  
24 operating, but air quality data in these areas are important  
25 if the San Francisco Bay Area is to demonstrate attainment

1 in these downwind areas.

2 Staff is working with the districts and with the  
3 Monitoring and Laboratory Division to site new monitors at  
4 these critical locations.

5 The staff recommends that the Board amend the  
6 transport identification regulation to include the six new  
7 transport couples and to include the San Joaquin Valley to  
8 Great Basins Valleys as a transport couple.

9 The staff also recommends that the Board amend the  
10 mitigation regulation to assign mitigation responsibilities  
11 to the upwind areas based on new findings of overwhelming  
12 transport to downwind receptors.

13 Specifically, the added mitigation responsibility  
14 would affect the broader Sacramento area and the San Joaquin  
15 Valley Air Basin, each for overwhelming impact on the  
16 Mountain Counties Air Basin.

17 Additionally, the staff recommends adding an  
18 overwhelming classification to previous transport impact  
19 findings for the San Francisco Bay Area's impact on portions  
20 of both the San Joaquin Valley and the broader Sacramento  
21 area.

22 The San Francisco Bay Area is only responsible for  
23 the receptor areas closest to the basin boundary lines.  
24 Again, those are, respectively, the area near Crow's Landing  
25 and the area near Vacaville.

1           The staff also asks the Board to endorse the  
2 staff's direction for further research, so that transport  
3 might better understood.

4           Staff recommends the Board approve the proposed  
5 text of regulation identifying areas which are impacted by  
6 transported air pollutants and the proposed text of  
7 regulation for mitigating the upwind emissions on downwind  
8 ozone concentrations, as shown in Appendix C on page 95 and  
9 Appendix D on page 97 of your Board book, with one minor  
10 change.

11           In response to comments from the San Francisco Bay  
12 Area Air Quality Management District, the staff recommends  
13 that Section 70600(b)(2) of the mitigation regulation be  
14 changed to more clearly define the downwind area in the  
15 broader Sacramento area that is impacted by overwhelming  
16 transport from the San Francisco Bay (sic).

17           It currently reads:

18           "San Francisco Bay Area Air Basin shall:  
19           . . .include measures sufficient to attain  
20           the State ambient air quality standard for  
21           ozone. . .within. . .that portion of the broader  
22           Sacramento area west of the Yolo-Sacramento County  
23           border. . ."

24           The staff recommends it to read:

25           "The San Francisco Bay Area Air Basin shall:

1 . . .include measures sufficient to attain the  
2 ambient air quality standard (sic) for ozone. . .  
3 within. . .the portion of Solano County in the  
4 broader Sacramento area."

5 This concludes my presentation. However, we have received  
6 some written comments on our proposal.

7 Debora Popejoy, Manager of the Air Quality  
8 Analysis Section, will summarize these comments and give the  
9 staff's response.

10 MS. POPEJOY: Thank you, Bill.

11 We have received several letters, of which only  
12 two of them are not here today to testify. So, I'll just  
13 briefly tell you what those two letters are about and our  
14 responses on that.

15 We received one letter from the Monterey Bay  
16 Unified APCD. They asked that all the data be looked at  
17 with respect to transport and to characterize it.

18 In the staff report, we only looked through -- we  
19 looked at '90, '91, and part of '92, and that's all we had  
20 time to do before we sent out the staff report. Since that  
21 time, we've looked at all the violations that occurred  
22 within the Basin for '90, '91, and '92. We will continue to  
23 look at that district as violations occur. But we have told  
24 the district that we have looked at it. We have a technical  
25 report that should be out sometime by the end of this year

1 that will give a detailed analysis and trajectories of all  
2 of the violation days in Monterey Bay.

3 The second letter that I want to talk about is  
4 from the League to Save Lake Tahoe. In our staff report, we  
5 had recommended that no further transport research be needed  
6 for Tahoe, since they're attainment.

7 This organization is concerned because the Tahoe  
8 Regional Planning Agency has adopted their own standard, and  
9 it is lower than the State standard. And they believe  
10 transport research should continue, because they are not  
11 meeting that standard.

12 With respect to this legislation, the regulations  
13 on transport for the State, we feel that Tahoe longer  
14 qualifies as a couple to be looked at under this -- this  
15 legislation. We will continue to look at Tahoe under -- for  
16 other reasons, and we will try and work with that -- that  
17 organization to identify areas that need research.

18 CHAIRWOMAN SHARPLESS: Okay. Thank you. Are  
19 there any questions at this point of the Board members?

20 We have a fairly lengthy witness list, and  
21 perhaps, if there are questions, we can fold them into the  
22 dialogue as we go through the issues that these witnesses  
23 may be bringing up.

24 I would like to remind the witnesses, since we  
25 have 14 of them, that the Board does have a policy of a

1 10-minute limitation on your testimony. If, in fact,  
2 however, you are duplicating testimony of another witness,  
3 it would be much appreciated if you just so indicated, and  
4 reserve the time for issues that are not covered.

5 I'd like to call forth the first witness, Mayor  
6 Mike Rothschild, who is the Chair of the Mojave Desert AQMD.

7 MAYOR ROTHSCHILD: Good afternoon, Chairwoman  
8 Sharpless and Board members. I'm Mike Rothschild. I'm the  
9 Chairman of the new Mojave Desert Air Quality Maintenance  
10 (sic) District. It was formerly the San Bernardino  
11 District. And our boundaries are essentially the high  
12 desert from east of the South Coast Air Basin out to the  
13 Arizona-Nevada border.

14 This afternoon, I'd like to just talk to you for a  
15 moment about two major concerns we have. Obviously, the  
16 transport issue is the fundamental issue. And we have a  
17 proposal that we would ask that you would look at seriously  
18 as we move down the time line on legislative proposals  
19 dealing with these issues.

20 Obviously, in the high desert, most people up  
21 there have an identification of transport issues, but they  
22 don't identify maybe with the language that you're using in  
23 this meeting today. But we certainly can see it in the  
24 mountains. I've lived up there 23 years, and I can tell you  
25 that each morning, as we get up, we see those mountains 15,

1 20 miles away -- excuse me -- and, then, as the day  
2 progresses, we -- they gradually disappear from the scene.  
3 And, obviously, the major part of our transport problem is  
4 coming up through the Cajon Pass and those areas.

5 We clearly recognize that even on the weekends we  
6 have a great deal of traffic coming through the high desert  
7 region there. And our studies have clearly indicated that  
8 our transport problems are not only the Los Angeles Basin,  
9 but quite possibly coming from other sources as well.

10 So, the major source of our air problem in the  
11 high desert is indeed transport, and that's what we're  
12 concerned about today, and our Board is becoming more and  
13 more educated as we move into that arena.

14 Today, I'd like to talk to you about concerns we  
15 have with the ARB triennial report. And, if you'll excuse  
16 me, I'd like to read these two pages, because they're an  
17 important statement from our Board.

18 Our staff has carefully reviewed the report on the  
19 assessment and mitigation of the impacts of transport  
20 pollutants on ozone as it relates to the pollutants  
21 transported into the Mojave Desert District. Many  
22 assumptions were made in the report to reach conclusions  
23 relative to locally generated days.

24 If similar assumptions are made, then equally  
25 valid conclusions can be reached that those days which have

1 been identified as inconsequential or locally generated are,  
2 in fact, days when pollutants could have come from other  
3 areas other than the Los Angeles Basin or North Barstow.

4           Indeed, Mr. Fryxell will touch on these points  
5 when he comes up and speaks to you next.

6           Last summer, the ARB collected data on the upper  
7 atmosphere and identified some inconsequential transport  
8 days, which go directly to the issues of locally generated  
9 days. The ARB and the district should work jointly to  
10 analyze the summer of 1992 data and reach consensus before  
11 this data is used as a basis for mitigation in the high  
12 desert.

13           Consequently, I'd urge you and your Board to --  
14 that the inconsequential findings be deleted until 1992  
15 summer study data has been analyzed (sic) and agreed upon  
16 jointly by the ARB and the district. And I also understand  
17 that, in early February, the ARB met in Indian Wells and  
18 agreed to direct ARB staff to work with our district and the  
19 South Coast Air Basin to develop a model and generate  
20 scientifically valid data relative to transport pollutants.

21           The lack of scientifically valid to conclude  
22 inconsequential or locally generated days goes to the core  
23 of our arguments and concerns. This concern was also  
24 expressed by some of your Board members last February. The  
25 absence of a sound model and data is very frustrating to us,

1 the industries up there, and our residents.

2           Until such data's adopted, I respectfully urge  
3 that you not allow the Mojave Desert to be penalized.

4           Essentially, what I'm pointing to here is that I'm  
5 hoping that further studies will indicate that we have no  
6 inconsequential days in the high desert; that, indeed, the  
7 data that Mr. Fryxell will identify a little bit later in  
8 his presentation indicates that we're overwhelmingly  
9 affected by the Los Angeles Basin and possibly other sources  
10 outside of our immediate region.

11           In conclusion, I ask for your support for two  
12 legislative or regulatory changes. One of the proposals  
13 seeks State authorization to allow air basin offsets. As  
14 you know, the Federal Government authorizes interbasin  
15 offsets, but State law does not. I am hoping that your  
16 Board will endorse this proposal, because it will produce  
17 net air quality gains for the State of California.

18           The second proposal is to seek a change in the  
19 Federal law so that transported pollutants are discounted in  
20 the Federal designation of an area as nonattainment.

21           As you know, State law authorizes the discount of  
22 transported pollutants in the designated process (sic), but  
23 Federal application does not. Again, I hope that your Board  
24 will support our efforts here, also, because our proposals  
25 are indeed fair.

1 Thank you for your time and consideration in this.

2 CHAIRWOMAN SHARPLESS: Thank you, Mayor. I'd like  
3 to ask staff, if I could, to once again speak to the issue  
4 of the inconsequential identification and what days -- what  
5 information you used to make that -- to make that  
6 recommendation.

7 It seems to be the principal issue, is it not,  
8 Mayor, that you're --

9 MAYOR ROTHSCHILD: Yes.

10 CHAIRWOMAN SHARPLESS: -- concerned about? As to  
11 models, the model issue is an issue that is an ongoing issue  
12 in every transport area --

13 MAYOR ROTHSCHILD: I understand.

14 CHAIRWOMAN SHARPLESS: -- of California, and we  
15 certainly are working toward developing models that will  
16 allow us more quantitative data.

17 But, at this point, we do not have that as a tool.  
18 And that's principally the reason why, instead of  
19 quantifying this, this becomes a qualitative identification.

20 Is staff prepared to --

21 MR. WILSON: Yes, Madam Chairwoman.

22 We have looked at everything that can happen, or  
23 we think can happen, in the desert. We've looked at all of  
24 the days, as I mentioned in the briefing, every exceedance  
25 day. And I'll qualify that to say 19 -- you know, 1989

1 through '92, the three years that we had considered in this  
2 report.

3 And we also looked at all the literature that's  
4 been published on this. And it all leads us to this same  
5 conclusion.

6 Now, then, we looked at the days -- and just for  
7 an example, there's not just one day. I have the 19th and  
8 the 29th of April in '89; the 20th of June, 8th of July, the  
9 17th of July, the 31st of July, 1st of August, the 25th of  
10 August, the 9th and the 15th of September; the 14th of  
11 August, the 26th of July in 1990.

12 All exceedance days in Imperial County were  
13 screened, and then we selected also from other studies. the  
14 STI report was briefed, and that was mentioned to the  
15 Southeast Desert by letter several years ago. And there are  
16 several days in there that are defined as possible local  
17 days.

18 And what we have done is taken a couple of  
19 examples of those, put in an extensive amount of work, and  
20 then come up with the conclusion that these were indeed  
21 local days at least back as far as 48 hours.

22 CHAIRWOMAN SHARPLESS: You mention methodologies  
23 in your original presentation. What types of methodologies  
24 did you use in analyzing these days?

25 MR. WILSON: The primary methodology in this one

1 was to construct local trajectories, backward trajectory  
2 from the exceedance point -- in these cases, Barstow, and  
3 backwards for 24 to 48 hours to see where the air would  
4 originate that would have caused the impact on Barstow.

5 That was one.

6 We also looked at the air quality analysis to see  
7 what the emissions were in the Southeast Desert versus out  
8 in the South Coast. We looked at what kind of readings were  
9 observed on those days. One of the significant points  
10 that's made for several of the days that I mentioned here is  
11 that on the days when Barstow experienced the exceedances,  
12 Lancaster and Victorville did not. So, the stations to the  
13 west on some of these days did not exceed; whereas, Barstow  
14 did.

15 So --

16 CHAIRWOMAN SHARPLESS: And the transport would be  
17 coming from the west?

18 MR. WILSON: Well, in this case, there was not  
19 transport from the west. It was obviously -- obvious that  
20 it didn't come from the west. And if you remember, down in  
21 Indian Wells, the case that we had shows transport coming  
22 from the east. And it originated somewhere in the eastern  
23 part of the desert or perhaps even as far as the Nevada area  
24 48 hours before it reached Barstow.

25 MAYOR ROTHSCHILD: If I might make a comment?

1 CHAIRWOMAN SHARPLESS: Yes, Mayor.

2 MAYOR ROTHSCHILD: With all due respect, I know  
3 this isn't an exact science, but our staff did an analysis,  
4 an in-depth analysis, of this particular day that you've  
5 used as a benchmark. And if you take the data in your  
6 report, and you use a lot of "might," and "could," and "may  
7 have" type of phraseology in there, which is certainly  
8 appropriate for the state of the art -- but if you look at  
9 the data, it moves 48 hours back to a point where there is  
10 no source of pollution.

11 If you look at the data that will be presented  
12 today, you'll find that there is certainly a strong argument  
13 that the source of the pollutant might well have been a  
14 place other than -- or you'd suggested in your report in  
15 your analysis, such as the power plants in Nevada.

16 But that, as it may be, the point is that the  
17 mitigations that are required for this type of a rating I  
18 don't think are appropriate when you start looking at how  
19 the data is founded. That's why the modeling is so  
20 important to us up there. We need that done, and we feel  
21 that that would be a reliable source of identification, and  
22 certainly the identification of one or two days with  
23 inconsequential might well be in error.

24 And hopefully, the data that we'll present today  
25 will substantiate that point of view.

1 CHAIRWOMAN SHARPLESS: Dr. Wortman.

2 DR. WORTMAN: How do you determine wind patterns?

3 MR. WILSON: Sir, I plot the winds that are  
4 observed at every station that's available in the desert  
5 area, the South Coast area, up in the southern portion of  
6 the San Joaquin Valley, down in the southern part of the  
7 Southeast Desert, and even some of the stations as far away  
8 as down into San Diego County. And then, I plot that with  
9 the pressure that's observed at those stations. I do a one  
10 millibar pressure and wind analysis very similar to the  
11 kinds of things that you see available on TV, or whatever,  
12 only it's in much greater detail.

13 But what I've done is I've combined for the  
14 factors of wind and pressure, so that in the very data  
15 sparse areas, we have a very reliable analysis for what the  
16 winds would be in the areas between stations.

17 And then, from these analyses that are done for  
18 every hour, then I take an average two hours, and I plot a  
19 backwards trajectory from each point. So, say, for  
20 instance, we started at Barstow, I would take the two hours  
21 closest to the exceedance point, average the wind direction  
22 and speed, back that up that distance on my map, determine  
23 what that location was, and then take that hour and the next  
24 previous hour and average for another two hours.

25 And we do away with most of the, you know, the

1 error in the things that way. It's not a model, a  
2 photochemical model, but it's a very good and very accepted  
3 way of doing this kind of thing. And it's been proven in  
4 the past by being followed up or reviewed in studies for the  
5 time period -- in fact, the specific days. And so, we have  
6 got a lot of previous studies that show that this method  
7 does work and is consistent with the more technical studies.

8 DR. WORTMAN: Do you use local air quality data?

9 MR. WILSON: Yes, local air quality data, and just  
10 about any data I can get my hands on.

11 DR. WORTMAN: How dense is your grid of the data  
12 points? What's the spacing of your -- approximately.

13 MR. WILSON: Oh, they vary greatly. When I look  
14 at the rest of the area that we deal with, you know, the  
15 Southeast Desert, we're talking about stations that are very  
16 close in the South Coast area. Then, when we get out into  
17 the desert, you know, you may find something like the  
18 distance between Victorville and over to Barstow or out to  
19 Hesperia, or over to -- up to the north up to Trona, or out  
20 to Lancaster. You know, Barstow is -- and that's one of the  
21 reasons I picked Barstow is because it's right in the  
22 center. There's a void around it. There are a lot of other  
23 stations. There are stations away from it, too.

