MEETING

BEFORE THE

CALIFORNIA AIR RESOURCES BOARD

COPY

HEARING ROOM

CALIFORNIA AIR RESOURCES BOARD

2020 L STREET

SACRAMENTO, CALIFORNIA

THURSDAY, NOVEMBER 16, 1995

9:40 A.M.

Nadine J. Parks
Shorthand Reporter

MEMBERS PRESENT

John D. Dunlap, III, Chairman

Eugene A. Boston, M.D.
Joseph C. Calhoun
Lynne T. Edgerton
M. Patricia Hilligoss
John S. Lagarias
Jack C. Parnell
Barbara Riordan
Ron Roberts
James W. Silva
Doug Vagim

Staff:

Jim Boyd, Executive Officer
Tom Cackette, Chief Deputy Executive Officer
Mike Scheible, Deputy Executive Officer
Michael Kenny, Chief Counsel

Terry McGuire, Chief, Technical Support Division
Rich Bradley, Chief, Air Quality Data Branch, TSD
Debbie Popejoy, Manager, Air Quality Analysis Section
Marci Nystrom, Staff TSD
Judy Tracy, Staff Counsel

Peter Venturini, Chief, Stationary Source Division
Dean Simeroth, Chief, Criteria Pollutants Branch, SSD
Gary Yee, Manager, Industrial Section, SSD
Jim Aguila, Staff, Stationary Source Division
Kathleen Walsh, Staff Counsel, Office of Legal Affairs

Ed Wong, Staff, Stationary Source Division
Genevieve Shiroma, Chief, Air Quality Measures Branch, SSD
Bob Jenne, Staff Counsel

Bob Cross, Assistant Chief, Mobile Source Division
Sue DeWitt, Staff, MSD North
Edith Chang, MSD North
Catherine Lentz, MSD North
Karen Irwin, MSD North

Patricia Hutchens, Board Secretary
Wendy Grandchamp, Secretary
Bill Valdez, Administrative Services Division

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impact on the population.

We will go forward with the elimination of those regulations either through a Section 100 change, which is an administrative approach for getting rid of the regulations very simply; or, in some instances, we need to come back to the Board to request the Board's approval to eliminate regulations which have a more substantive effect in terms of moving, for example, the emissions criteria and inventory guidelines out of Title 17, where they currently reside, and into an actual guideline document, which will be more useful and easy for the public to use.

We're in the process, also, of looking through the regulations in their entirety to see if there are other places where the regulations can be streamlined.

CHAIRMAN DUNLAP: Very good. Any questions of Mr. Kenny? All right. Thank you, Mike.

As to the next steps, public and written comments received during the hearings will be summarized and made available for further review via Internet and other published communications by December 1.

Cal-EPA will formally respond to the comments in a package by February of next year.

Clearly, this is a time of great public scrutiny of our regulatory institutions. Given the unfinished business that we're dealing -- that is, striving to meet

clean air goals -- we need to move very deliberately and a very carefully in a way that sends very clear signals that we will not sacrifice any of those clean air goals and progress that we need as we move forward.

So, thank you. And I'll continue to make sure the Board is apprised of any efforts in this area.

I would like to remind those in the audience who would like to present testimony to the Board on any of today's agenda items to please sign up with the Board Secretary. And if you wish to offer written comments, please provide 20 copies to her.

The first item on the agenda today is 95-12-1, a public hearing to consider amendments to the criteria for designating areas of California as nonattainment, attainment, or unclassified, amendments to the area designations for the State ambient air quality standards, and amendments to the San Joaquin Valley and Southeast Desert Air Basin boundaries.

Before the staff begins its presentation, I'd like to make a couple comments, brief comments, about the area designations.

This year's review shows that several areas have continued to improve, despite continued growth. This shows that development and good air, or clean air, can coexist.

The South Coast Air Basin, well known for its air

quality problems, now meets the attainment requirements for nitrogen dioxide. Attainment is proposed for several other areas for carbon monoxide. These areas were previously unclassified because of inadequate air quality data.

While these examples offer good news, there's also some bad news to report. Our expanded monitoring efforts have shown some problems. In particular, numerous violations of the State CO standards have been found in Imperial County near the international border.

While we don't know yet fully understand the nature and causes of the problems, identifying this area as nonattainment signals the need for further study and heads us in the right direction for finding solutions.

At this point, I'd like to ask Mr. Boyd -- good morning, Jim -- to introduce the item and begin the staff's presentation.

MR. BOYD: Good morning, Mr. Chairman. Thank you. Good morning, Board members, and good morning to our audience.