24 But I wanted to get somewhere where I was as close  
25 to the center of that big area as I could, so it would be at

1 least affected.

2 DR. WORTMAN: Well, I think my opinion of models  
3 is well known. I think this is the way to do it. But it  
4 does sound like an enormous amount of work.

5 MR. WILSON: Yes, sir. We figure that to  
6 recapture one day takes perhaps three days of staff work,  
7 perhaps three weeks and, in some cases, it may go longer  
8 than that if something is quite contentious about it.  
9 Because we have to look at not only just the things that are  
10 available on the surface, but we look at every piece of  
11 information we can find from the places aloft, you know.  
12 Then there are very few, but there are some even out in the  
13 desert. China Lake has some observations every now and then  
14 that go up, and so do the bases out there.

15 And we try to look at every one of those on the  
16 contentious days.

17 DR. WORTMAN: I think you'll find this much more  
18 reliable than models.

19 MR. WILSON: Thank you.

20 MAYOR ROTHSCHILD: Chairwoman, may I make one  
21 other observation?

22 CHAIRWOMAN SHARPLESS: Yes. And then we'll move  
23 on to your APCO.

24 MAYOR ROTHSCHILD: The fact of the matter is that  
25 I've been a pilot for about 1500 hours of flying time, and I

1 can tell you for a fact that the air currents in the high  
2 desert have shearing effects at various altitudes. I'm not  
3 sure how your measurements take this into account.

4 Certainly, air pollutants go into the air and they  
5 hit these wind shears, and hit in different directions.  
6 It's nice to have stationary sources, but the fact of the  
7 matter is that there's also an altitude factor involved in  
8 the desert. And that comes into play. Your study that you  
9 have in your report clearly indicates a source that doesn't  
10 exist.

11 Our study indicates that there -- where the source  
12 might well have been, and if that is an error in that one  
13 time in the reporting status, then, possibly other days that  
14 he has mentioned there also have the same factors built in,  
15 and maybe the inconsequential rating is not appropriate. We  
16 certainly think so.

17 CHAIRWOMAN SHARPLESS: Again, staff, the rating  
18 that we're looking at here is which? No. 9?

19 MR. WILSON: Oh, this came from Indian Wells,  
20 Madam Chairman, the last time that the Board met --

21 CHAIRWOMAN SHARPLESS: No, no, no, no. I'm  
22 looking at the couples on the list. Can you tell me --

23 MS. POPEJOY: We didn't change our evaluation for  
24 this assessment.

25 CHAIRWOMAN SHARPLESS: Oh. So this is one -- but

1 it would show on the chart that is on the Board book, 71,  
2 would it not?

3 MS. POPEJOY: Uh-huh.

4 CHAIRWOMAN SHARPLESS: Can you tell me which --  
5 are we looking at the -- Board book, 71. Are we looking at  
6 the Couple No. 9?

7 MS. POPEJOY: Yes.

8 CHAIRWOMAN SHARPLESS: Okay.

9 MS. POPEJOY: And it was overwhelming and  
10 inconsequential for the San Bernardino portion of the  
11 Southeast Desert. We added the significant because of  
12 Imperial.

13 CHAIRWOMAN SHARPLESS: Right.

14 MS. POPEJOY: So --

15 CHAIRWOMAN SHARPLESS: So, that's what's new, the  
16 significant --

17 MS. POPEJOY: The significant for Imperial.

18 CHAIRWOMAN SHARPLESS: -- for Imperial is new, and  
19 the argument continues to go on about the inconsequential.  
20 That is already part of the couple from the earlier.

21 MS. POPEJOY: Right.

22 CHAIRWOMAN SHARPLESS: You did the re-review to  
23 look at --

24 MS. POPEJOY: Right.

25 CHAIRWOMAN SHARPLESS: And it didn't change your--

1 MS. POPEJOY: Right.

2 CHAIRWOMAN SHARPLESS: -- opinion. 1992 data that  
3 the Mayor talked about, the summer 1992 data, is also data  
4 that you had looked at?

5 MR. WILSON: They may have had some data from the  
6 wind profilers. I did not have data from the wind profiler  
7 study that summer.

8 CHAIRWOMAN SHARPLESS: Okay. I realize that  
9 you're a new district. But it seems to me that, with new  
10 data, it's very helpful to be able to get that data to the  
11 Board staff so they have an opportunity to review that data  
12 so we can have a better dialogue here. That didn't happen.  
13 I hope in the future, we can work out the communication  
14 system a little bit better?

15 Thank you, Mayor.

16 Mr. Fryxell, you've got about five minutes. Can  
17 you do it?

18 MR. FRYXELL: I can do it.

19 CHAIRWOMAN SHARPLESS: Thank you.

20 MR. FRYXELL: Thank you, Madam Chairman and Board  
21 members. I'm Chuck Fryxell, the Air Pollution Control  
22 Officer for Mojave Desert Air Quality Management District.  
23 And Mayor Rothschild has requested that I discuss with you  
24 today some technical aspects of the staff report entitled,  
25 "Assessment and Mitigation of Impacts of Transported

1 Pollutants on Ozone Concentrations in California.

2 This staff report is an update of the 1990 of the  
3 same title, and in as -- and, as such, contains substantial  
4 amendments. I wish to draw your attention to one particular  
5 amendment, the use of September 15th, 1989, as a day of  
6 inconsequential transport into the Mojave Desert.

7 The staff report concludes that on September 15th,  
8 1989, there was not -- there was enough local generation of  
9 air pollution to cause an exceedance of the State ozone  
10 standard.

11 Your staff used surface wind speed and direction  
12 data to perform a simple analysis to show the day was not  
13 characteristic of a typical day from the South -- a  
14 transport day from the South Coast Air Basin, and then  
15 assumes that, since the day was not typical from the South  
16 Coast Air Basin, then any pollution must have been locally  
17 generated.

18 This logic is fatally flawed, in that the data and  
19 analysis used can support not only the conclusion contained  
20 in the staff report, but equally other valid alternative  
21 conclusions.

22 Without further data analysis, the district feels  
23 that this conclusion regarding local generation of air  
24 pollution is premature at best.

25 The staff report used backward trajectory

1 calculations as a primary method of analysis to support its  
2 conclusion. This method, used alone, is of questionable  
3 value. In fact, supporting documents referenced by the Air  
4 Resources Board staff are very careful to -- are very  
5 careful not to make any definite conclusions based on this  
6 simple analysis. In general, this method is too simple, in  
7 that variables, such as upper atmospheric winds, terrain  
8 effects, thermal inversions, are not considered.

9           This method works well if the world is flat. The  
10 district feels that the conclusions contained in the staff  
11 report are scientifically unattainable (sic). Using the  
12 same data and type of analysis contained in the staff  
13 report, coupled with a bit of common sense, a reasonable  
14 person could also conclude that the State ozone exceedance  
15 on September 15th, 1989, was impacted by pollution from  
16 Nevada.

17           The staff reports that the air originated near  
18 the California-Nevada border 20 to 30 miles northwest of  
19 Needles. This end point is located southwest of Laughlin,  
20 Nevada, some 20 to 30 miles away. Anyone who has vacationed  
21 in Laughlin can attest that one of the most prominent  
22 landmarks is a 500-foot tall smokestack of California Edison  
23 Mohave Power Plant.

24           This power plant is a conventionally coal-fired  
25 power plant facility, and since it was put in pre-NSPS,

1 produces over 20,000 tons of NOx annually in addition to  
2 other air contaminants associated with coal burning.

3 It is also well documented that Laughlin  
4 experienced a substantial amount of population growth as  
5 well as population increase (sic) over the last few years.

6 Generally available surface weather data for  
7 September 15th, 1989, and preceding days indicate a high  
8 pressure over Nevada.

9 Such weather patterns would allow pollution from  
10 Laughlin to be transported into the district.

11 Another potential conclusion can be obtained from  
12 the same data. Analysis of high pressure system shows air  
13 flow patterns from Las Vegas to Metropolitan -- from the Las  
14 Vegas Metropolitan Area through Laughlin and into the Mojave  
15 Desert District, combined with the fact that ozone  
16 precursors persist at least three to four days transport  
17 from Laughlin -- from Las Vegas as a logical possibility;  
18 thus, an equally valid conclusion is to that contained in  
19 the staff report, that the contribution of pollutants from  
20 Las Vegas on -- to the September 15th, 1989, ozone  
21 exceedance (sic).

22 The district is not advocating any of these  
23 analyses. We merely wish to indicate that conclusions are  
24 equally as valid as the conclusions contained in the staff  
25 report. The district suspects substantial contributions to

1 the ozone standard exceedance were made by mobile sources  
2 along I-15 and I-40 corridors.

3           However, given that -- the data available, this  
4 suspicion can't be substantiated. Therefore, the district  
5 feels that to reach any conclusion, more data and  
6 comprehensive analysis is needed.

7           There's been much concern in recent years about  
8 economic burden and environmental regulation. If one of  
9 these alternative conclusions is indeed partially or wholly  
10 representative of cases of ozone exceedances, regulatory  
11 activities would have little, if any, impact. Given the  
12 current economic climate, requiring stringent controls on  
13 stationary sources without clear scientific support that  
14 these sources are a substantial contribution to the problem  
15 is economically unobtainable (sic) and provides substance  
16 for the charge that air pollution regulation is the cause of  
17 industrial flight from California.

18           Health & Safety Code Section 39610(b) requires the  
19 Air Resources Board to work with local districts to assess  
20 the relative contribution of transport of air pollutants to  
21 the extent permitted -- available by data.

22           The district feels that a certain amount of  
23 pollution involved in the exceedance of the State ozone  
24 standard were indeed generally located (sic). However, to  
25 impose burdensome regulations without the benefit of

1 scientifically supported conclusions merely leaves both the  
2 Air Resources Board and the Mojave Desert District open to  
3 charges of unnecessary regulation.

4           Therefore, the district would urge the Air  
5 Resources to strike the conclusion contained in the staff  
6 report that ozone transport into the Mojave Desert on  
7 September 15th, 1989, and any other exceedance that is not  
8 typical of transport from the South Coast Air Basin as  
9 inconsequential. The Board could exclude this conclusion  
10 until adequate scientific -- scientifically supportable  
11 results have been reached.

12           In the alternative, the Mojave Desert District  
13 requests that you direct staff to work close -- work  
14 together with the district to collect further data, provide  
15 adequate analysis, and determine in a scientifically  
16 supportable manner the amounts of locally generated  
17 pollution from both mobile and stationary sources.

18           Mojave Desert District is looking forward to  
19 working closely with the Air Resources Board to determine  
20 the nature of these exceedances of ozone standards within  
21 the district.

22           The district has prepared a report covering this  
23 issue and has submitted it for your review. If you have any  
24 questions regarding either my remarks today or the  
25 underlying report, please feel free to contact me.

1 Thank you very much for your time and attention.

2 CHAIRWOMAN SHARPLESS: Thank you, Mr. Fryxell.

3 DR. WORTMAN: I have a question.

4 CHAIRWOMAN SHARPLESS: Yes. Thank you, Mr.  
5 Fryxell. Dr. Wortman.

6 DR. WORTMAN: Just a brief question. The  
7 procedure described here, where you trace back the wind  
8 vectors that you measure, gives you a trajectory. The  
9 models which you are advocating are described by parabolic  
10 equations, which do exactly the same thing. They start  
11 somewhere and march in a certain direction.

12 It's a parabolic system in fluid mechanics. It's  
13 something else in chemistry. But we're talking fluid  
14 mechanics here. Transport.

15 Why do you object to this procedure then? The two  
16 are identical, except this one depends on empirical data;  
17 the other one is a model, which you could question. I do  
18 all the time.

19 MR. FRYXELL: Well, the data points from Barstow  
20 to where this plume was found is probably 150 miles between  
21 data points. And there's mountains, and rivers, and lakes,  
22 and all kinds of things in between. And the  
23 comprehensiveness -- I just think -- I think that there  
24 just needs to be a little bit more work. I was surprised to  
25 hear all these days rattled off, because --

1 CHAIRWOMAN SHARPLESS: Mr. Fryxell, if you had  
2 read the staff report, it was clearly stated in the staff  
3 report that they reviewed all days, not --

4 MR. FRYXELL: They reviewed -- yes.

5 CHAIRWOMAN SHARPLESS: All days. And I think it  
6 was correctly stated by Dr. Wortman that that's a very  
7 staff-intensive effort that's been taken to bring this  
8 report and recommendation to the Board.

9 Now, what I'm interested in from your district has  
10 been the fact that you say you have new data points that we  
11 need to look at. And I think we definitely need to be up to  
12 the state of the data when we make these designations.

13 I think your suggestion about further analysis is  
14 certainly a good one. It's just really unfortunate, I  
15 think, that we were not able to take a look at your  
16 information before the hearing. That makes it difficult to  
17 respond, unless the staff thinks they can respond, hearing  
18 the information that you presented. I don't know if the  
19 staff is able to respond to all the information that's been  
20 given here today.

21 MR. WILSON: There's a couple points that would  
22 probably be worthwhile clarifying. It shouldn't come as  
23 much surprise that these days were selected, because they'd  
24 been pointed out in letters to the district, the specific  
25 days that we were working with. And they were from a couple

1 years ago.

2           The 24th of February, 1992, I wrote these to Mr.  
3 Coyote Caderas (phonetic) and advised him that we were  
4 looking at these days, and pointed out the study or the  
5 individual report that was done by a private corporation  
6 that had indicated a lot of these days.

7           And the second -- to clear up a misunderstanding,  
8 perhaps, we were not trying to show the days that were  
9 typical -- or not typical transport days were automatically  
10 local days. We used this as a starting point. We took all  
11 of the transport days and ruled them out. And then we took  
12 these untypical days, and we concentrated our research on  
13 those.

14           And then we did very detailed studies on some of  
15 those days, and then we related, in this case, two of those  
16 and used them as examples of others.

17           So, this is what we have in the report. So, it  
18 wasn't just looking at a nontypical day and saying, "That's  
19 a local day."

20           And I just wanted to clarify that, and to say  
21 that, yes, we do work with their staff, too. Several  
22 members of the staff call me and we talk, and we work these  
23 things on a little lower level. And I hope that that does  
24 continue, also.

25           CHAIRWOMAN SHARPLESS: Brian Bilbray, and then Dr.

1 Wortman.

2 SUPERVISOR BILBRAY: The Laughlin power plant is  
3 obviously a major issue in the high desert, especially  
4 seeing that both Arizona and the Federal Government's  
5 intervening on those emissions.

6 Was that identified at all in your assessments?

7 MR. WILSON: No, sir, it was not. I had the --  
8 the trajectory came from the area in the eastern portion of  
9 the desert 48 hours prior. Typically, we look at something  
10 24. I extended it out 48 hours just to see what would  
11 happen if I went 48 hours. And the trajectory was right  
12 down in the corridor, as they mentioned, between two major  
13 freeways, along the major railroads, and then over by  
14 Barstow. And then it lingered for 24 hours just around  
15 Barstow and shortly to the north of Barstow.

16 SUPERVISOR BILBRAY: So, it's between those two  
17 major -- between 15 and what is the other one?

18 MR. WILSON: It's I-40

19 SUPERVISOR BILBRAY: What?

20 MR. WILSON: I-40.

21 SUPERVISOR BILBRAY: I-40, yeah, which happens to  
22 be right between those two trajectories is where the  
23 Laughlin power plant would be sitting.

24 MR. WILSON: That's correct.

25 SUPERVISOR BILBRAY: Okay. I just think that --

1 MR. WILSON: I don't dispute that at all.

2 SUPERVISOR BILBRAY: Okay.

3 CHAIRWOMAN SHARPLESS: Dr. Wortman.

4 DR. WORTMAN: Before we volunteer for so much more  
5 work, do you have an estimate of the level of effort for  
6 this report? Do we keep track by project?

7 MR. WILSON: Many hours.

8 MS. POPEJOY: I don't know exactly how long it  
9 took for this report. But just in our analysis of North  
10 Central Coast, we spent over a person year in analyzing that  
11 area. And that area does not have a lot of violations.

12 DR. WORTMAN: It seems to me that this already is  
13 a lot of effort, especially after you described how you have  
14 to do it.

15 SUPERVISOR RIORDAN: But, you know, Dr. Wortman, I  
16 think we do have to make some of those man/hours available,  
17 because --

18 DR. WORTMAN: We don't use "man" hours anymore.

19 SUPERVISOR RIORDAN: Well, I do, so --

20 (Laughter.)

21 SUPERVISOR RIORDAN: And I can get away with it,  
22 maybe, where you can't.

23 (Laughter.)

24 SUPERVISOR RIORDAN: But the issue, I think, is  
25 that what it means then to those who are regulated -- and I

1 recognize there is an inherent cost for staffing for review,  
2 but if you then think about the consequences of information  
3 that may not be accurate or may be accurate -- one or the  
4 other -- there are tremendous ramifications for the industry  
5 in the area. And I think that's why I'm willing to go the  
6 extra mile, or effort, or hour that is required, simply  
7 because I know what it means to those who live in the area  
8 and the consequences.

9           And the reverse, of course, is, if we don't  
10 provide clean air for an area, then, obviously, we're going  
11 to pay in another way for health costs. So, I'm not so  
12 concerned with that as long as we realize the best and most  
13 accurate information, and then we can all agree on it.

14           And, Madam Chairman, I would suggest that maybe  
15 towards the end, we could think about some, perhaps,  
16 workshop, whereby the staff of the local air quality area,  
17 the ARB, and those who are affected -- because we have some  
18 large industry there who have some excellent technical  
19 people. And I think perhaps we can resolve some of the  
20 issues that have been raised on both sides and have a  
21 workshop on it.

22           This isn't probably the place of the time as you  
23 pointed out. We probably need a different setting to sit  
24 down and try to come to some understanding of what is and  
25 what isn't, and what might need to be done.

1 CHAIRWOMAN SHARPLESS: I think that was Fryxell's  
2 Option 2, if I heard --

3 MR. FRYXELL: Yes.

4 CHAIRWOMAN SHARPLESS: -- your comments correctly.

5 Mr. Fryxell, unless there's other questions or  
6 responses, we'll let you sit down and call up the --

7 MR. FRYXELL: Madam Chairman, if I may change my  
8 hat for a moment?

9 CHAIRWOMAN SHARPLESS: Oh, yes?

10 MR. FRYXELL: To present --

11 CHAIRWOMAN SHARPLESS: You have more than one hat.

12 MR. FRYXELL: The President of CAPCOA.

13 CHAIRWOMAN SHARPLESS: Oh, okay.

14 MR. FRYXELL: And this will be very brief. I've  
15 discussed this whole transport issue more on a statewide  
16 basis with some of my cohorts and some of the other folks  
17 that are involved. And we think it may be very advantageous  
18 if CAPCOA, Air Resources Board, and some industries that are  
19 interested in this -- in this subject form a committee to  
20 work on various issues statewide with transport. And I  
21 think we would be able to come up with some resolutions on  
22 some of the issues.

23 CHAIRWOMAN SHARPLESS: Well, I would be  
24 interested, certainly, in any facilitation in an area which  
25 generates so much comment, where the best information we can

1 get is the goal. And, as Supervisor Riordan said, the  
2 implications, in terms of cost and public health, are  
3 important. I, for one, am interested in mechanisms that  
4 will certainly support that effort.

5 I think what I would want, Mr. Fryxell, is -- if  
6 you, as Chair, and your colleagues would let us know what  
7 areas of statewide interest in particular you were  
8 interested in, maybe we could better establish a dialogue on  
9 how best to carry that out.

10 MR. FRYXELL: Certainly.

11 CHAIRWOMAN SHARPLESS: Okay?

12 MR. FRYXELL: We will do that. We'll address that  
13 at our next Board meeting.

14 CHAIRWOMAN SHARPLESS: Great.

15 MR. FRYXELL: Okay. Thank you.

16 CHAIRWOMAN SHARPLESS: Thank you. Okay. I'm  
17 going to go a little -- I was intending to bring up the  
18 industry representatives from the Mojave Desert Area, but  
19 because of the time constraint of Jerry Gause from the U.S.  
20 Forest Service, I'll let him come forward for his testimony.

21 Mr. Gause?

22 MR. GAUSE: Thank you, Madam Chairman and Board  
23 members.

24 CHAIRWOMAN SHARPLESS: You're speaking on behalf  
25 of the trees, are you?

1 MR. GAUSE: Pretty much so.

2 SUPERVISOR BILBRAY: A tree hugger.

3 MR. GAUSE: Madam Chairman -- or Chairwoman and  
4 members of the Board, and the staff, we appreciate the  
5 opportunity to comment on the assessment and mitigation of  
6 the impacts of pollutants on ozone concentrations in  
7 California.

8 The Forest Service administers 17 National Forests  
9 in the State of California, covering some 20 million acres.  
10 That's around -- close to 20 percent of the total land area  
11 in the State.

12 Eight of these National Forests, around 8 million  
13 acres, are located in the Sierra Nevada, and contain eight  
14 special Class I wilderness areas. These eight areas cover  
15 1.25 million acres. Upfront, we support the designation of  
16 the new transport couples, the six of them, which  
17 acknowledge the high ozone levels experienced in California.

18 We agree that the high levels of ozone documented  
19 within the Sierra Nevada result from overwhelming transport  
20 of pollutants originating mainly from urban areas in the  
21 valley and along the coast.

22 Air quality standards were established to protect  
23 human health and welfare of California residents. These  
24 standards deal with our concern for potential health impact  
25 to National Forest visitors.

1           A case in point would be the effects of -- on  
2 visitors who spent 1.4 million visitor days in the National  
3 Forest Class I wilderness areas last year. A visitor day,  
4 by the way, is one person for 12 hours.

5           In addition, we believe the current ozone standard  
6 does not adequately protect sensitive species of vegetation  
7 in the National Forests, and sensitivity to ozone pollutant  
8 varies among different plant species. In studies, we have  
9 demonstrated that more sensitive plants -- such as Ponderosa  
10 and Jeffrey pines begin to show visible ozone injury at  
11 concentrations between 0.05 parts per million and 0.06, and  
12 all this is done through a controlled fumigation process.

13           An ongoing cooperative study between the  
14 California Air Resources Board, the Forest Service, the  
15 National Park Service, and U.C. Davis, which this Board has  
16 funded, has documented visible ozone injury to Ponderosa and  
17 Jeffrey pine on these Federal units. And you'll hear more  
18 of that from the Park Service.

19           We do have some concern that no further efforts  
20 will be made to do research on the transport of pollutants  
21 in the Lake Tahoe Basin. I think heard that brought up  
22 earlier.

23           Lake Tahoe was recently designated as -- which was  
24 brought up -- an attainment area for ozone, which presumably  
25 may have led to this recommendation. We would like to

1 continue looking at transport of air in the Basin, because  
2 ozone damage is occurring, and we feel the sources of the  
3 pollutants are still in debate. We're not sure of their  
4 total origin.

5 In a study conducted in 1987 and then repeated in  
6 1991, respectively, 30 percent and 40 percent of the Jeffrey  
7 pines surveyed in the Lake Tahoe Basin displayed ozone  
8 injury.

9 The injury on trees surveyed during these two  
10 drought years may increase this year, because of more growth  
11 and favorable growing conditions occurring. We feel it is  
12 important that research into pollutant transport into this  
13 air basin be continued. While the ozone standard may not be  
14 exceeded in the Lake Tahoe Basin, forest health is at risk  
15 to this pollutant unless -- and unless more is known  
16 regarding the source, reducing ozone pollution effects to  
17 the forest will be difficult.

18 We believe air pollution, along with uncontrolled  
19 wildfires, is one of the more serious external threats to  
20 the National Forests in the Sierra. It has for years taken  
21 its toll on National Forests in Southern California, where  
22 trees have lost their vigor, and many eventually succumb to  
23 forest insects and diseases because of the vigor loss.

24 We appreciate the Board's formal recognition of  
25 the overwhelming transportation of ozone precursors to the

1 Sierra Nevada and would encourage that there be some  
2 recognition by the Board dealing with some -- with the ozone  
3 impacts on vegetation, and that you take another look at the  
4 continuing research of transport of sources to the Lake  
5 Tahoe Basin.

6 That concludes my comments.

7 CHAIRWOMAN SHARPLESS: Thank you. Would staff  
8 like to comment just basically on what type of research we  
9 are doing and how that might help calm some of the fears  
10 that we're not continuing research?

11 MR. BRADLEY: Madam Chairwoman, my name is Rich  
12 Bradley, Chief of the Air Quality Data Branch.

13 And the research we are doing is two kinds in  
14 nature; one, we have some money that is focused strictly on  
15 transport issues. But the transport issues are generally  
16 those where there's violations of the ozone standard. In  
17 the case of Lake Tahoe, there are no violations of the ozone  
18 standard.

19 In addition, through our regular research program  
20 and our acid deposition program, we fund a number of studies  
21 related not only to pollutant problems but also health  
22 effects and vegetation damage.

23 And those research programs are continuing on.  
24 And the staff's recommendations in the staff report were  
25 focused on the transport research and not the regular

1 research program, which has ongoing efforts to look both at  
2 health effects and vegetation damage.

3 CHAIRWOMAN SHARPLESS: So, we will continue to  
4 look at the impacts of ozone. We're just not looking  
5 specifically at research on where the pollutants are coming  
6 from.

7 MR. BRADLEY: Right. So, under the transport  
8 research, we did not have plans to look at transport of  
9 pollutants for violation -- where there are not violations  
10 of the ozone standard. But work related to vegetation  
11 damage under the research program does consider such damage.

12 CHAIRWOMAN SHARPLESS: Okay. Mr. Lagarias?

13 MR. LAGARIAS: Mr. Gause, you mentioned that your  
14 records or data show that ozone damage can occur to the  
15 trees at concentrations .05 and .06 parts per hundred  
16 million. The background level of ozone in many parts of the  
17 country is often as high as .08, and cannot be attributed to  
18 anthropogenic or manmade emissions. So that a lot of this  
19 damage may also occur just from the natural ozone levels  
20 that occur.

21 And I recall saying that -- it's now long gone --  
22 come to visit the ozone of the -- or the --

23 CHAIRWOMAN SHARPLESS: Come to the visit the --

24 MR. LAGARIAS: -- the ozone of the -- what are the  
25 mountains in Arkansas?

1 (Thereupon, many voices were raised in answer.)

2 CHAIRWOMAN SHARPLESS: Ozarks.

3 MR. LAGARIAS: The ozone of the Ozarks.

4 MR. GAUSE: That's a hard one.

5 (Laughter.)

6 CHAIRWOMAN SHARPLESS: It's a tongue twister. I  
7 think we are sensitive to what you're saying, Mr. Gause.

8 I hope that, by the fact that we continue to do  
9 our cooperative research together, that it will certainly  
10 send a signal that we're not abandoning the flora and the  
11 fauna and the trees in our effort to deal with the ozone  
12 problem in California.

13 MR. GAUSE: I hope so. Besides the physical  
14 things we need to determine, there's the sociopolitical  
15 thing of one of the most unique areas in the world that we  
16 may have to answer to someday. So, that's one of our  
17 concerns.

18 CHAIRWOMAN SHARPLESS: Right.

19 SUPERVISOR RIORDAN: Madam Chairman.

20 CHAIRWOMAN SHARPLESS: Yes.

21 SUPERVISOR RIORDAN: As a point of interest,  
22 yesterday, I had a tour of some of our research efforts in  
23 the San Gregorio Mountain area. And I can attest to the  
24 interest that's being placed on the studies there and the  
25 desire, I think, to turn that research into something that

1 is meaningful for us and for the future of our forests.

2 But I was very, very impressed, and thank the  
3 staff -- I don't know if the staff is here that took me on  
4 the tour, but I was clearly impressed with what we were  
5 doing.

6 Of course, that was in cooperation with the U.S.  
7 Forest Service and, hopefully, it will continue, because it's  
8 beneficial to all of us.

9 MR. GAUSE: Great. Thank you.

10 CHAIRWOMAN SHARPLESS: Thank you, Mr. Gause.

11 Now, we'll go back up to Ross May from North  
12 American Chemical Company. Mr. May, would you come forward?

13 Mr. May, I'd again remind you we're a little off  
14 schedule here. So, if you can keep your remarks succinct?

15 MR. MAY: Good afternoon. My name is Ross May  
16 with North American Chemical Company. North American  
17 Chemical Company understands that CARB has designated the  
18 San Bernardino portion of the Southeast Desert Air Basin as  
19 nonattainment for ozone based upon a one-day exceedance in  
20 Barstow on September 15th, 1989.

21 North American Chemical supports the district's  
22 position that too little is known about transport factors in  
23 the Southeast Desert Air Basin to conclude that transported  
24 ozone or ozone precursors did not cause the exceedance.

25 CHAIRWOMAN SHARPLESS: Mr. May, we've had quite a

1 bit of dialogue on this, and I think it's clear now that it  
2 wasn't based on one day of information.

3 Does that at all change your testimony?

4 MR. MAY: No. This basically deals with that one  
5 particular day. But that seems to be the one day that,  
6 well, at least, that we've looked at, you know. Talks about  
7 the 24 hours and the 48 hours going back to a point  
8 northwest of Needles, and we feel that there are some  
9 incorrect assumptions.

10 CHAIRWOMAN SHARPLESS: So, if you were aware of  
11 other days and the basis on those days, this would be  
12 helpful information to your organization?

13 MR. MAY: Potentially, yes.

14 CHAIRWOMAN SHARPLESS: It seems that this feeds  
15 into Mrs. Riordan's suggestion that we might want to  
16 consider when we try to figure out what all we want to do in  
17 this proposal.

18 Saying that, would you support that kind of  
19 effort?

20 MR. MAY: Yes.

21 CHAIRWOMAN SHARPLESS: Well, do you have a copy of  
22 your testimony? Maybe we can just enter it into the record.

23 MR. MAY: I've handed it in, yes.

24 CHAIRWOMAN SHARPLESS: Okay. Would you like to  
25 make any summation?

1 MR. MAY: Well, basically, that we support the  
2 district's position. I think that Chuck summarized things  
3 quite well. And, basically, that's the gist of my speech  
4 here.

5 CHAIRWOMAN SHARPLESS: Okay.

6 MR. MAY: I don't know that I have a lot new to  
7 add at this point.

8 CHAIRWOMAN SHARPLESS: Well, we appreciate your  
9 coming forward, and we hope we can work with you.

10 MR. MAY: Okay. Thank you.

11 CHAIRWOMAN SHARPLESS: Thank you very much, Mr.  
12 May.

13 Mr. Mohn, the Naval Air Weapons -- oops! I'm  
14 sorry. Ms. I got that one wrong. Brenda.

15 MS. MOHN: Chairwoman Sharpless, members of the  
16 Board, my name is Brenda Mohn. I'm here representing the  
17 Commanding Officer of the Naval Air Weapons Station at China  
18 Lake.

19 Our facility covers 1.1 million acres of land near  
20 the City of Ridgecrest in the northern portion of the  
21 Southeast Desert Air Basin.

22 We operate and maintain base facilities and  
23 provide base support services for the Naval Air Warfare  
24 Center Weapons Division, which is the Navy's full spectrum  
25 research, development, test, evaluation, and in-service

1 engineering center for weapon systems associated with air  
2 warfare, missiles and missile subsystems, aircraft weapons  
3 integration, and assigned airborne electronic warfare  
4 systems.

5 To sort of bring this to a little bit of summary  
6 because of prior testimony, we're basically here in support  
7 of the position of the air district and many others within  
8 the air district relative to some of the staff report's  
9 conclusions about transport to the Southeast Desert Air  
10 Basin and about the level of technical evaluation that was  
11 used in their analysis.

12 Our main concern, being in the northern part of  
13 the Southeast Desert, is -- I'm trying to ad lib here with  
14 bifocals and the thing's a bit far -- (speaking of podium).

15 (Laughter.)

16 MS. MOHN: We feel that their technical evaluation  
17 needs to focus not only on the issue of transport from the  
18 South Coast to the Barstow area, but also on the broader  
19 issue of the Southeast Desert Air Basin being considered as  
20 one homogeneous air basin all the way from the Inyo County  
21 line to the north, all the way down to the Mexican border.

22 We feel that applying the requirements -- the  
23 requirements of the inconsequential transport designation,  
24 the requirements that would come out of that in the planning  
25 process, wholesale to the entire Southeast Desert, will have

1 significant economic impacts on the various industries and  
2 communities in the Southeast Desert, despite a lack of  
3 evidence that those measures will result in significant air  
4 quality benefits in the areas that area currently exceeding  
5 the standard and identified as suffering from  
6 inconsequential transport.

7 It's our position that there are considerable data  
8 out there that have not been considered by the staff in  
9 their analysis in the report.