Mr. Chairman, as you indicated, we are indeed proposing amendments, not only to the area designations, but also to two other regulations relating to air quality in California.

The first proposed amendments affect the San Joaquin Valley and the Southeast Desert Air Basin

boundaries. As you know, the Health and Safety Code requires the Board to divide the State into air basins. The San Joaquin Unified and the Kern County Districts have asked us to consider a change in the boundaries of these two air basins.

The second proposed amendment affects the criteria we use to designate areas with respect to attainment status for the State's ambient air quality standards. As you know, the California Clean Air Act requires that your board adopt criteria for designating areas as either attainment, nonattainment, or unclassified.

Under the Act, we are required to review these criteria periodically and to recommend changes to you if needed.

During the last two years, we have identified some situations that just do not fit within the requirements of the existing criteria. The amendments we are proposing today are designed to deal with these particular situations.

Finally, the Act requires us to review area designations annually and to propose updates based on any new information gathered.

A review of the recent air quality data indicates that several changes to the current area designations are in order, and the Chairman highlighted some.

With that introduction, I'd now like to call upon

Ms. Marci Nystrom of the Air Quality Analysis Section of the Technical Support Division to give you the staff's presentation.

MS. NYSTROM: Thank you, Mr. Boyd. Good morning, Mr. Chairman and members of the Board.

As Mr. Boyd said, today, we're proposing changes to three different, but related, regulations.

The first proposed change affects the air basin boundary regulations. Specifically, it would change the Kern County portion of the boundary between the San Joaquin Valley and the Southeast Desert Air Basins.

Our proposal to change the air basin boundaries was prompted by a change in the district boundary lines. the districts have agreed to move their boundary line further to the west. And, as a result, two areas -- the Kern River Valley and the Cummings Valley -- are now included in the Kern County District instead of the San Joaquin Valley District. Both districts have requested that we make the same change in the air basin boundaries.

We agree with the districts that the two areas in question are more similar to the Southeast Desert than they are to the San Joaquin Valley. Therefore, in response to the districts' request, we propose changing the boundaries to include these areas in the Southeast Desert Air Basin.

Now, I'd like to move on to the next set of

proposed changes which affect the designation criteria regulations. In general, the designation criteria are the rules we use to designate areas for the State standards.

As shown here, there are four possible designation categories. A nonattainment designation means that ambient concentrations violate the State standards. In addition to the simple nonattainment designation, there's a subcategory of nonattainment called "nonattainment transitional." This designation implies the area is getting close to attainment, but still has a small number of violations.

In contrast to nonattainment, an attainment designation means the air is generally clean. Although the ambient concentrations in an attainment area do not violate the State standards, they may show a small number of exceedances.

Finally, an unclassified designation means that we don't have enough data to determine attainment or nonattainment.

You may have noticed that I used two terms in explaining the designation categories. These terms are "exceedance" and "violation." While the two terms are similar, they have different and very specific meaning with respect to the designation criteria.

An exceedance is any measurement that is higher than the level of a State standard. However, not all

exceedances are considered violations. Some exceedances are affected by uncommon circumstances or what we call "highly irregular or infrequent events."

These exceedances are not considered to be violations and, as a result, they're excluded from the designation process.

In contrast, a violation is an exceedance that is not affected by a highly irregular or infrequent event. And, again, it's the violations that provide the basis for the nonattainment designation.

the designation criteria currently define two types of highly irregular or infrequent events. They are exceptional events and extreme concentration events.

An exceptional event is a specific, identifiable event that causes an exceedance of a State standard. An exceptional event may be caused by an act of nature or it may be related to human activity.

In contrast, an extreme concentration event is determined by a statistical procedure, and represents a concentration limit that we expect would recur less than once per year.

Today, we're proposing to add a third type of highly irregular or infrequent event called an "unusual concentration" event. This change is needed because we sometimes come across exceedances that cannot be excluded

under the existing criteria but, nevertheless, do not support a nonattainment designation.

In general, an unusual concentration event would be defined as an anomalous exceedance that does not qualify as an exceptional event or an extreme concentration event. We would identify unusual concentration events only for areas already designated as attainment or unclassified.

In evaluating these events, we would consider relevant information, such as the available air quality and emissions data, the meteorological data, the potential impacts on public health and welfare, and any rules or regulations that might influence future concentrations.

Based on our review of these data, we would need to make three findings: Specifically, we would need to find that the impact of the exceedance is limited to the local area, the exceedance is not expected to recur, and the data are not sufficient to support a nonattainment designation.

An area could retain its attainment or unclassified designation based on the exclusion of an unusual concentration event for up to three consecutive years. However, if such an exceedance occurred during the fourth year, the area would have to be redesignated as nonattainment.

Let me give you an example of how the unusual concentration event could be used in the designation

process. During 1993, the Mojave Desert AQMD initiated nitrogen dioxin monitoring at a new site in the Southeast Desert Air Basin. At the time, this area was designated as attainment.

In May, 1993, they measured a high one-hour concentration of 0.36 parts per million. This exceeds the State standard of 0.25 parts per million. In contrast, the second highest measured value was only 0.05 ppm.

During last year's review of the area designations, we could not exclude the high value. It didn't qualify as an exceptional event, because we couldn't document any activity that might have caused the exceedance.

It didn't qualify as an extreme concentration event either, because there were not enough data to calculate a reliable limit.

But, still, we didn't feel the measurement supported the nonattainment designation and, as a result, we went beyond the scope of the designation criteria and postponed a designation call until we had more data.

Under our proposed amendment, this anomalous exceedance could have been excluded as an unusual concentration event, because it satisfies the proposed test. The air quality and emissions data indicate the exceedance is limited to the local area, because it's much higher than the NO2 at any of the other sites in the air basin. In

addition, because the exceedance is so much higher than the remaining data, it's unlikely to recur. Therefore, the single exceedance does not by itself support a nonattainment designation.

During this year's review of the area designations, additional NO2 data were available for this monitoring site, and we were able to calculate a reliable extreme concentration limit. As expected, we can now exclude the exceedance as an extreme concentration event. This confirms the anomalous nature of this particular exceedance and also the appropriateness of the unusual concentration event as a mechanism for excluding such exceedances.

In addition to the unusual concentration event, we're proposing a number of other minor revisions to various sections of the designation criteria. These minor revisions don't change the way in which we apply the criteria; they simply clarify current practices, delete unnecessary or obsolete language, make the regulation internally consistent, and correct grammatical errors.

Now, I'd like to describe the last set of changes we're proposing. These changes affect the area designation regulations.

As required by law, these proposed changes are

based on air quality data collected during 1992 through 1994. As shown on this slide, we propose redesignations for three pollutants. Specifically, we propose redesignating two areas for ozone, four areas for carbon monoxide, and one area for nitrogen dioxide.

The first change, for ozone, would affect Northern Sonoma County in the North Coast Air Basin. This area is currently designated as unclassified. During the last three years, there was only one exceedance and it's excluded as an extreme concentration event. Therefore, we propose you redesignate Northern Sonoma County as attainment for ozone.

The next proposed change affects Mono County in the Great Basin Valleys Air Basin. This area was designated as nonattainment-transitional for ozone last year by operation of law.

The designation was based entirely on 1993 data, which showed no exceedances. However, during 1992 and 1994, the data for Mono County show a total of 19 exceedances. Four of the 19 exceedances are excluded as extreme concentration events. However, the remaining 15 are considered violations.

Because of these numerous violations, this area no longer qualifies for the nonattainment-transitional designation, and we propose to redesignate Mono County as nonattainment for ozone.

The next four proposed redesignations are for carbon monoxide. The first one affects Sutter county in the Sacramento Valley Air Basin. Sutter County is currently designated as unclassified. During 1992 through 1994, we collected data at a site in Yuba City, and these data show no exceedances. Therefore, we propose you redesignate Sutter County as attainment for CO.

We have a similar situation in Inyo County in the Great Basin Valleys Air Basin. This area is now designated as unclassified. During the last three years, the district collected data at a site in Bishop. Again, the data show no exceedances of the State CO standards. Therefore, we propose you redesignate Inyo County as attainment.

The third area is the Sacramento County portion of the Census Bureau urbanized area. This area is located in the Sacramento Valley Air Basin, and is currently designated as nonattainment for CO.

Based on recent data, this area qualifies for the nonattainment-transitional designation, and the Sacramento District has requested this designation change.

CO data show that the State standards were not exceeded at any site in this area during 1994. In addition, our analysis that this area should reach attainment well within the three-year limit required for nonattainment-transitional areas.

Therefore, we propose you redesignate the Sacramento County urbanized area as nonattainment-transitional.

The last area we propose redesignating for CO is the City of Calexico in the Southeast Desert Air Basin. This area is currently designated as unclassified. During 1994, the staff began monitoring at the Calexico-Ethel Street site.

Data for the last three months of 1994, show a total of 12 violations, including four violations of the one-hour standard and eight violations of the eight-hour standard.

At this time, we cannot exclude any of these exceedances. We can't exclude them as exceptional events, because there are no qualifying circumstances associated with the exceedances. We can't exclude them as extreme concentration events, because we don't have enough data to calculate a reliable limit.