10 CHAIRWOMAN SHARPLESS: Excuse me, Ms. Mohn. Can I  
11 ask, do you have additional data that the Naval Air Weapons  
12 Station itself collects that could be a part of the record?

13 MS. MOHN: Well, that's something I could  
14 certainly go back to my management and get permission to  
15 release publicly. But I can state for my own self that --  
16 we're not talking military secrets or anything here. But,  
17 in my own position where I'm working in the Environmental  
18 Project Office on the base, I know that we have never been  
19 approached by the Air Resources Board staff asking for wind  
20 data, upper air soundings, any of those types of information  
21 that we do take on a regular basis. And that information  
22 has never been requested from us.

23 CHAIRWOMAN SHARPLESS: Now, we request and we also  
24 receive. If you had that information and it would help your  
25 case, it would certainly have been well for you to have

1 presented to the Board. I think it would help everybody to  
2 have the best information base that we possibly could.

3 It's unfortunate. I really don't understand that,  
4 because I know that we work with a lot of military bases --  
5 Naval as well as Air Force and so forth -- and have a fairly  
6 good working relationship with them. I would hope we could  
7 establish one with your base as well.

8 So, if you do have information, I think the staff  
9 would very much appreciate -- staff, do you have any comment  
10 along that line?

11 MR. WILSON: Well, they just were informing me  
12 that we did request information and receive information on  
13 the Barstow day three and a half years ago, the one -- the  
14 first day, April day that we have talked about a lot of  
15 times.

16 And on a regular, routine basis, we receive their  
17 surface observation; we receive their upper air  
18 observations. And I'll frankly admit, I did not go back and  
19 ask specifically if they had any other research data. And  
20 that would be helpful up in that area, especially because  
21 it's a sparse area.

22 CHAIRWOMAN SHARPLESS: Great. Here we have a  
23 match.

24 MR. MOHN: Okay. Well, I didn't see anything in  
25 the staff report -- I'm not -- I don't want to get into

1 nitpicking or anything here, but there are other data that  
2 staff already have that I don't know whether they considered  
3 or not.

4 I know they looked at some of the San Joaquin  
5 Valley data, because they mentioned that, regarding the  
6 Mountain Counties and the South Central Coast. But we  
7 conducted an adjunct study to that, as you know, which  
8 extended the domain of that study into the desert.

9 CHAIRWOMAN SHARPLESS: Right.

10 MR. MOHN: And I don't believe that that was  
11 looked at. And I know the ARB staff do have those data as  
12 well as the data from our RESOLVE study from '82 through  
13 '85, which did focus on fine particles and visibility, but  
14 it also documented fairly clearly that air quality  
15 degradation within the upper desert region was impacted very  
16 heavily by transport from both the San Joaquin Valley and  
17 the South Coast Air Basin.

18 CHAIRWOMAN SHARPLESS: Oh, I don't think there's  
19 any denial on that. I think that the issue here is whether  
20 or not there's the inconsequential, which means that there's  
21 some local emissions that we have to do deal with as well.

22 But I appreciate the fact that you would be  
23 willing to offer additional data that maybe the Board hasn't  
24 looked at to get even a clearer picture on what's happening  
25 in the area.

1 MR. MOHN: Okay. I'm not real clear what -- based  
2 on Mr. Fryxell's testimony about the cooperative research  
3 and everything that was being discussed, is that going to  
4 focus on the entire Southeast Desert, or is that going to  
5 focus on the Barstow exceedance days, or --

6 CHAIRWOMAN SHARPLESS: I think we were talking  
7 about evaluation of data. You used the term "research."  
8 Staff, would you like to maybe comment on a review of new  
9 information of the testimony that's been given here today of  
10 Supervisor Riordan's suggestion of a workshop-type situation  
11 to help clarify what that would mean to this witness?

12 MR. BRADLEY: There was new information collected  
13 in the summer of 1992 that can be evaluated to look for  
14 transport. It was collected for the purpose of examining  
15 both transport episodes and nontransport episodes between  
16 the South Coast and the Southeast Desert. And we are  
17 planning to work with the district in examining that data.

18 There are additional studies planned for the  
19 future that the district is already aware of, and I guess if  
20 there's data from other periods, we'd be interested in  
21 examining that, too.

22 And I think we have discussed the possibility of a  
23 workshop to look at transport in this area. And Mr. Fryxell  
24 proposed a CAPCOA transport committee. So, there -- so, I  
25 think --

1 CHAIRWOMAN SHARPLESS: Well, I think there's two  
2 different issues here. Supervisor Riordan is suggesting a  
3 workshop in the district. Certainly, there's a new  
4 district; there's an opportunity for the ability to educate  
5 how this process is done and to relook at the information  
6 and explain the methodologies used to reach the conclusions;  
7 to ask for new information from folks, like Ms. Mohn and  
8 others, who might have not come forward with information  
9 that would be important in the consideration, and bring this  
10 all together and have a workshop on it.

11 As the staff has indicated at the beginning, this  
12 is a triennial review, but that does not mean that our  
13 identification only happens once every three years. The  
14 Board can come back and revisit an issue at any time it  
15 feels that information is adequate to reach a different  
16 conclusion.

17 So, I think that such a workshop happening, if it  
18 does result in the -- in information that would reach a  
19 different conclusion, this Board would have an opportunity  
20 to revisit the issue. Does that answer your question, Ms.  
21 Mohn?

22 MS. MOHN: More or less, I think it does.

23 CHAIRWOMAN SHARPLESS: Well, maybe we can discuss  
24 it further if it's not clear.

25 MS. MOHN: I don't want to take up too much of the

1 time.

2 CHAIRWOMAN SHARPLESS: I meant not now, but at a  
3 later time.

4 MS. MOHN: I would just like to just mention again  
5 before I sit down what was going to be one of our -- well,  
6 it is one of our major concerns, and it sort of got lost in  
7 my ad libbing, was the issue that I mentioned about the  
8 entire desert area being considered as one homogeneous air  
9 basin.

10 There's sort of an intuitive problem to that with  
11 many of us that are actually in the area. I know it's been  
12 discussed in various forums, maybe not at a formal hearing  
13 or anything like that. But, for example, in our part of the  
14 air basin, up at the northern edge of it, it's difficult to  
15 rationalize how emissions in a very sparsely populated,  
16 sparsely industrialized area up at the northern edge of the  
17 district or northern edge of the desert would have a  
18 significant impact on the exceedances at Barstow.

19 If those exceedances are found to be caused by  
20 perhaps the more urbanized bedroom communities just outside  
21 of the South Coast Air Basin, that would be one issue, as  
22 opposed to applying the requirements wholesale throughout  
23 the entire air basin in order to address an exceedance in  
24 Barstow, when our emissions probably never get to Barstow.

25 And that's just an issue that we've been concerned

1 with and that we would like you to perhaps give some thought  
2 to in the future.

3 CHAIRWOMAN SHARPLESS: Okay. A point well taken.

4 MS. MOHN: Thank you.

5 CHAIRWOMAN SHARPLESS: Thank you very much.

6 Let's see. We have Douglas Shumway. Again, Mr.  
7 Shumway, I'd remind you of time constraints.

8 MR. SHUMWAY: Thank you. I'm Doug Shumway, the  
9 Environmental Manager for Mitsubishi Cement in Lucerne  
10 Valley. Mitsubishi Cement supports the previous comments  
11 about the concerns over the science used to designate the  
12 Southeast Desert Air Basin as nonattainment for ozone.

13 Designating the Southeast Desert Air Basin as  
14 nonattainment in ozone puts the -- puts the burden on  
15 industry stationary sources to be the main ozone reduction  
16 sources.

17 Ozone, which means basically industry must reduce  
18 NOx, which is the ozone precursor (sic). NOx reduction  
19 techniques for industries in the high desert is currently an  
20 unproven, very expensive technology. That's one reason why  
21 we support Mrs. Riordan's comments that this is so  
22 important.

23 The technology -- there is no existing proven  
24 technology to reduce NOx.

25 CHAIRWOMAN SHARPLESS: We're talking about cement,

1 for cement --

2 MR. SHUMWAY: For a cement plant, for the cement  
3 industry. And we are currently working on this, but to do  
4 this -- to make a qualitative judgment that the area's in  
5 nonattainment is going to be a very expensive proposition  
6 for the industries in the high desert.

7 We certainly support further study, and would be  
8 happy to participate in a workshop. Mitsubishi Cement  
9 Corporation would love to be part of the solution to this  
10 problem.

11 Thanks.

12 CHAIRWOMAN SHARPLESS: Thank you very much. I  
13 would just make one clarifying point to you, Mr. Shumway.  
14 What we're here for is not doing a designation of attainment  
15 and nonattainment, but rather trying to make an  
16 identification of whether or not transport is affecting  
17 areas and to what degree.

18 The qualitative designation of overwhelming,  
19 significant, and insignificant means -- "overwhelming" is  
20 that it's coming from somewhere else entirely.  
21 "Significant" means that it's shared. And "inconsequential"  
22 means that there are days when there are local emissions  
23 that need to be controlled.

24 So, what we're really talking about here is the  
25 qualitative classifications and the identification of the

1 transport, and not designating something attainment or  
2 nonattainment.

3 MR. SHUMWAY: I understand. But I think they kind  
4 of go hand in hand, don't they, the designation?

5 CHAIRWOMAN SHARPLESS: No. No, the designation  
6 issue -- either attainment or you're nonattainment. And  
7 then, the next question comes: If you are or if you aren't,  
8 what do you do about it? Who's responsible and what do you  
9 need to do about it? And those are two separate issues.

10 MR. SHUMWAY: Okay. Well, my point is, NOx  
11 reduction is a very, very expensive and unproven technology  
12 for the cement industry.

13 CHAIRWOMAN SHARPLESS: Okay. Great. Thank you,  
14 Mr. Shumway.

15 MR. SHUMWAY: Thank you.

16 CHAIRWOMAN SHARPLESS: We'll go to Mark Boese from  
17 the San Joaquin Valley Unified Air Quality District.

18 MR. BOESE: Good afternoon, Chairman Sharpless and  
19 Board members. My name is Mark Boese. I'm the Deputy APCO  
20 with the San Joaquin Valley Unified Air Pollution Control  
21 District.

22 I'd like to thank you for the opportunity to speak  
23 today on the staff report. And I'd first like to give my  
24 compliments to the staff on developing this report. A lot  
25 of times they had to work with some sketchy data, and we

1 appreciate the effort that went into the report.

2 We've had a chance to review the report and have  
3 submitted written comments. And today, I'd like to  
4 summarize and just hit on three main issues.

5 The first area of concern deals with the  
6 designation of the Bay Area as an overwhelming transport  
7 contributor to the San Joaquin Valley. ARB based their  
8 decision on this overwhelming transport on the study that  
9 was conducted by the San Joaquin Valley Air Quality Study  
10 Agency, and information has been coming out of that study,  
11 as you know.

12 And we agree with the conclusions that, in fact,  
13 the Bay Area does have an overwhelming impact on the Crow's  
14 Landing area. But we believe that there is evidence to show  
15 that this boundary could be extended even further inland.

16 My first slide, although upside down, has to do  
17 with the tracer study that was conducted in conjunction with  
18 the air quality study.

19 (Laughter concerning position of slide.)

20 MR. BOESE: And although the tracer -- the map  
21 that we put together does not indicate the wind patterns,  
22 what it does is show the areas where the tracers were  
23 released and where they were detected downwind.

24 Maybe I'm going to have to verbalize this. But  
25 the --

1 (Laughter.)

2 MR. BOESE: -- tracers were released in Pittsburg  
3 and in the San Jose area and were picked up across the  
4 valley into the Modesto-Stockton area. Thank you very much.

5 And we can see, as they go across the valley, they  
6 were detected even up into the Mountain Counties.

7 Now, staff's analysis in making an overwhelming  
8 determination looks at two criterias (sic). The first  
9 criteria is whether or not the upwind area has the ability -  
10 -meteorological potential to transport emissions. In fact,  
11 with this tracer and other studies, we know that's the case.

12 The second criteria has to do with the emission  
13 inventory. Now, the way they look at it is you compare the  
14 emission inventory, if the upwind area has a high emission  
15 inventory, the low wind -- the downwind area has a low  
16 emission inventory, we therefore have an overwhelming  
17 impact.

18 In the case where air basins' emission inventories  
19 are similar, the Board has concluded -- or the staff has  
20 concluded that they can only make an overwhelming  
21 determination closely to the boundary between those two air  
22 basins. And we agree with the logic. This makes sense.

23 Where we have a disagreement with staff is in the  
24 comparison of the emission inventory.

25 We believe the major impact from the Bay Area on

1 the San Joaquin Valley is in the northern three counties.  
2 And when we look at days of transport, we know that the wind  
3 comes down the valley from the northwest to the southeast  
4 direction.

5 Therefore, we can eliminate the -- at least the  
6 bottom five counties of the San Joaquin Valley. And that's  
7 where the majority of our emissions come from. If you look  
8 at the entire basins, we are, in fact, similar. But, again,  
9 we have to take away at least the bottom three counties when  
10 we look at that emission inventory, knowing the trajectory  
11 of the wind and knowing the impact of the emissions.

12 The other thing that I'd like to point out, as you  
13 come from the Carquinez Straits and into the valley and  
14 proceed towards Stockton or come over the Altamont into the  
15 valley and move towards Modesto, this is mostly rural.  
16 There are not an awful lot of stationary sources out there.

17 So, if we compare those emissions, you can see  
18 that we're not comparing two large emission inventory pools.  
19 We're looking at a factor of at least -- well, close to the  
20 five times greater than what we have in the northern three  
21 counties.

22 Based upon that and looking back at the criteria  
23 that staff has used to make the overwhelming determination,  
24 we believe that you can move boundary inland at least to the  
25 Modesto-Stockton area. And this would be our

1 recommendation.

2 CHAIRWOMAN SHARPLESS: Mr. Boese, can I ask you a  
3 question on that point?

4 MR. BOESE: Sure.

5 CHAIRWOMAN SHARPLESS: Is it your assertion that  
6 all 1300 tons from the Bay Area go directly down to the San  
7 Joaquin Valley, and there's no areas or wind patterns, or et  
8 cetera, that affect those emissions that may not mean that  
9 all 1300 tons are going down to where you think they're  
10 being -- where your local areas are being impacted?

11 MR. BOESE: Madam Chair, I would estimate there's  
12 probably 1369.

13 (Laughter.)

14 MR. BOESE: No, seriously, during those days --

15 CHAIRWOMAN SHARPLESS: That's your estimate.

16 MR. BOESE: Yes.

17 CHAIRWOMAN SHARPLESS: We have another witness who  
18 I'm sure would have a different opinion.

19 MR. BOESE: No. I'll take back the 1369. We're  
20 not saying that all of it goes there. But if you look at  
21 those days when the transport is coming into the valley, we  
22 think that a majority of it is. Because we've got the  
23 marine layer on the outside pushing that air evacuating  
24 (sic) the air in the Bay Area right into the Central Valley.  
25 Some of it, obviously, goes north into the Sacramento

1 Valley, and some of it goes across and impacts the Mountain  
2 Counties, also.

3 But we think that a great majority on those  
4 particular days, yes, does come through the Carquinez  
5 Straits, the Altamont Pass, down through San Jose, up over  
6 the mountains, and into the valley.

7 CHAIRWOMAN SHARPLESS: Well, I think staff did a  
8 similar analysis to the ones that we've been talking about  
9 earlier based on the methodologies that they outlined in  
10 their report. And I don't know. Would staff like to  
11 comment on this point?

12 Or perhaps I should just let Mr. Boese complete  
13 his testimony, and then we'll just discuss it overall.

14 MR. BOESE: That would be helpful, because this  
15 question comes up again.

16 CHAIRWOMAN SHARPLESS: Okay. Why don't you  
17 continue your testimony.

18 MR. BOESE: Okay. The second issue has to do with  
19 the San Joaquin Valley's designation as having an  
20 overwhelming impact on the Mountain Counties Air Basin.  
21 I've included a map just so we can sort of align ourselves  
22 and look at the three air basins. We see the San Francisco  
23 Bay Area; in the middle, the San Joaquin Valley, and then  
24 the Mountain Air Basins.

25 You can see that it's -- the northern three

1 counties of the valley pretty much align with that -- those  
2 Mountain Counties. Again, we've concluded that we should  
3 only look at the emission inventories from those northern  
4 counties. Again, the prevailing winds come from the  
5 northwest, head southeast down the valley, precluding the  
6 counting of the counting of the emissions from that southern  
7 portion of the valley.