However, it's important to note that the extreme concentration algorithm is designed to exclude, on average, one value per year. So, even if we could calculate a reliable limit, we wouldn't expect to exclude such a high number of exceedances during a single year.

Finally, given the large number of exceedances and the expectation that they will continue to occur, it would

not be appropriate to exclude them as unusual concentration events.

The Imperial County APCD is concerned about this proposed redesignation. The district believes the violations are transport related and are caused by traffic backing up at a nearby border crossing.

The district contends that Mexican vehicles produce more emissions than similar California vehicles, and that this, in combination with the stop-and-go traffic, causes the violations at the Calexico site. As a result, the district contends that it cannot mitigate the violations and, therefore, should not be redesignated as nonattainment.

In contrast, we believe the nonattainment designation is appropriate. Under State law, the area designations are based on ambient air quality data. The purpose of these designations is to provide information about the healthfulness of the air. We do acknowledge that because of the increased vehicle traffic in and around the international border and the generally localized nature of the CO violations, the CO problem in Calexico is probably limited to the local area.

Therefore, we propose you redesignate only the area within the Calexico city limits as nonattainment.

This nonattainment designation does not carry with it any specific planning requirements. It simply identifies

a problem area so that the planning process can be implemented.

At this time, we don't have enough information to determine the cause of Calexico's CO problem. However, based on this nonattainment designation, we will be recommending that further study, such as remote sensing, traffic counts, and saturation monitoring, be conducted in this area.

These types of studies will help us to better understand the nature and causes of the problem and whether a local control program would be effective.

Our last proposed redesignation is for nitrogen dioxide and affects the South Coast Air Basin. This area is currently designated as nonattainment. During the last three years, the South Coast District collected NO2 data at a number of sites in the basin. They measured three exceedances at two sites, and all three exceedances are excluded as extreme concentration events.

Therefore, we propose to redesignate the South Coast Air Basin as attainment. If you adopt this particular redesignation, all areas of California will be designated attainment for the State NO2 standard.

In addition to the areas we propose for redesignation, there's one other area I'd like to talk about. The area is Inyo County, and the situation there is

important, because it uses our unusual concentration event procedure.

Inyo County is currently designated as unclassified for the State ozone standard. Prior to 1992, no ozone data were available for this area. During 1992 through 1994, the local district collected data at a site in Bishop, and these data show no exceedances.

However, in addition to the Bishop Data, the National Park Service has been collecting data since December, 1993, at a site at the Death Valley National Monument.

The Death Valley data show a measurement of 0.098 ppm, which exceeds the State ozone standard of 0.09 ppm. Because the Death Valley data are limited, we cannot calculate a reliable extreme concentration limit and exclude the value as an extreme concentration event.

Furthermore, we can't document any activity that would justify excluding it as an exceptional event. While we cannot exclude the exceedance under the existing criteria, under our proposed amendments, we could exclude it as an unusual concentration event.

Our review of the available air quality and emissions data indicates that the impact of the exceedance is limited to the local area. Furthermore, the air quality data do not indicate that the exceedance is likely to recur.

Finally, because the level of the exceedance is close to the State standard and occurred on only one day, it does not provide adequate support for a nonattainment designation. However, we'll continue to monitor the situation and reevaluate it next year when additional data are available.

Identifying this exceedance as an unusual concentration event would allow Inyo County to maintain its unclassified designation for ozone; but, of course, it's contingent upon your approval of the unusual concentration event procedure. If you do not approve that proposal, Inyo County would have to be redesignated as nonattainment for ozone.

This slide summarizes our proposed changes. First, we're proposing to change the Kern County portion of the San Joaquin Valley and Southeast Desert Air Basin boundaries. This change would add two areas to the Southeast Desert Air Basin and would make the air basin boundaries consistent with the district boundaries.

Second, we're proposing to add to the designation criteria another type of highly irregular or infrequent event called the "unusual" concentration event. This change would allow us to exclude anomalous exceedances from the designation process.

In addition, we're proposing a number of other

minor revisions to clarify and correct various sections of t he criteria.

Finally, we're proposing seven changes to the area designations for State standards -- two changes for ozone, four changes for carbon monoxide, and one change for nitrogen dioxide.

Two of these changes represent nonattainment designations; however, the remaining five either move areas into attainment or move them closer to that goal. This shows that, overall, we're continuing to make progress toward clean air.

This concludes the staff presentation. And now, Debbie Popejoy, the Manager of the Air Quality Analysis Section, will summarize and respond to the written comments we've received.

MS. POPEJOY: Thank you, Marci. We received three individuals who commented. The first one was from a concerned citizen, Scott Johnson, in Albany, California. He requests that the Board not adopt the proposed changes to the designation criteria which affect the highly irregular and infrequent events.

He believes, for sensitive people -- such as asthmatics -- unusual concentrations can be life-threatening and that the regulators should not be allowed to disregard an outlier of an air pollution event.

Our response to back to him is that our current designation criteria allow, on average, an exceedance -- one exceedance per year to be excluded as an extreme concentration event.

By adding the unusual event to the criteria, we are applying the same criteria to areas with incomplete or new data as we do for areas where we can calculate the extreme concentration.

By excluding the exceedance as unusual does not represent further degradation in air quality.

The proposed regulation requires that the potential health impacts be evaluated at the time an exceedance is considered to be unusual. So, we feel it is appropriate to amend the criteria to include the unusual concentration event.

The second letter we received was from Doug Quetin, the Air Pollution Control Officer of Monterey Bay Unified District.

He said that he believes that the data from the stations located to monitor the impact of specific sources can result in regional designation values for PM10 which are much higher than they otherwise should be, and that data from a station which is impacted by a fire should not be used to determine designation values either, and that the data impacted by sources or fires should be deleted from the

database completely.

We have called and talked with Mr. Quetin, and he now better understands the designation process and no longer has these concerns. But I will go through them a little anyway.

Sources are not supposed to cause exceedances of the ambient air quality standards. If the data from a source specific monitor shows an exceedance -- shows an area that is in nonattainment, then the planning process can be designed to address the specific problem.

Monitors which are source specific can be identified as special-purpose monitors, but the data are not excluded from the database.

Data affected by fires can be excluded as exceptional events. In the Monterey situation, the concentrations of concern are lower than concentrations from other sites in the district, and the ARB staff generally does not formally exclude concentrations unless they have the potential for regulatory impact.

Data affected by fires are flagged as such, but are not deleted from the database. However, these data are not used in the designation process.

The third written comment we got was from Mr. Stephen Birdsall from the Imperial County APCD, and is the APCO there in the district.

Marci has already talked a little bit about his concerns. An additional concern is that he believes the Calexico monitor was put there to evaluate the impact of transport from Mexico, and that the exceedances are caused by cross-border vehicle traffic from Mexico and beyond reasonable regulatory control and, therefore, the district believes nonattainment is an inappropriate designation.

Mr. Birdsall asks the Board to delay the designation decision until they can appear and present testimony. Should the Board redesignate Calexico as attainment, the district -- he feels the district should be exempt from planning requirements until further studies have been done.

The Calexico site was established to help assess transport. However, as all monitoring sites which collect data for record, the data from the Calexico site is appropriate to be used for designations.

As with ozone designations, CO designations should reflect air quality regardless of where the sources are located. We do have two areas in California which are designated as nonattainment for ozone, because the exceedances are caused by overwhelming transport of pollutants from other areas. These areas, although they are designated as nonattainment, are not required to develop local control strategies.

If, after further study, it is determined that the CO exceedances are caused by transport from sources in Mexicali, the district would not need to develop a local control program.

The district has already received a letter from the Executive Office stating that a better understanding of the nature of the CO air quality problem is needed in order to determine whether a CO planning effort is warranted.

ARB staff will be working with the U.S. EPA and possibly the World Bank to establish an emission inventory in the area. By the winter of 1996-97, there will be at least one more CO monitor in Calexico and a total of four in Mexicali.

In addition, ARB's Monitoring and Laboratory Division is planning a saturation study during the winter of 96-97 to determine the geographic extent of the CO problem. So, with this study in mind, we believe it's still appropriate to designate the area as nonattainment.

Those are all the comments we received, and we'd be happy to answer any questions.

CHAIRMAN DUNLAP: Any of the Board members have any questions of staff?

Mr. Parnell.

MR. PARNELL: Well, it seems to me that -- first of all, I compliment the staff for doing what appears to be

a very complete and competent analysis of the situation. But Mr. Birdsall comments with respect to Calexico seem -- without knowing all of the ramifications and what the redesignation will mean for the entire area, I wonder if some additional consideration is warranted under the circumstances?

Maybe you could -- you have just shared with me your comment, and it's a complicated issue, in my view, to understand what the ramifications would be for the entire area because of a monitor which seems to be placed in what I would consider to be a prejudiced area.

MS. POPEJOY: Well, first of all, the designation is only for the Calexico -- the city limits within Calexico. We're not including the entire Imperial County.