8           And we, I think, agree with a statement that was  
9 made in the staff report that the majority -- well, the  
10 impact from both the San Joaquin Valley and the Bay Area may  
11 have a contributing factor or may have a cumulative factor  
12 in having that overwhelming designation. And staff, in  
13 their report, has recommended an overwhelming designation  
14 for San Joaquin Valley and significant for the Bay Area.

15           We don't believe that information is available to  
16 quantify the emissions from either the San Joaquin Valley or  
17 the Bay Area. If you look at the emission inventory, as we  
18 can do in the fourth slide, it compares the inventory from  
19 those three basins. We can see the Mountain Counties, as  
20 indicated in the staff report, are small, but the San  
21 Joaquin Valley's emissions are quite a bit less again than  
22 the Bay Area's, and I would agree with the Chairwoman that  
23 not all of that 1370 would impact the Mountain Counties, but  
24 we think a great portion of it -- again, as indicated  
25 through that tracer study.

1           So, I think what we're asking for is equal  
2 footing. Until the valley air quality study is complete and  
3 we can quantify those emissions, at least put those two air  
4 basins on an equal footing.

5           And, Chairwoman, staff may want to comment now on  
6 the emission inventory part of it if you so desire.

7           CHAIRWOMAN SHARPLESS: Have you concluded your  
8 testimony?

9           MR. BOESE: On that part of it. I have some other  
10 recommendations.

11          CHAIRWOMAN SHARPLESS: Why don't you just go --  
12 continue.

13          MR. BOESE: I'll do that. My third area of  
14 concern deals with the March, 1993 Air Resources Board  
15 hearing. At that time, your Board deleted the no net  
16 emission increase requirement for serious and severe  
17 nonattainment areas. The effect of this deletion is that  
18 permitting requirements for all districts are those  
19 specified in the Act, as amended in 1992, regardless of  
20 whether the district is a source of transport.

21          This decision set up the inequity between the Bay  
22 Area and the San Joaquin Valley as it relates to offset  
23 thresholds. Staff, at that time, indicated that there was a  
24 lack of technical data to determine what the transport  
25 impact was; that there was a clear message that we took back

1 from the Board that once better data was available, you  
2 would return to the issue.

3           You have before you today the staff report that  
4 makes a recommendation asking for the Bay Area to be  
5 designated as overwhelming. And, again, that was based upon  
6 data that has come out from the San Joaquin Valley air  
7 quality study.

8           We would recommend now, since that data is  
9 available, that it may be time to reopen that hearing. If,  
10 in fact, you feel that sufficient data is still not  
11 available and you would hold off on relooking at that idea,  
12 we have one more. And that would be that you establish  
13 mitigation measures that could be incorporated in Title 17.  
14 That mitigation language would reinstate the offset  
15 thresholds -- what we would recommend is that the upwind  
16 areas found to be overwhelming contributors -- that the  
17 requirements for offsets and BACT in the upwind areas found  
18 to be overwhelming contributors be at least as stringent as  
19 those in the downwind areas impacted by overwhelming  
20 transport.

21           That concludes my statement.

22           CHAIRWOMAN SHARPLESS: Thank you. Items 1 and 3  
23 come out with the same result, don't they?

24           MR. BOESE: Well, they're sort of two different  
25 ways of --

1 CHAIRWOMAN SHARPLESS: Yes. Okay. Would staff  
2 like to comment on the issues or points that the San Joaquin  
3 Valley -- that Mr. Boese has brought up?

4 MR. BRADLEY: Madam Chairwoman, with regard to the  
5 emission inventories and the matchup, I think one thing  
6 that's important is to recognize that there were several  
7 different sites in Mountain Counties that were impacted by  
8 ozone. There's -- Pardee Reservoir and Angels Camp are a  
9 couple of sites that sort of -- the upper southern portion.  
10 And then, further south is the Turtleback Dome and Wawona  
11 Valley. Well, the part that's a little bit further north,  
12 we focused on about three counties, in terms of the Bay  
13 Area, that we thought might be relevant to that, and two  
14 counties in the San Joaquin Valley -- the Stanislaus and San  
15 Joaquin County, as well as the impacted counties in the  
16 Mountain Counties Air Basin.

17 With regard to the further south portion, we  
18 included some further counties in San Joaquin Valley, which  
19 are further south, and we did not look heavily at a Bay Area  
20 impact for the more southern sites in the Mountain Counties.

21 In no case did we assume that the Bay Area  
22 emissions in total were likely to be highly relevant to the  
23 mountain counties impact as Mr. Boese seemed to assume.

24 CHAIRWOMAN SHARPLESS: Okay. So, his other point  
25 regarding expanding the San Joaquin -- or the overwhelming

1 designation from the Bay Area from more than just Crow's  
2 Landing into -- deeper into the valley. What comment do you  
3 have on that?

4 MR. MC NERNY: I can comment on that, Madam  
5 Chairman. What the staff looks at to base the overwhelming  
6 recommendation on is whether or not the downwind district  
7 makes a significant contribution to the ozone exceedance.  
8 And that's based on the amount of emissions that it  
9 contributes to the air parcel leading to the site.

10 There was a measured ozone exceedance at the  
11 Crow's Landing site, and we examined the emissions in the  
12 air parcel leading from the Bay Area to that Crow's Landing  
13 site. And we found that emissions were very low, less than  
14 half a ton of emissions into that air parcel. And to us,  
15 that wasn't enough to make a significant contribution there.

16 We looked somewhat further across the basin -- but  
17 you have to go clear across to Modesto or Stockton, and the  
18 parcel -- and an air parcel would have gone that far, but it  
19 would have picked up emissions on its way across the basin  
20 and then it would have hit the urban area where the monitors  
21 are in Modesto in Stockton. And, in that case, it would  
22 have picked up enough emissions to make a significant, which  
23 we interpret to be a measurable contribution, to the ozone  
24 exceedances there.

25 So, there was some, probably small -- but we can't

1 apportion exactly. But there was some contribution from  
2 emissions in the downwind area, and that's why we didn't  
3 recommend an overwhelming for that, even though there's  
4 probably a substantial impact from the Bay Area, but some  
5 contribution from the downwind area also.

6 MR. LAGARIAS: Madam Chair?

7 CHAIRWOMAN SHARPLESS: Yes, Mr. Lagarias.

8 MR. LAGARIAS: I'd like to respond to Mr. Boese's  
9 comment about the March Board meeting. At that time, we  
10 were directed by legislation to change the no net increase  
11 requirement for small businesses primarily to allow small  
12 businesses to get out of the permitting hassle and not to  
13 have to get offsets.

14 The decision that we made was not based on  
15 transport, because we all know that the pollution goes from  
16 west to east, or the flow of air goes from west to east.  
17 But the reason we chose the 15 tons for San Joaquin and 10  
18 tons for the Bay Area is because of their designation in  
19 terms of their air quality in those areas, and also the  
20 significance of allowing the small sources to be permitted  
21 without having to go to offsets had -- was minor in terms of  
22 the total allowable emissions that would be added to the  
23 program.

24 So that the impact of that legislation was, no  
25 matter whether you took 10 or 15, was insignificant in terms

1 of air quality. And the transport issue does not -- and I  
2 don't believe will -- enter into that picture at all.

3 MR. BOESE: Well, that's what we took issue with,  
4 was the impact. And although, you're right, the legislation  
5 did not look at the transport, we felt that, in the Board  
6 making their determination and setting those limits, that  
7 transport should be looked at. And, as we brought up the  
8 air quality study, I remember the Board saying, yes, we're  
9 very open to the results of that study. And once the  
10 information starts to come in that would quantify the amount  
11 of emissions, then we would possibly rehear this issue.

12 MR. LAGARIAS: Well, the impact, as we understand  
13 it, on the 1370 tons -- of allowing those sources to be  
14 permitted -- or the difference between 15 and 10 is so small  
15 that it would have very little bearing on air quality at  
16 all.

17 CHAIRWOMAN SHARPLESS: I would certainly second  
18 what Mr. Lagarias has said and maybe expand it a little bit.  
19 I think that it's not fair to just entirely focus on the  
20 offset threshold of the new source review rules as the only  
21 indicator of how much emission goes from one area to the  
22 other, or how much is being done to offset those emissions  
23 from one area to the other. And I think you also have to  
24 look at the other measures in the San Francisco Bay Area  
25 plan and try to make a determination if the measures in that

1 plank are stringent from the standpoint of not only meeting  
2 their own air quality standards, but offsetting whatever  
3 pollution they're sending into the other areas.

4 Of course, you're not the only area they send  
5 their pollution. They send their pollution in other areas  
6 as well.

7 We recognize this is a very complex issue. I  
8 think that what we say is that we're always open to new  
9 information. And certainly, as we begin to develop the  
10 knowledge that we have gained from the San Joaquin air  
11 quality study, that that information's going to be very,  
12 very helpful in building on what the sources and what the  
13 receptors -- where it goes. And when it goes there, how  
14 much of a problem does it create. Everything about, you  
15 know, whether the transport is happening ground level or  
16 aloft, and what happens to it and everything else that's  
17 involved in the complicated chemistry of dealing with air  
18 quality.

19 So, I, like Mr. Lagarias, feel that the Board made  
20 a very -- made its decision on the mitigation measure based  
21 on a lot of factors and very strong factors that can be --  
22 that can be backed up.

23 Obviously, the San Joaquin Valley people have a  
24 different view of what the Board should do.

25 But, in terms of the points that you've made

1 today, that's something that the Board's going to have to  
2 consider.

3 I think the staff has indicated what their  
4 analysis -- the grounds for their analysis and the grounds  
5 for your analysis, and the Board will weigh it, Mr. Boese.

6 MR. BOESE: If I might conclude with two brief  
7 comments. As staff indicated, the emissions did flow into  
8 the Modesto area -- Modesto-Stockton area. They felt that  
9 there were contributions from sources that prevented them  
10 from saying that it was totally impacted by -- I guess an  
11 overwhelming impact --

12 CHAIRWOMAN SHARPLESS: Right.

13 MR. BOESE: -- by the Bay Area. We agree that  
14 there are some emissions. But, again, we're looking at a  
15 small emission inventory. And I think if we look at the way  
16 staff evaluated overwhelming impacts in other areas, it just  
17 follows suit to make this same kind of analysis, where you  
18 have an area of low emission inventory, sure, there's going  
19 to be some intertwining of those pollutants. But, in fact,  
20 if it's small enough, the overwhelming impact should still  
21 stand.

22 And one other point, I guess, as you were talking  
23 about offsets, I'm assuming that you're talking both in  
24 respect to the decision that was made at the March Board  
25 meeting and with regards to mitigation measures that this

1 Board can enact with regards to air basins that have an  
2 overwhelming impact.

3 I think one thing the Board has to consider is  
4 really the guts of any air pollution control program and  
5 their rules and regulations has to do with the offset  
6 thresholds and the BACT thresholds. And I think that's the  
7 first place you'll look at in reducing emissions from new  
8 sources coming in and modification to existing sources.

9 CHAIRWOMAN SHARPLESS: I understand that. I think  
10 the point that Mr. Lagarias was saying, though, is the new  
11 source review rules were looking at the very small -- the  
12 very small businesses whose thresholds are very low. It's  
13 not like we've opened up the door and that industry will not  
14 have to offset their emissions.

15 The point I was making -- and I agree with you  
16 that new source review rules are very important in the  
17 overall strategy. But it seems to me that what the San  
18 Joaquin Valley District did was only look at that as the  
19 only strategy for reducing the emissions when they evaluated  
20 10 versus 15. They're not looking at all of the other  
21 things that the Bay Area was doing versus what, for  
22 instance, the San Joaquin Valley -- you wanted equity. You  
23 wanted districts doing exactly the same thing.

24 Well, if you take your arguments to the logical  
25 conclusion, then, the San Joaquin Valley ought to be doing

1 the same kind of measures that the Bay Area is doing in  
2 every respect, every respect.

3 MR. BOESE: Well, I think, as you look at those  
4 types of mitigations, you tailor those to the individual  
5 community. But when it comes to offsets, those are the same  
6 no matter where you go.

7 Why not have that the same across the State? I  
8 guess we could even carry it further.

9 CHAIRWOMAN SHARPLESS: Well, the Legislature  
10 didn't certainly make that choice when they amended the  
11 California Clean Air Act.

12 MR. BOESE: But they left in the BACT retrofit.

13 (Thereupon, the reporter requested a pause in  
14 the proceedings to change a tape.)

15 (Laughter.)

16 CHAIRWOMAN SHARPLESS: Always at critical moments,  
17 too. It's timed that way.

18 SUPERVISOR BILBRAY: She does it very well, you  
19 notice.

20 MR. BOESE: I just wanted -- Goddang, I knew this  
21 would happen. I forgot what I was going to say.

22 CHAIRWOMAN SHARPLESS: Oh, good.

23 (Laughter.)

24 CHAIRWOMAN SHARPLESS: He forgot what he was going  
25 to say.

1 MR. LAGARIAS: Join the crowd.

2 MR. BOESE: I think that the rest of the plan --  
3 the control measures that are in the plan are tailored for  
4 individual districts. And it's the responsibility of the  
5 Air Resources Board to review those plans --

6 CHAIRWOMAN SHARPLESS: But it really doesn't read  
7 that way, Mr. Boese. When the transport -- when you read  
8 the transport language -- and, Mr. Scheible, maybe you can  
9 help me out -- doesn't the language say that a district has  
10 to tailor its plan to demonstrate emission reductions in  
11 areas of transport? Doesn't it say that? Not only for new  
12 source review rules, but for everything, it has to establish  
13 feasible measures if it is to demonstrate attainment in its  
14 transported areas?

15 MR. SCHEIBLE: Where there's overwhelming  
16 transport --

17 CHAIRWOMAN SHARPLESS: Where there's overwhelming  
18 transport.

19 MR. SCHEIBLE: -- our regulations impose upon the  
20 area that produces the transport the responsibility to come  
21 up with a strategy that attains the standard in the  
22 overwhelmed area.

23 Therefore, in other cases in the State where we've  
24 done that, the area basically has to design its attainment  
25 plan not only to attain for those sites within its air

1 basin, but across the border. And that would be the same  
2 responsibility that the Bay Area would inherit for these  
3 sites.

4 Where we have -- and I don't think we're treating  
5 the San Joaquin Valley inconsistently with other areas where  
6 there is a shared contribution -- and overwhelmed -- we've  
7 been fairly conservative. Overwhelm means all or close to  
8 all of the emissions are coming from the upwind area or the  
9 transport producer.

10 We've said it's significant. And at that point,  
11 then, our second set of mitigation requirements apply,  
12 which, at this time, consist of the implementation of best  
13 available retrofit control technology according to the  
14 schedule established by the Board.

15 I think we would like to and, as we get better  
16 transport information and quantification, to go back and  
17 refine those under the law to say what's the mix of control  
18 in the upwind area and the downwind area that equals  
19 attainment; what's the fair share, and then establish  
20 control requirements that way. And that would be the next  
21 step when we have sufficient information out of the modeling  
22 studies to deal with both the San Joaquin Valley and the Bay  
23 Area to say how do we make sure that both areas reduce their  
24 emissions in a way that attains the standard and is  
25 equitable, and then we have all discharged our

1 responsibility under State law for transport.

2 MR. LAGARIAS: Well, one thing that bothers me --  
3 if an upwind district has developed a plan that achieves  
4 attainment within the district, it's hard for me to see that  
5 that plan doesn't reduce its impact on a downwind district,  
6 short of dumping everything in the upper atmosphere and  
7 going for long-range transport.

8 MR. SCHEIBLE: Well, it would clearly reduce the  
9 contribution downwind, unless the downwind site happened to  
10 be the most difficult site --

11 MR. LAGARIAS: That's true.

12 MR. SCHEIBLE: -- to attain. It might have to do  
13 something more. I don't know whether that's the case in the  
14 Bay Area or not. Clearly, it's not the case in the South  
15 Coast or --

16 MR. LAGARIAS: I agree. You have to do something  
17 more. But first, achieve attainment in your own upwind  
18 district, and then assess what the impact of it is downwind.

19 MR. SCHEIBLE: Right. And the Board has chosen,  
20 in establishing mitigation requirements for areas that have  
21 overwhelming transport, not to specify what the requirement  
22 is -- simply to say, you now have this new site that you  
23 have to take care of through your normal planning process.

24 And, as we all know, everybody's having a hard  
25 time attaining in their own basin. So, we don't have the

1 final solution of how you're going to attain downwind  
2 either.