So, any control strategy would have to be designed to reduce the concentrations in Calexico and would not affect the rest of the district.

In addition to that, Caltrans has done some traffic counts of December of 1994. We've taken a look at that. And there appears to be just as much traffic going into Mexico as coming out of Mexico during the evening when we see the most potential for impact on the CO standard.

So, it appears that we have a lot of traffic congestion in Mexicali -- or in Calexico in addition to the traffic congestion in Mexicali.

There may be some local measures that could be implemented to reduce -- you know, to improve traffic flow in Calexico that might reduce the concentration. So, we're not really convinced that there is nothing the district can do, and we really won't know exactly what the extent of the problem is until after we've done further studies.

And so, we're proposing, until those studies are completed, that the district not have to implement any local controls, and that we continue to evaluate and monitor the area until we understand what the problem is before anything is required.

One other point is that the -- there will be an additional border crossing opened between Calexico and Mexicali. And that, in itself, may reduce some of the congestion at the border. It is a commercial site. It wouldn't be for private vehicles, but it may reduce some of the congestion.

I don't think anybody would argue that the problem isn't due to Mexican vehicles, but I think there might be some other thing besides closing the border that might improve the situation.

CHAIRMAN DUNLAP: Dr. Boston, you have a comment?

DR. BOSTON: Yes.

CHAIRMAN DUNLAP: And then Mr. Lagarias.

DR. BOSTON: Two questions, please. First of all,

on the district changes in Kern County and the San Joaquin Valley Districts, do those changes follow the political boundaries of the supervisorial districts so there's a continuity of political responsibilities?

MS. POPEJOY: I don't believe we really looked into that.

DR. BOSTON: Shouldn't we?

MS. POPEJOY: It follows the district boundaries, the air pollution control district boundaries.

DR. BOSTON: Aren't we required to have that type of political responsibility --

MS. POPEJOY: (Interjecting) Actually, we're not required. It's required -- the air basin boundaries are supposed to divide the State up into areas of similar geographic, topographic, and meteorological, and air quality characteristics, and, where practical, follow a political boundary.

And this boundary that we're proposing for the air basin does follow the air districts' boundaries.

DR. BOSTON: How about that, Mike?

MR. BOYD: Dr. Boston, as indicated, we consider political boundaries. And I agree with the point you're making that it pays dividends to be able to replicate political boundaries. But topography doesn't always do that, nor does meteorology always do that.

And, as Supervisor Vagim knows, in creating the San Joaquin Valley Unified District -- which was a product of a lot of years of study and what have you -- there was mutual concurrence on all parties that you couldn't always do that, particularly with regard to Kern County itself, because of its significant geographical division it created and what have you.

So, while cognizant of that, the ultimate decision was that couldn't be done. And so, all that we're proposing here is just additional fine-tuning of those particualr kinds of needs, recognizing that a different entity has been established to deal with the eastern section portions which are in Kern County, so on and so forth.

So, while that is a very desirable goals and pays dividends usually when we pursue it, it isn't always administratively or technologically feasible. And these areas are examples of areas where it has not been practical. and it's been acknowledged by all political entities, and they're all actually doing a very good job of dealing with it.

MS. POPEJOY: Dr. Boston, both districts -- the San Joaquin Valley District as well as the Kern County District, their boards have approved the boundary change for their district, and have written and requested that ARB make the same change to the air basin boundary.

And so, after looking at the topography, and the sources, and the meteorology, it was determined that it was appropriate to take those two areas from the San Joaquin Valley and put them in the Southeast Desert Air Basin.

DR. BOSTON: Okay. The second question is a simple chemistry problem I want somebody to follow with me.

We're now in attainment for oxides of nitrogen throughout the State, apparently.

MS. POPEJOY: Yes.

DR. BOSTON: And to my knowledge, you have to have oxides of nitrogen to make ozone. We know we've got a tremendous ozone problem. So, if we don't have any oxides of nitrogen to mix into this big chemistry lab in the sky and mix it with all these VOCs to make ozone, how can we be in attainment with oxides of nitrogen?

MS. POPEJOY: You want to take that one, Mike?

MR. SCHEIBLE: The air quality standard that we're concerned with for the NO2 standard is the effects on health. And so, what we're saying is that the areas meet the health-based standards for exposure for nitrogen dioxide.

We deal with the need to control oxides of nitrogen to lower PM10 values and lower ozone values under those programs.

So, the level of nitrogen dioxide in the air meets

the State's standard and, therefore, the area's attainment for that pollutant. The emission source does not -- it doesn't mean that there's a less need of control of emissions of oxides of nitrogen in order to address other ambient standard problems.

DR. BOSTON: That would lead you to believe that our fight with oxides of nitrogen is over and we're in attainment. And yet, we really need to lower more in order to reduce the other pollutants.

MR. SCHEIBLE: That's correct as an emissions source. But we don't need to do it in order to lower the NO2 level from a health perspective as measured by our standards. We need to do it for PM10 and ozone.

MR. MC GUIRE: There are two additional, and if I could add -- first, it's NOx, which is a collective group of oxides of nitrogen that form ozone. This standard is NO2, which is only one part of it. And even if the NO2 concentrations in the air are below the health effects level, there still is enough nitrogen oxide to participate in the ozone formation reaction concentration substantially below the health standard.

DR. BOSTON: Okay.

CHAIRMAN DUNLAP: Thank you. Good point.

MR. SCHEIBLE: We will take extra care to communicate the situation to the public, because it is easy

to be confused.

CHAIRMAN DUNLAP: Mr. Lagarias.

MR. LAGARIAS: I notice, in Calexico, there's a population of 24,000; and right across the border of Mexicali, the population is in excess of a million. So, there's a 40-to-1 difference. And it seems like anything that you can do in Calexico will have little meaning without regard to what is being done in Mexicali.

It seems like Mexicali is in exceedance of the CO standard in the United States rather than Calexico's in exceedance. Is this correct?

MS. POPEJOY: Well, the air quality in Mexicali could indeed be very bad. The sources that contribute to the CO are usually motor vehicle. And they're occurring -- the exceedances are occurring late at night, early in the morning. So, it's usually the traffic that's happening in the rush hour in the evening.

We don't really know what the sources, other than vehicle sources, are in Mexicali, and we're hoping that we can evaluate that better through cooperation with U.S. EPA as well as, possibly, the World Bank, so we can get a better idea of the stationary source contribution from Mexicali.

But it's probably due to motor vehicle, probably uncontrolled motor vehicles, that are in Calexico. No doubt there are cars that came across from Mexicali.

MR. LAGARIAS: Thank you.

CHAIRMAN DUNLAP: Supervisor Riordan, then Supervisor Vagim.

SUPERVISOR RIORDAN: Just to follow up -- and I have talked to the staff and I've spoken to the Chairman. Just traffic counts, I think, aren't going to resolve the problem. I think you're going to have to go down to really look at what's coming across the border.

My hunch is you've got some very, very old cars --

MS. POPEJOY: Very, very old.

SUPERVISOR RIORDAN: -- coming across the border out of the Mexicali area. And it's going to be very complicated to try to resolve this. And the fact that the economy is very poor down there, just extraordinarily poor, so we may have to give some help from some other resources than just right there at the, you know, at the point of maybe trying to bring people across in some sort of mass transit. That sort of thing might be helpful.

But my -- without even being there, my bets would be that those are very, very old cars coming across.

MR. BOYD: Supervisor Riordan, your point is an excellent and correct point. This issue of this designation has been pending with us, frankly, for several years.

A few years ago -- to date it, I guess, Assistant Executive Officer Witherspoon, who is no longer with us, and

I spent a couple of days in the Mexicali-Calexico area because of concern, even at that time, about whether or not who dominates the issue and what is the issue.

And your observations are exactly correct. Mr. Lagarias' point is well made about the population density. However, because of near abject poverty, the ratio of vehicles to people is much lower on the Mexican side of the border. Yes, they are older cars. They do engage in massive car pooling. I mean, they get more people in a car than you're used to seeing as it comes across the border, as they do, for employment purposes on a daily basis in the Imperial Valley.

And they have the infamous maquiladores, the industries along the border that are, frankly, not controlled nearly to the extent that industries in California or the United States are.

There have been a lot of mutual national government to national government, and with the California State Government involved, work over several years. And because of the need to know these issues of transporter pollutants-- not only into California but into the entire lower Western United States -- as it relates even to such things as the Grand Canyon Visibility Transport Commission's work, there are number of monitoring stations that have been and continue to be established as a result of national and

national to State cooperation.

In addition, and probably the largest forcing function for additional work has been NAFTA. And the border environmental agreements that were made by our Cal-EPA and the Mexican and National Governments relative to efforts to clean up the border areas across California, which are carried on by EPA to the other States, have also contributed to pledges by the Mexican Government to bring its standards up to a parallel with at least U.S. national standards on their side of the border, or at least within a certain strip of area that would influence the air in the United States.

So, a lot of actions are being taken. However, as the staff has indicated, we've been living with this a long time, and we have concluded that, standing alone, the California side of the issue, i.e. Calexico, there are actions that can be taken to improve the public health of our own citizens on that side of the border while we continue the long, but successful, program of working on the problem on the other side of the border.