3 CHAIRWOMAN SHARPLESS: Okay, Mr. Boese. In order  
4 to allow other witnesses to have time to express their  
5 opinion, we'll excuse you.

6 MR. BOESE: Okay. Thank you for your time.

7 CHAIRWOMAN SHARPLESS: Thank you very much.

8 We'll take a five-minute break.

9 (Thereupon, there was a brief recess taken.)

10 CHAIRWOMAN SHARPLESS: Well, let's reconvene and  
11 move along here. If we stick to five minutes per witness,  
12 we just might make this, or else we're all going to be back  
13 here doing this again.

14 So, I'll call up Charles Eadie from Monterey Bay  
15 Clean Air Coalition.

16 MR. EADIE: Thank you very much. I'd just like to  
17 tell you that we're implementing an emission reduction right  
18 now. We were scheduled to have two speakers, including Lee  
19 Haskin from the Martinelli's Apple Juice plant. And he, in  
20 the interest of time, decided that I'd speak on his behalf.  
21 So, we now have reduced 50 percent --

22 CHAIRWOMAN SHARPLESS: Thank you very much.

23 MR. EADIE: -- of our verbal emissions.

24 (Laughter.)

25 MR. EADIE: And particularly in deference to you

1 who are downwind of the podium.

2 (Laughter.)

3 MR. EADIE: The reason we are here is we have  
4 presented to you a letter -- it's actually addressed to Mr.  
5 Boyd. And this letter is from the Monterey Bay Clean Air  
6 Coalition. The Clean Air Coalition is a partnership that's  
7 comprised of both public sector and private sector  
8 organizations and individuals.

9 In fact, it's comprised of nearly every city in  
10 the Monterey Bay region. It's comprised of businesses and  
11 industry groups that represent about 150,000 of 200,000 jobs  
12 in the region. So, it's a broad-based group which came  
13 together about a year ago. Actually, in testimony before  
14 your Board at the Monterey hearing on the air quality  
15 management plan there, we all discovered that we were saying  
16 the same things and, at that point, decided that, in order  
17 to be constructive in the process, we needed to become  
18 educated ourselves and come up with some specific  
19 recommendations.

20 So, we've spent the last year learning a lot of  
21 things. We've learned about ozone design values, and NOx  
22 and ROG. And, you know, words that we used to think meant  
23 one thing, they now mean another.

24 We've discovered that "overwhelming days" is not  
25 something that your subject to as a parent. It's actually

1 something that has to do with air quality. We didn't know  
2 that before. But now we know some of these things. We have  
3 also had a consultant that helped us analyze the air quality  
4 management plan to make these recommendations.

5 The reason, of course, that we're making these  
6 recommendations is fundamentally because our region has  
7 suffered not only the hit that all of California has  
8 suffered with regard to the recession, but we've had  
9 additional major hits, including a major earthquake three  
10 years ago we're still recovering from; closure of Fort Ord,  
11 and a number of basic changes in agricultural economy and  
12 restructuring of the food processing industry.

13 So, these things have led all our city councils  
14 and our businesses to work together to try to find  
15 regulatory relief wherever we can. And we've operated on a  
16 fundamental principle that the regulations for our area --  
17 in all areas, but in our case -- in air quality should be  
18 appropriate to the level of the problem. And a year ago, we  
19 felt that the air quality management plan was going beyond  
20 the science, beyond the level of the problem in our area,  
21 which has had something like nine hours of exceedances in  
22 five years; and, yet, at that time, was classified as having  
23 a serious air quality problem.

24 And this intuitively didn't make sense to us. So,  
25 the letter that we've submitted to you today is really a

1 follow-on of our efforts over the past year. And the reason  
2 we're here today is because the study that you just did,  
3 the triennial report, we found to be quite supportive of a  
4 major point that we've been trying to make. And that point  
5 is that the ozone design value, which is the fundamental  
6 regulatory parameter for our area, is based on a reading or  
7 an exceedance that isn't really relevant to our local  
8 emissions in our district.

9 And so, what we are asking the ARB to do is to  
10 take the ozone design value, which is now based on a reading  
11 at the Pinnacles and instead base the design value on a  
12 reading from another station that's in the district that's  
13 more representative.

14 One of the main reasons we can make this argument  
15 to you is your own staff report, which basically says that  
16 the Pinnacles station is a wonderful monitor of transport  
17 pollution and has either insignificant, or inconsequential,  
18 or inconclusive relationship to the local emission sources.

19 So, we would like basically, then, the staff to  
20 make use of this report, and we support the conclusions of  
21 the report. We think the science -- we appreciate that  
22 they've spent a year of their time, their staff time, to try  
23 to analyze the situation in our region. And we think that  
24 the Pinnacles station is clearly shown in this report to be  
25 an inappropriate place to base our design value on for our

1 district.

2 We met last week with Mr. Boyd and Ms.  
3 Witherspoon, Mr. McGuire, Mr. Bradley, Mr. Nyarady, and  
4 maybe a few others that I missed. But we had a very  
5 positive discussion with them. And they indicated to us  
6 that they are reaching the same sort of conclusion that the  
7 policy side needs to talk to the technical side, and that  
8 there is a case here to be adjusting this design value.

9 We wanted to make the point here today before your  
10 Board so that you understand what we're doing and what we've  
11 done over the last year and so that it's in the record.

12 So, briefly now, let me highlight a few of the  
13 points in our letter. First of all, as I mentioned, we  
14 object to using the Pinnacles data as the basis for the  
15 design value. And the reason we object to that is that if  
16 you look at your report, something on the order of 22  
17 exceedances were recorded there. And of those 22, 20 were  
18 either rated as overwhelming or significantly caused by  
19 transport. Two others were rated as inconclusive, which  
20 means that they couldn't even say that there was even a  
21 local cause to that exceedance.

22 And that classification is basically supported in  
23 your staff report. And the second -- the follow-on point of  
24 that is, if you use the actual analysis, it becomes even  
25 more interesting, because the inconclusive days -- it says

1 in the -- quoting from the report, it says, "The presence of  
2 the marine layer in the Salinas Valley and San Benito  
3 Valley, but not at Pinnacles, suggests that Pinnacles was  
4 not impacted by emissions within the North Central Coast Air  
5 Basin."

6 Pinnacles was the only location throughout Central  
7 and Northern California to exceed the ozone standard,  
8 suggesting no local or transported source for the emissions  
9 impacting Pinnacles.

10 Now, the Pinnacles is a pretty special place.  
11 I've been there a lot of times, but it almost seems kind of  
12 magical that it can generate an ozone violation absent any  
13 other ozone violations. Maybe they've got a new strain of  
14 ROG weed or NOx in the rocks, but --

15 (Laughter.)

16 MR. EADIE: -- at the same time, we have found out  
17 through our studies that the Pinnacles has been used for the  
18 ozone design value. And we just don't think inconclusive is  
19 a strong enough scientific standard to support using that  
20 reading at the Pinnacles for our ozone design value.

21 And then, our third point is that, even if you  
22 could support an assertion that the inconclusive days are  
23 somehow shared between our district and Monterey, the  
24 relative contributions of the two districts are just not  
25 even -- almost not even comparable. We're like a -- we're

1 not even a junior member of the firm yet. And the Bay  
2 Area's like eight times the emission precursor generation  
3 that we do. And even more astounding is the fact that the  
4 emissions that are likely to affect the Pinnacles station,  
5 which are from the Southern Santa Clara Valley, and in the  
6 Bay Area District, and San Benito County in our district,  
7 the precursor relationship there is 34 times higher in the  
8 South Santa Clara/San Mateo area than it is in the  
9 Hollister/San Benito areas.

10 So, even if it was shared, we don't feel that  
11 there is a basis there to say that there's anything that you  
12 can conclude about that reading that relates back to our  
13 district.

14 The fourth point we would like to make is that the  
15 use of the Pinnacles for regulatory purposes in our air  
16 district is inconsistent with our air quality management  
17 plan, which has been reviewed and approved by the Air  
18 Resources Board. And the reason we say it's inconsistent is  
19 because, in the air quality management plan, there is  
20 language which states that the Pinnacles data are operated--  
21 it's from a site operated by the National -- Pinnacles  
22 National Monument. Although it is considered ambient, it is  
23 not located in a populated area, and it is not operated by  
24 the district.

25 So, therefore, it's basically dismissed in our air

1 quality management plan as a very important station to read  
2 air quality and make determinations about what policy ought  
3 to be in our district.

4 So, what we would suggest is that, if a station  
5 like this is, in fact, going to be used for something like  
6 the ozone design value, that there really ought to be an  
7 effort in advance to have your staff say, look, this is an  
8 important area and there ought to be a basis in the plan for  
9 using that. We think that, as a matter of policy, you  
10 probably would do well to consider using district operated  
11 stations for purposes of regulation of air quality in the  
12 district.

13 I know that there is some quality assurance that  
14 takes place at the Pinnacles station, but it is -- it's not  
15 operated by the district. It's operated by the National  
16 Park Service. And there have been some questions about what  
17 it actually -- how well it monitors in the past.

18 And then, finally, our last point is that this  
19 monitoring station does not meet the EPA siting criteria for  
20 local and State air monitoring stations. Basically, that  
21 criteria includes determining a representative concentration  
22 in areas with high population density, to determine impact  
23 on ambient pollution levels of significant sources or source  
24 categories, to determine general background contribution --  
25 concentration levels.

1           The Pinnacles really doesn't meet any practical  
2 test for local representativeness for the reasons I've  
3 stated. It's not located anywhere near a population in our  
4 district. It's really irrelevant as a determinant of  
5 ambient pollution, because it's more picking up transport  
6 than anything else.

7           And it's relevant to high concentration and  
8 background levels only if your goal really is to monitor  
9 impact of transport pollution.

10           MR. LAGARIAS: Mr. Eadie?

11           MR. EADIE: Yes.

12           MR. LAGARIAS: From all those reasons, are you  
13 saying you suggest we throw out the Pinnacles data?

14           MR. EADIE: Yeah. I think --

15           MR. LAGARIAS: I think the staff will take a look  
16 at that.

17           MR. EADIE: Yeah. We think that -- we don't think  
18 you should throw away the data, because I think it's  
19 important, you know. It's there and you can look at it for  
20 other things. But it shouldn't be the thermostat that is  
21 driving the regulatory program in our district, which is  
22 basically what it is now.

23           MR. LAGARIAS: We got the message.

24           MR. EADIE: Yeah. So, that concludes my remarks,  
25 and I would like to thank you for your attention to this

1 issue, and we'd also like to, once again, thank the staff  
2 for their work.

3 CHAIRWOMAN SHARPLESS: Thank you very much, Mr.  
4 Eadie. He alluded to the fact that -- and I'm directing  
5 this at the staff -- that you had had a meeting and had  
6 discussed this issue. And some comments were made about a  
7 process to review the design value.

8 Ms. Witherspoon, would you like to inform the  
9 Board as to what the staff might suggest in dealing with  
10 this issue?

11 MS. WITHERSPOON: Yes. And thank you, Madam  
12 Chair.

13 Pinnacles has always been a problematic design  
14 site because it's remote, it's elevated, and experiences  
15 somewhat unique transport effects, drawing emissions upward  
16 in sort of a chimney like way, which makes it more difficult  
17 to trace where, in fact, they are coming from, along with  
18 the aloft contributions.

19 However, the last planning round, we were stuck  
20 with Pinnacles because we had no purely local days. And of  
21 all the violations of the ozone standard, it was the  
22 highest.

23 Since the time we last spoke about Monterey during  
24 the plan review, staff has gone back and examined the days  
25 in detail. And it appears that the highest measured

1 concentration at Pinnacles, the .11, is in fact closer or  
2 it's someplace between significant and overwhelming, moving  
3 more toward the transport case than not.

4 We did meet last week and discuss this. It may  
5 ultimately play out -- we're going to continue meeting and  
6 talking about it through the end of this year, bringing into  
7 it the additional data analysis that the staff has done for  
8 the very most recent violations. And we may be evolving  
9 toward a .10, whether that's at Pinnacles or at some of the  
10 surface sites closer to Monterey proper, which also have  
11 shared violations in the .10 range.

12 We haven't conclusively thrown out the 11, but  
13 indications are that we very well might.

14 CHAIRWOMAN SHARPLESS: Can you tell me the process  
15 again? You're going to be working with the district staff?  
16 By that, you mean, you're going to be meeting and evaluating  
17 more information?

18 MS. WITHERSPOON: Well, as Ms. Popejoy indicated,  
19 since the time the staff report was released, the Technical  
20 Support Division has gone back and examined all the latest  
21 days and they intend to publish their analysis by this  
22 year's end. Perhaps Debbie could elaborate on the specific  
23 date. And we will, of course, be communicating with the  
24 district and with affected parties in between now and then.

25 MS. POPEJOY: We have a draft that is going to be

1 going through internal review within the next month, and we  
2 hope to be able to send it to the district and some other  
3 interested parties to take a look at. This report only goes  
4 through 1992. We are not looking at '93 at this point.

5 We have some data -- some days that we've looked  
6 at that are elevens at Pinnacles. But at this point, we  
7 have not found anything, other than this inconclusive day,  
8 that's even close to significant at the 11 value.

9 So, our -- so far, our highest significant  
10 transport day is at .10, both at Pinnacles and Hollister.

11 CHAIRWOMAN SHARPLESS: Yes, Mrs. Ichikawa.

12 MRS. ICHIKAWA: I have a question for staff. Are  
13 there any other air districts that use numbers from the  
14 National Park Service's monitoring stations?

15 Aren't they mostly all EPA or ARB, or just local  
16 districts?

17 MS. POPEJOY: I believe Wawona and Turtleback Dome  
18 in Tuolumne are from the Park Service, and we use that.

19 MRS. ICHIKAWA: But aren't they much smaller  
20 areas?

21 MS. POPEJOY: Well, they're in the --

22 MRS. ICHIKAWA: Populationwise.

23 MS. POPEJOY: Oh, yeah. They're in the Yosemite  
24 Park.

25 MRS. ICHIKAWA: So, we're really kind of behind

1 times?

2 MS. WITHERSPOON: Well, I'm glad you raised that,  
3 Mrs. Ichikawa, because I would suggest that you not embrace  
4 the recommendation that was made to disregard data that is  
5 other than collected by the air district or by the Air  
6 Resources Board. I think it's important, as was evidenced  
7 in earlier testimony, to consider all sources of  
8 information, and we ought to be concerned most with whether  
9 the data is credible, but not its source.

10 So, there are reasons, other than the fact that  
11 the Forest Service collects the data, to be concerned about  
12 Pinnacles. And we're pursuing those lines rather than  
13 simply setting the data aside.

14 MR. BOYD: Madam Chair, I think the record needs  
15 to reflect that who runs the station is not that relevant.  
16 I mean, if it's good data collected in accordance with all  
17 the rules and regulations of data collection and quality  
18 assured and what have you, then any meaningful air quality  
19 agency will use the data. To say that we'd only use State  
20 data, or Federal EPA data, or local district data would mean  
21 to throw out all the data that the Air Force, the Navy, and  
22 anyone else who collects data throughout the State provides  
23 to us, that is very good data and done in accordance with  
24 proper rules.

25 So, I don't think it has to do with who's running

1 the data. It has to more to do with, as long it is proper  
2 data and it meets our test for quality assurance, then it is  
3 entered into the data bank as relevant to the issue.

4 CHAIRWOMAN SHARPLESS: Actually, I think that's  
5 what Mr. Eadie was saying. If I remember his testimony, if  
6 we're going to use Pinnacles, let's make sure that the --  
7 that it's run in such a way that the information is quality  
8 assured. Did I understand your comments?

9 MR. EADIE: Yes. And not only that it's quality  
10 assured, but that your basic regulatory decision based on  
11 the data can be supported by the reading you're getting  
12 there.

13 CHAIRWOMAN SHARPLESS: Right. I think we all  
14 agree with that.

15 MR. EADIE: Yeah, we don't have a problem with  
16 them having the station there. But it's just -- it's not  
17 valuable for the purposes that the data are being used for  
18 now, which is to calculate the design value for our  
19 district.

20 MS. POPEJOY: Madam Chair, we have looked at the  
21 quality of Pinnacles data, and we find it to be good data  
22 and data for record; otherwise, we would not have used it.

23 CHAIRWOMAN SHARPLESS: So, where are we -- excuse  
24 me?

25 MS. POPEJOY: This data is of the same quality as

1 our other data.

2 CHAIRWOMAN SHARPLESS: The data that's being run  
3 by the air districts?

4 MS. POPEJOY: The districts and the Board.

5 CHAIRWOMAN SHARPLESS: So, what is being debated  
6 here then? Nothing?

7 MS. POPEJOY: I think the appropriateness for the  
8 design site. I think that's the issue.

9 MR. EADIE: That's the issue. We don't have any  
10 problem with -- you know, we don't know enough about the  
11 quality of the data to argue that point. But what we are  
12 arguing is that what the data show is not something that's  
13 really relevant to our district. It's transport that's  
14 being shown there.

15 And, therefore, it's inappropriate as the design  
16 value.

17 CHAIRWOMAN SHARPLESS: Okay. And, as I  
18 understand, the design value is something that's going to be  
19 under review.

20 So, okay, Mr. Eadie. Thank you very much. Joan  
21 Bechtel, Feather River AQMD?

22 MS. BECHTEL: Thank you, Madam Chairman. My name  
23 is Joan Bechtel. I'm a supervisor from Sutter County. I  
24 sit on the Feather River Air Quality Management District  
25 that serves both the County of Yuba and the County of

1 Sutter.

2 But what I'm here today to request on behalf of  
3 our air quality district is that your Board direct your  
4 staff to reevaluate the southern portion of Sutter County.  
5 And what we hope will be the result is that you will take  
6 action to remove the remainder of South Sutter area from the  
7 broader Sacramento area, and place it in the upper  
8 Sacramento Valley.

9 We are further requesting that the Air Resources  
10 Board initiate a request to the EPA to modify its  
11 designation, which places South Sutter in the Sacramento  
12 Metropolitan Area, and change the area designation back to  
13 the Yuba City Metropolitan Statistical Area.

14 I am new on the Feather River Air Quality  
15 Management District Board. I know that they have been  
16 before you before, but I would like to just bring you up to  
17 date a little bit with history, or at least to refresh your  
18 memory.

19 In December of 1989, according to the regulations,  
20 the broader Sacramento area was defined to include all of  
21 Yuba and Sutter Counties. This action had the effect of  
22 placing Yuba and Sutter in a serious nonattainment area  
23 designation, even though data shows that the major cause of  
24 our ozone violations are caused by transport from the  
25 Sacramento area.

1           In December of 1999, the Air Resources Board  
2 requested that the Environmental Protection Agency change  
3 their nonattainment boundaries to include the southern  
4 portion of Sutter County in the Sacramento Metropolitan  
5 Statistical Area.

6           The EPA took this action in December of 1992 over  
7 the protests of the Board of Supervisors of Yuba and Sutter  
8 Counties.

9           In May of 1992, the Air Resources Board amended  
10 their regulations to remove all of Yuba County and the  
11 northern portion of Sutter County from the BSA, making the  
12 State boundaries the same as the Federal boundaries. In  
13 their resolution, No. 92-44, the Air Resources Board stated  
14 that the BSA was being amended to contain all significant  
15 existing and planned developments that are or will become  
16 the origin of commuter vehicle trips into Sacramento County.

17           The resolution also stated that Sutter County's  
18 general plan amendment provides for development of 25,000  
19 acres in the southeast portion of the county, including an  
20 increase of 57,000 new households.

21           Because Sutter County is included in the Federal  
22 nonattainment area, the Feather River Air Quality Management  
23 District must prepare a rate of progress plan showing a  
24 reduction of volatile organic compounds and submit it to the  
25 EPA by November of this year.

1           Of concern to our Board, is the cost of preparing  
2 such a plan, estimated at \$25,000, and the need to find  
3 emission reductions where none exist.

4           We will also be included in the Federal  
5 Implementation Plan for Sacramento and be subject to the  
6 same restrictions, even though we are talking about several  
7 thousand acres of rice fields.

8           Our population in the southern portion of Sutter  
9 County doesn't even come to 2,000 people. It is really an  
10 agricultural area of rice fields.

11           In June of this year, the voters of Sutter County  
12 approved a referendum which has put on hold any development  
13 in South Sutter County. While this action is being  
14 appealed, it will be several years before this issue will be  
15 resolved. And development, as indicated in the general plan  
16 amendment, may never occur.

17           In consideration of the action taken by the voters  
18 of Sutter County to stop development in the South Sutter  
19 area, and in recognition that there are no significant  
20 sources of emissions, and of the cost of preparing plans  
21 which are not needed, our Board is requesting that the Air  
22 Resources Board take action to remove the remainder of the  
23 South Sutter Area from the broader Sacramento area, and  
24 place it in the upper Sacramento Valley.

25           We are further requesting, as I stated, that the

1 Air Resources Board initiate a request to the EPA to modify  
2 its designation, which placed South Sutter in the Sacramento  
3 Metropolitan Area, and change the area designation back to  
4 the Yuba City Metropolitan Statistical Area.

5 Thank you. I'd be glad to hear any responses you  
6 might have. I would just add that we are a rural area, both  
7 Yuba and Sutter County. We do not have a lot of money. We  
8 also do not have a lot of emissions into the air. I think  
9 your staff will testify to that, also.

10 We just find ourselves in a very difficult  
11 situation that seems to us is just unrealistic. We would  
12 certainly invite you to come up and see our rice fields and  
13 see what we have to emit into the air. And I think that you  
14 would realistically see that this just doesn't make sense.

15 CHAIRWOMAN SHARPLESS: Well, Supervisor, I do  
16 recall this issue. It was quite a lengthy discussion at the  
17 time that the Board reviewed this action a while back. As I  
18 recall, there was a rather large development being proposed  
19 for southern Sutter.

20 MS. BECHTEL: That is correct.

21 CHAIRWOMAN SHARPLESS: And your letter indicates  
22 that the voters have, in some way, put a halt to the plans,  
23 but that it is currently on appeal; is that correct?

24 MS. BECHTEL: That is correct.

25 CHAIRWOMAN SHARPLESS: And your statement is

1 based, on the basis of the voters' action, you believe that  
2 there will be no development in southern Sutter happening  
3 anytime in the future.

4 MS. BECHTEL: That is correct.

5 And even in the event that the position would  
6 change and the development will occur, it will be a number  
7 of years because of the length of time it takes these  
8 matters to go through court.

9 In the meantime, you know, we are having to make  
10 these plans and pay for plans that, you know, don't make  
11 sense for what the reality is of today in Sutter County.

12 CHAIRWOMAN SHARPLESS: Can I ask you,  
13 notwithstanding what the voters' actions were on specific  
14 projects, does this put a halt to all development proposals  
15 that come before your Board?

16 MS. BECHTEL: The general plan amendment itself is  
17 before the court. We have asked for declaratory relief from  
18 the court. So, the whole general plan in the South Sutter  
19 County Area is before the court.

20 CHAIRWOMAN SHARPLESS: So, does that mean that you  
21 cannot consider any development plans?

22 MS. BECHTEL: We cannot.

23 SUPERVISOR RIORDAN: What was the basis of the --  
24 it essentially eliminated a project, a big project, all  
25 development?

1 MS. BECHTEL: Well, we have the whole general plan  
2 amendment before the court, because we had an advisory --

3 SUPERVISOR RIORDAN: Is that the project?

4 MS. BECHTEL: We had an advisory measure on the  
5 ballot, which the voters turned down 60 to 40, and we put it  
6 before the court, so that we could get declaratory relief on  
7 this. Obviously, we are being sued in many directions. But  
8 no construction will be going forward in the south county  
9 until this matter has been resolved.

10 CHAIRWOMAN SHARPLESS: Mr. Kenny, could you give  
11 us some enlightenment here on court procedures and what  
12 declaratory relief might mean in terms of the impact this  
13 has on our action?

14 MR. KENNY: Actually, I was going to comment on  
15 something else first. But with regard to declaratory  
16 relief, what happens is that there's a request by some party  
17 to have a determination as to how the law would be  
18 applicable in a particular situation.

19 The one other comment, however, that I did want to  
20 make that I think is relevant here is that the particular  
21 action that the witness is requesting of this Board at this  
22 particular time is arguably outside the scope of the notice  
23 that we have put forth. The notice basically deals with the  
24 modification of 7500, which does discuss the broader  
25 Sacramento area definition. However, what this Board is

1 really dealing with today are the transport couples in  
2 subsection (c) of that section, and then the attendant  
3 consequences of the transport couple modifications as it  
4 would be reflected in 7600.

5 So, I think for the Board to consider any kind of  
6 a modification to the broader Sacramento area definition  
7 today would arguably present the Board with a situation --

8 CHAIRWOMAN SHARPLESS: Scope problems.

9 MR. KENNY: -- in which it's out of scope with a  
10 notice problem.

11 CHAIRWOMAN SHARPLESS: Okay. Well,  
12 notwithstanding that and recognizing that the issue has been  
13 brought to the attention of the Board, does staff want to  
14 comment on how we might -- how we might respond to this --  
15 this request by --

16 SUPERVISOR BILBRAY: You know, briefly, I think  
17 it's briefly, because it's outside the scope of this  
18 meeting. So, obviously, it's not part of the deliberation.

19 CHAIRWOMAN SHARPLESS: No, no. I'm not getting to  
20 that. I'm getting to, outside of the scope of this hearing,  
21 how can we follow up on this request? Just to allow the  
22 witness some information.

23 MS. WITHERSPOON: Well, it's a near term  
24 difficulty. The regulatory consequences are not substantial  
25 where the boundary line is at the present time, because, as

1 the witness has indicated, there are very few sources in  
2 South Sutter County currently. We are mostly contemplating  
3 future development. And we recommended before and you  
4 approved the inclusion of South Sutter in the broader  
5 Sacramento area.

6 What has arisen is an administrative cost for  
7 being part of the broader Sacramento area and having to  
8 prepare a plan. The \$25,000 refers to the cost of  
9 contracting with Sacramento County to write the paper to  
10 submit to the U.S. EPA to be in compliance with the law.

11 We don't expect the plan to contain much in the  
12 way of regulation and, furthermore, we had recommended and  
13 continue to recommend at every point in the process that  
14 this region adopt regional strategies and comprehensive  
15 accounting and, even at some future date, merge operations  
16 to avoid exactly these kinds of difficulties.

17 Now, since it's just a part of the county, it's  
18 difficult to secede planning responsibilities. But  
19 ultimately, the solution in the broader Sacramento area is a  
20 more regionally oriented district and, in the meantime,  
21 making the best of the situation, that we have a fragmented  
22 planning area and some unnecessary administrative costs that  
23 come along with it because of that.

24 CHAIRWOMAN SHARPLESS: Am I correct? The Sutter  
25 County Board is a relatively -- most of the members on it

1 are new members?

2 MS. BECHTEL: We have three new members. And I'm  
3 one of the three.

4 CHAIRWOMAN SHARPLESS: You're one of the three.  
5 It might be helpful -- this is kind of new territory for  
6 you, I bet --

7 MS. BECHTEL: Yes, it is.

8 CHAIRWOMAN SHARPLESS: -- if we could sit down and  
9 talk to you a little bit about this issue, and try to let  
10 you know what has gone in the past and what our views are.  
11 Has that already happened, Ms. Witherspoon?

12 MS. WITHERSPOON: No, we haven't met recently and  
13 perhaps we should. There is another problem of staffing  
14 locally, and it has to do with the resources of the two  
15 counties not being great. But it's my understanding they  
16 have dismissed their air pollution control officer and have  
17 not acted on the Board's prior recommendations to acquire a  
18 very minimal staff to comply with the variety of air quality  
19 statutes. So, we have a deeper resource problem here than  
20 just the outstanding \$25,000 price tag of getting paper work  
21 in to comply with State and Federal law.

22 SUPERVISOR BILBRAY: Well, it sounds like we need  
23 a whole comprehensive meeting on the entire issue of the  
24 application of the entire Act in these two counties.

25 So, you know, the direction should be, obviously,

1 for staff to contact the supervisors so that they can have a  
2 comprehensive meeting about this issue.

3 But that's something that needs to be talked about  
4 in the whole package. This is just one small -- obviously  
5 this is a big issue that you've got to discuss. And you've  
6 got to tangle with this issue, because that goes with the  
7 territory. You may be new, but you wanted the job, and now  
8 you're stuck with it.

9 MS. BECHTEL: That's why I'm here.

10 MS. WITHERSPOON: We would be happy to do that.

11 MS. BECHTEL: And that is really what we were  
12 asking today. If you would direct your staff to help us  
13 look at this and reevaluate the situation of South Sutter  
14 county, because it really isn't realistic as it now is, and  
15 we would appreciate --

16 CHAIRWOMAN SHARPLESS: Well, I don't know that --  
17 I certainly think we ought to look at it. I think the  
18 picture is a big picture, and I think that once people begin  
19 to understand what is involved here, maybe it's not a  
20 question of reevaluation. It's a question of looking at the  
21 various options and choosing the best ones that work for  
22 everybody.

23 SUPERVISOR BILBRAY: I think both sides may need  
24 to be educated on the facts and the realities.

25 CHAIRWOMAN SHARPLESS: Okay.

1 MS. BECHTEL: Also, I think you must understand  
2 that the money is a problem in small rural counties, such as  
3 ours, and we can't meet some of the requirements that some  
4 of the larger areas can meet. Fiscally, we cannot do it.

5 SUPERVISOR BILBRAY: Well, the trouble there is  
6 that we're going to have to talk about how does the law get  
7 enforced? Does ARB take over the administration of some of  
8 this stuff, because you don't have the local funding?  
9 That's a whole new problem. We're sure that Ms. Witherspoon  
10 will take care of it.

11 CHAIRWOMAN SHARPLESS: Thank you very much.

12 MS. BECHTEL: Thank you.

13 CHAIRWOMAN SHARPLESS: Okay. Keeping to our five-  
14 minute limit here, Jan Bush from the Bay Area.

15 Mr. Bush, everybody seems to pointing the finger  
16 at you.

17 MR. BUSH: I noticed.

18 CHAIRWOMAN SHARPLESS: Have you got broad  
19 shoulders and a big plan?

20 MR. BUSH: We have a big plan.

21 Chairwoman Sharpless, members of the Board. My  
22 name is Jan Bush. I'm with the Bay Area Air Quality  
23 Management District, the source of all problems in  
24 California, I think.

25 (Laughter.)

1 CHAIRWOMAN SHARPLESS: Oh, I don't know.

2 (Laughter.)

3 MR. BUSH: You don't want to come back, I see.  
4 First, I want to indicate our appreciation to the staff for  
5 the amendments made to the staff report that's before you,  
6 particularly as it affects the Bay Area. We've talked with  
7 them, and we appreciate those changes.

8 I would like you to know that we do not object to  
9 your proposed regulation changes that affects the Bay Area.  
10 We accept our responsibility as a source of emissions that  
11 transport to other areas. We might quibble on the technical  
12 merits of the staff's evaluation about their various  
13 findings, but I think that reasonable people can disagree  
14 and we'll leave it at that.

15 I think we do make a recommendation that, in the  
16 future, as these plans are being reevaluated, that we work  
17 together so that the contentiousness that occurs is  
18 diminished as much as possible.

19 We would like to request that the proposed  
20 regulation change be based on the understanding that the  
21 Vacaville and Crow's Landing stations will be reestablished  
22 so that, if, in fact, we are responsible for overwhelming  
23 transport, that we can determine when we're not anymore.  
24 Without those stations, it's hard for us to make the case  
25 that the problem's gone away.

1           As has been mentioned by some of you, we are  
2 committed to the adoption of the measures contained in our  
3 clean air plan. It is an aggressive plan, and we intend to  
4 implement it. And we believe that, by doing so, we will  
5 eliminate overwhelming transport which may affect other air  
6 basins.

7           We also believe that it's essential that the  
8 downwind areas who are affected by our emissions in some  
9 way, mitigate their own contribution to their problem and  
10 not try to blame us entirely for the problems that they are  
11 finding.

12           And that ends my comments. I'd be happy to answer  
13 any questions.

14           CHAIRWOMAN SHARPLESS: You don't want to get into  
15 the quantitative overwhelming A and overwhelming B?  
16 Gradations of overwhelming?

17           MR. BUSH: I thought about it. And I'd be happy  
18 to do it if you want me to, but I --

19           CHAIRWOMAN SHARPLESS: No.

20           MR. BUSH: -- just don't think it's productive.  
21 Again, I think it is useful for us to get together -- I  
22 think particularly the San Joaquin Valley, your staff, our  
23 staff, the technical people -- to get together and talk  
24 about the way in which overwhelming is going to be defined  
25 and how it's going to be evaluated in the future.