CHAIRMAN DUNLAP: Supervisor Vagim.

SUPERVISOR VAGIM: Thank you, Mr. Chairman.

First, Dr. Boston, there's no politics in air. And the question I have is, isn't the Southeast Basin all in Kern County or does it spill over into another county?

MS. POPEJOY: No. The Southeast Desert Air Basin

includes parts of L.A. County, parts of Kern County, parts of San Bernardino County, and parts of Riverside County, and Imperial County.

SUPERVISOR VAGIM: So, does that mean the individual boards are managing their part of the basin? Because they haven't formed a unified or anything.

MS. POPEJOY: Right. There are different districts within that air basin.

SUPERVISOR VAGIM: Okay. as far as the boundaries themselves on a map, do we have that available?

MS. POPEJOY: I believe it's in your package as part of the appendix.

SUPERVISOR VAGIM: Because I know the Kern River Valley goes quite a ways in. As a matter of fact, it's right in the City of Bakersfield -- I mean, starts there. So, this is just the eastern part of that.

MS. POPEJOY: Right. It's just a small sliver on the eastern part --

SUPERVISOR VAGIM: Okay.

MS. POPEJOY: -- just west of Tehachapi itself.

SUPERVISOR VAGIM: Okay. Very good. Thank you.

CHAIRMAN DUNLAP: Any other questions or comments? Dr. Boston.

DR. BOSTON: I'd just mention to Supervisor Vagim that I come from Orange County where accountability has

become a very big issue for our supervisors.

(Laughter.)

CHAIRMAN DUNLAP: Jim Silva can attest to that as well.

All right. Mr. Boyd

SUPERVISOR RIORDAN: Dr. Boston!

(Laughter.)

CHAIRMAN DUNLAP: All right. Mr. Boyd, does staff have any further comments?

MR. BOYD: MR. BOYD: No further comments, Mr. Chairman.

CHAIRMAN DUNLAP: All right. Fine presentation. thank you. Very thorough.

Madam Secretary, we have no witnesses; is that correct?

All right. Anyone in the audience wish to comment on this item? All right. We'll move along.

Since all testimony, written submissions, and staff comments for this item have been entered into the record and the Board has not granted an extension of the comment period, I'm officially closing the record on this portion of Agenda Item No. 95-12-1. Written or oral comments received after the comment period has been closed will not be accepted as part of the official record on this agenda item.

Again, a reminder to my Board members of our policy concerning ex parte communication. While we may communicate off the record with outside persons regarding Board rulemaking, we must disclose the names of our contacts and the nature of the contents on the record.

This requirement applies specifically to communications which take place after notice of the Board hearing has been published.

Are there any communications which need to be disclosed on this item?

(There were no responses.)

CHAIRMAN DUNLAP: Okay. Very good. We have before us a resolution, 95-46, which contains the staff recommendations. Why don't we take a moment and review it.

Do I have a motion and a second to move this item?

SUPERVISOR VAGIM: Yes. Mr. Chairman, I'll move for adoption of Resolution 95-46

CHAIRMAN DUNLAP: Okay.

SUPERVISOR RIORDAN: I'll second it.

CHAIRMAN DUNLAP: I have a motion made by Mr. Parnell, seconded by Supervisor Riordan. Thank you, Doug, though. We appreciate it.

SUPERVISOR VAGIM: I didn't hear him.

CHAIRMAN DUNLAP: He got to it first.

Any questions, comments, issues we need to discuss

before we move on the item?

All right. Will the Board Secretary please call the roll.

MS. HUTCHENS: Boston?

DR. BOSTON: Yes.

MS. HUTCHENS: Calhoun

MR. CALHOUN: Aye.

MS. HUTCHENS: Edgerton?

Hilligoss?

MAYOR HILLIGOSS: Aye.

MS. HUTCHENS: Lagarias?

MR. LAGARIAS: Aye.

MS. HUTCHENS: Parnell?

MR. PARNELL: Aye.

MS. HUTCHENS: Riordan?

SUPERVISOR RIORDAN: Aye.

MS. HUTCHENS: Roberts?

SUPERVISOR ROBERTS: Aye.

MS. HUTCHENS: Silva?

SUPERVISOR SILVA: Aye.

MS. HUTCHENS: Vagim?

SUPERVISOR VAGIM: Aye.

MS. HUTCHENS: Chairman Dunlap?

CHAIRMAN DUNLAP: Aye.

MS. HUTCHENS: Passes 10-0.