1 I don't see any point in going back and looking at  
2 history. But I think it might be productive to look at  
3 what's going on in the future. We look forward to the San  
4 Joaquin Valley study's results, and maybe that'll shed some  
5 light on the problem.

6 I'm not convinced that -- I sort of fit in Dr.  
7 Wortman's camp on this. I don't think it's the answer to  
8 all these issues, but I think it will give us a lot of new  
9 information. And to that extent, we look forward to it.  
10 And we would agree to work with your staff and with the San  
11 Joaquin Valley staff and see if we can't agree on really  
12 what is the issue and what are their problems.

13 SUPERVISOR BILBRAY: Outside of that, you're  
14 guilty, but let those without sin cast the first stone?

15 MR. BUSH: No comment.

16 SUPERVISOR BILBRAY: Okay.

17 CHAIRWOMAN SHARPLESS: Thank you.

18 Charles Mosher, Mariposa?

19 DR. MOSHER: Good afternoon, Madam Chairwoman and  
20 members of the Board. My name is Dr. Charles Mosher. I'm  
21 the Health Officer of Mariposa County and the Mariposa  
22 County Air Pollution Control District is administratively a  
23 part of the Health Department there.

24 As a physician and as the Health Officer, my main  
25 concern, of course, is human health. To me, the exceedances

1 that we've seen in terms of ozone in the Mountain Counties,  
2 the vegetation damage, which has been documented, and our  
3 county's first nonattainment status which happened for ozone  
4 this past December, all presage health problems to come for  
5 residents and visitors.

6 After living in Mariposa County and recreating in  
7 Yosemite National Park for the past 15 years, it seems to me  
8 that locally generated ozone is negligible in terms of  
9 impact. And that seems to be an observation that was  
10 substantiated by your staff's scientific analysis of the  
11 data available.

12 So, representing Mariposa County, the Board of  
13 Supervisors, and the Health Department, we urge the Board to  
14 act on your staff's recommendations to modify the San  
15 Joaquin Valley Air Basin attainment plan to reduce ozone  
16 transport and to achieve State ozone standards within the  
17 earliest practical time frame and, also, of course, to  
18 monitor the success of these mitigation measures.

19 Thank you for your time.

20 CHAIRWOMAN SHARPLESS: Sorry, this is entirely my  
21 fault. But I'm not quite sure what you're asking of us.  
22 Are you asking us to change a designation that we're making  
23 here today?

24 DR. MOSHER: No.

25 MR. LAGARIAS: No, he's supporting it.

1 CHAIRWOMAN SHARPLESS: You're supporting it.

2 DR. MOSHER: We're supporting your staff's  
3 recommendation.

4 CHAIRWOMAN SHARPLESS: No wonder I didn't  
5 understand it.

6 (Laughter.)

7 CHAIRWOMAN SHARPLESS: I hadn't heard a support  
8 yet. I can't accept it when I hear it.

9 SUPERVISOR BILBRAY: She didn't hear the  
10 complaint, so she figured she missed the presentation, you  
11 know.

12 (Laughter.)

13 DR. MOSHER: I thought I'd give you some  
14 counterbalance here.

15 CHAIRWOMAN SHARPLESS: Thank you very much.

16 SUPERVISOR BILBRAY: The mother of counties.  
17 Okay.

18 CHAIRWOMAN SHARPLESS: Okay. Bob Howard, please,  
19 Yosemite National Park.

20 MR. HOWARD: Good afternoon. I have the same  
21 problem as Dr. Mosher. I'm going to support the Board.

22 My name is Bob Howard. I'm the Chief of Planning  
23 and Environmental Compliance for Yosemite National Park, and  
24 I'm here with some of my staff specialists -- Deb Finnegar  
25 (phonetic), an air quality staff specialist of the park, and

1 a regional air quality specialist for the National Park  
2 Service, Judy Rochio (phonetic).

3 And I'm here to present a jointly signed letter  
4 from the Superintendent of Sequoia and Kings Canyon National  
5 Park, Tom Ritter, and from my Superintendent, Mike Finley.

6 I'll note that there are similarities between the  
7 letter that you heard from the U.S. Forest Service earlier  
8 today, and this stems from -- this stems from the National  
9 Park Service, U.S. Forest Service, another Federal agency,  
10 coordinating air quality concerns through a clean air  
11 partnership.

12 The similarities in the letter also stem from the  
13 shameless plagiarism by my friend in the U.S. Forest  
14 Service.

15 (Laughter.)

16 MR. HOWARD: So, I'll read the letter from my  
17 Superintendent and the Superintendent of Sequoia.

18 We appreciate the opportunity to comment on the  
19 assessment. Yosemite, Sequoia, and Kings Canyon National  
20 Parks support your conclusion that the high levels of ozone  
21 documented within the Sierra result from the overwhelming  
22 transport of pollutants. The National Park Service's  
23 Environmental Protection Agency certified ozone monitors  
24 document exceedances of the State standard for ozone at  
25 these parks since monitoring began.

1 Primary and secondary air quality standards were  
2 established to protect human health and welfare. These  
3 parks are concerned about impacts to visitors, many of whom  
4 choose to recreate through hiking, backpacking, biking, or  
5 other physical activity.

6 Traveling to the mountains, many visitors assume  
7 the air is clean, and may be unaware that episodes of high  
8 ozone in combination with strenuous activities are unhealthy  
9 and aggravate respiratory problems.

10 We believe the designation of the Mountain  
11 Counties as nonattainment for ozone and the new transport  
12 couples are the first steps in educating Californians that  
13 pollutants generated in their communities are impacting the  
14 Sierra Nevada Mountains.

15 The Sierra Nevada is world renown for spectacular  
16 mountains, scenic vistas, and vast wilderness areas. The  
17 Clean Air Act recognizes the importance of maintaining air  
18 quality in our National Parks and wildernesses -- wilderness  
19 areas designated by all National Parks larger than 6,000  
20 acres and wilderness areas greater than 5,000 acres and in  
21 existence on August 7th, 1977, and are classified as Class I  
22 areas.

23 This designation affords the greatest protection  
24 against air quality deteriorations. As managers of Class I  
25 areas, we are required by the National -- the Federal Clean

1 Air Act and subsequent amendments to protect all air quality  
2 related values, such as visibility, water quality, and  
3 biological resources.

4 We are very concerned about the added stress the  
5 air pollution places on the vegetation of the Sierra. The  
6 secondary standard for ozone, which is designed to protect  
7 air quality related values is the same as the primary  
8 standard, and it does not adequately protect sensitive  
9 species from ozone pollution. Injury from ozone has been  
10 documented in sensitive species between .05 and .06 parts  
11 per million of ozone.

12 We cannot begin to address this pollution problem  
13 without the support and cooperation of the Air Pollution  
14 Control Districts, and we sincerely appreciate the State's  
15 continued investigation into the ozone problem and the  
16 results of transport. We'd like to continue to work with  
17 the Air Resources Board and the local Air Pollution Control  
18 Districts in the development of transport mitigation  
19 measures.

20 We appreciate the effort and diligence the staff  
21 has given these difficult issues, and we look forward to  
22 working with you in the future.

23 Thank you.

24 CHAIRWOMAN SHARPLESS: Thank you, Mr. Howard. We  
25 really do want to protect our natural resources in

1 California, which is one of the reasons we are the proud  
2 State we are. And we look forward to continuing our  
3 research and cooperative efforts. Thank you.

4 SUPERVISOR BILBRAY: If we don't all leave the  
5 State by then.

6 CHAIRWOMAN SHARPLESS: Then the trees will be  
7 healthy.

8 SUPERVISOR BILBRAY: But nobody will know it.  
9 (Laughter.)

10 CHAIRWOMAN SHARPLESS: All right. Mr. Michael  
11 Wang.

12 MR. WANG: Members of the Board, thank you very  
13 much for allowing me to speak today.

14 My name is Michael Wang, and I am representing the  
15 Western States Petroleum Association, WSPA.

16 I know that I'm allowed five minutes, but I won't  
17 be taking five. I'll take two minutes and allow you extra  
18 time for deliberation.

19 CHAIRWOMAN SHARPLESS: Thank you.

20 MR. WANG: You have heard today many varied views  
21 on the issue of transport today. And there are different  
22 interpretations of the same information. The ARB and the  
23 districts sometimes honestly disagree, and the regulated  
24 industry is oftentimes confused with all the comments and  
25 ambiguities with the different interpretations. All of

1 these differing interpretations, I believe, call for a task  
2 force approach to solving the problem. I suggest, that when  
3 you are deliberating about your resolution, that you  
4 consider looking at the recommendation for seeking further  
5 information and study. And a task force would go a long way  
6 to reaching that objective.

7 I believe we could have the cooperation of all of  
8 industry, CAPCOA, the districts, Air Resources Board staff.  
9 Mr. Fryxell of CAPCOA has already committed to proposing to  
10 his Board the formation of a committee. I think the task  
11 force might be given the task of identifying the existing  
12 data -- emissions data, transport data. And if the data  
13 could be used cooperatively, maybe that data might be  
14 interpreted the same way by both the districts and the ARB.

15 So, essentially, our suggestion today is to direct  
16 staff to develop a task force to -- after you have done your  
17 deliberations -- to continue to work with the affected  
18 industry and local districts to develop a body of  
19 information and protocol for definitions which might be used  
20 to then help determine the true impacts of the 20 or so  
21 transport areas.

22 CHAIRWOMAN SHARPLESS: Thank you, Mr. Wang. Any  
23 questions of this witness?

24 Thank you, Mr. Wang.

25 We have reached the end of our witness list. I

1 believe that staff has already entered the written comments  
2 of those who were not present to give their comments.

3 MR. BRADLEY: Madam Chairman, there is a letter  
4 from a Mr. Thomas De Costa of the Army National Training  
5 Center at Fort Irwin. He was not able to stay to testify,  
6 but he had written testimony that has not been entered. We  
7 have a copy of that.

8 MR. AGID: We just received testimony from the  
9 National Park Service. We haven't had a chance to look at  
10 it. We just received it.

11 MR. BOYD: Consider it submitted.

12 CHAIRWOMAN SHARPLESS: We've had testimony from  
13 the Park Service and the Forest Service. Their comments  
14 were very similar. Are the comments about the same?

15 MR. BRADLEY: It's the same.

16 CHAIRWOMAN SHARPLESS: Okay. And I don't have the  
17 testimony from Mr. DeCosta.

18 MR. AGID: Yes, I have skimmed the letter, and he  
19 does repeat the comments about not using all data available.

20 CHAIRWOMAN SHARPLESS: Okay. We have, in essence,  
21 heard the comments that they would be making. Okay. Well,  
22 staff has indicated that the proposal it has recommended has  
23 an amendment, so that it requires a 15-day notice to allow  
24 the amendment to go out and be commented on.

25 So, I'll close the record on this agenda item;

1 however, the record will be reopened when the 15-day notice  
2 of public availability is issued at that time. Written or  
3 oral comments received after this hearing date, but before  
4 the 15-day notice is issued will not be accepted as part of  
5 the official record on this agenda item.

6 When the record is reopened for a 15-day comment  
7 period, the public may submit written comments on the  
8 proposed changes which will be considered and responded to  
9 in the final statement of reasons for the regulation.

10 So, we now have the resolution before us. There's  
11 quite a lot of whereas clauses. Perhaps the staff might  
12 summarize for us the "Further, be it resolved" clauses.

13 MR. JENNE: I'm sorry. Was your question that you  
14 wanted a summary of the whereas clauses?

15 CHAIRWOMAN SHARPLESS: Yes.

16 MR. JENNE: They are simply the findings that have  
17 been reached and are simply the same findings that are in  
18 the staff report, but with the one change that was mentioned  
19 in the Board presentation, and by adopting the resolution,  
20 you are adopting the findings and the amendment.

21 CHAIRWOMAN SHARPLESS: Okay. And that the Board  
22 endorses the recommendations for additional information and  
23 studies set forth in the staff report?

24 MR. JENNE: That's correct. That's in the very  
25 last paragraph.

1 CHAIRWOMAN SHARPLESS: And it directs the  
2 Executive Officer to make all reasonable efforts to supply  
3 air pollutant transport information to the affected  
4 districts as it becomes available.

5 Let me ask Mr. Boyd a question. There's been a  
6 number of witnesses suggesting that a task force or a  
7 committee be formed.

8 Do you have any suggestion as to how best we can  
9 respond to that suggestion?

10 MR. BOYD: Well, I think if it's the Board's wish  
11 to do that, and you give me that direction, I would set the  
12 wheels in motion. But, frankly, I would not recommend that  
13 we do that. I have no objection to setting up a group  
14 within the basin, which is essentially what I heard proposed  
15 today. I think we could set forth the scope and the reasons  
16 for that, even though it takes a lot of effort and time on  
17 the part of the staff to set up a group like that, it's an  
18 opportunity for additional education. Much of what you have  
19 had to bear with today, for example, could have been handled  
20 in other forums, such as this business of the models and  
21 empirical data, and the expectations that people put on the  
22 models.

23 You have heard time and time again -- not just  
24 today -- to wait until all the information is in; wait until  
25 the models are completed. It's always, "Wait until this

1 information is in," and then when tomorrow comes, if it ever  
2 does, we find that days, weeks, and years go by and nothing  
3 has been accomplished.

4 Maybe if these things could be discussed between  
5 the different parties, perhaps some of the comments that you  
6 have heard a lot about today might not have to be brought up  
7 before your group.

8 So, I think it would be fine to just direct us to  
9 see if we can set up a group to address these before the  
10 next triennial review process.

11 CHAIRWOMAN SHARPLESS: Well, as one Board member,  
12 such a committee, an advisory committee would be very  
13 helpful in this area.

14 I'm still interested in getting a sort of more  
15 clear picture from the staff as to the scope of what that  
16 committee would be looking at and I would want to find out  
17 exactly what we would be asking this group to do. If,  
18 perhaps, staff could scope out, work on that, and try to  
19 come up with a proposal on the mission of such a committee  
20 to the Board. And staff could get back with you and get  
21 some input that fills the bill. Is that satisfactory?

22 MR. BOYD: That would be fine, yes.

23 SUPERVISOR RIORDAN: Then, along that same line,  
24 perhaps we could have some further discussion on the  
25 workshop. I do wish, though, and I could put it forward as

1 a separate motion for a workshop in November as I discussed  
2 before.

3 I agree with you that there has been a great  
4 amount of time that has been spent by staff and it does take  
5 a lot of time to set up a workshop, but I believe that  
6 you'll save time in the long run. I think it's a good  
7 investment.

8 CHAIRWOMAN SHARPLESS: Okay. So, Supervisor  
9 Riordan, you are suggesting that there be a workshop in  
10 November on the Southeast Desert. I don't know if staff can  
11 pinpoint the time, but they can work with you and let you  
12 know what activities are going on; will that be  
13 satisfactory?

14 SUPERVISOR RIORDAN: Well, just in terms of  
15 timing, that gives us three months.

16 MR. BOYD: That was November?

17 SUPERVISOR RIORDAN: By November. I don't think  
18 that's a problem. I'll help you achieve that. I'll work  
19 with you.

20 MR. BOYD: We'll work with Supervisor Riordan.

21 CHAIRWOMAN SHARPLESS: You'll work with Supervisor  
22 Riordan. Fine.

23 We now have a resolution before us. Do I hear a  
24 motion?

25 MR. LAGARIAS: I'll move the adoption of

1 Resolution 93-52 as written.

2 CHAIRWOMAN SHARPLESS: Do I hear a second?

3 MRS. ICHIKAWA: Second.

4 DR. BOSTON: Second.

5 CHAIRWOMAN SHARPLESS: Seconded twice. That's  
6 really good.

7 MAYOR HILLIGOSS: Was there an amendment?

8 CHAIRWOMAN SHARPLESS: Yes, which is in the staff  
9 report, and noted for the record.

10 MAYOR HILLIGOSS: Thank you.

11 CHAIRWOMAN SHARPLESS: If I hear no objections, we  
12 can register this as a unanimous vote.

13 (There were no objections voiced.)

14 CHAIRWOMAN SHARPLESS: Thank you very much. We'll  
15 take a five-minute break, and then we'll proceed to our  
16 third item.

17 (Thereupon, a recess was taken.)

18 CHAIRWOMAN SHARPLESS: Okay. We have a quorum.  
19 The next item on the agenda is 93-10-3, public meeting to  
20 consider the annual report to the Governor and the  
21 Legislature on the Air Resources Board's atmospheric acidity  
22 protection program.

23 Mr. Boyd, would you like to begin the staff  
24 presentation?

25 MR. BOYD: Thank you, Chairwoman Sharpless. As