

State of California
AIR RESOURCES BOARD

Summary of Board Meeting
October 27, 2005

California Air Resources Board
Auditorium
9530 Telstar Avenue
El Monte, California

MEMBERS PRESENT: Ms. Barbara Riordan
Ms. Sandra Berg
Supervisor Mark DeSaulnier
Dr. Henry Gong
Ms. Lydia Kennard
Mayor Ronald Loveridge
Supervisor Barbara Patrick

Agenda Item #

05-10-2: Continuation of Public Hearing to Consider Proposed Amendments to the Exhaust Emission Standards for 2007-2009 Model Year Heavy-Duty Urban Bus Engines and the Fleet Rule for Transit Agencies

SUMMARY OF AGENDA ITEM:

California's current oxides of nitrogen (NOx) emission standard for new 2007 and later model-year diesel urban bus engines is 0.2 grams per brake horsepower-hour (g/bhp-hr) – a tightening of the 0.5 g/bhp-hr NOx standard that has applied for the 2004-2006 model years. For heavy-duty diesel truck engines, the California and federal NOx standard for the 2007-2009 model years is also 0.2 g/bhp-hr NOx – but one-half of a manufacturer's engines may be certified to the less stringent 2.2 g/bhp-hr NOx standard applicable in model year 2006 and it is expected that most manufacturers will use an averaging mechanism to certify all their 2007-2009 heavy-duty diesel truck engines to an average NOx level of 1.2 g/bhp-hr. Heavy-duty diesel urban bus engines marketed outside California are subject to the federal standards applicable to heavy-duty diesel truck engines. Under these circumstances, the engine manufacturers have indicated they do not plan to certify diesel urban bus engines to meet the California

NOx standard of 0.2 g/bhp-hr for the 2007-2009 model year, so new diesel bus engines, which are not currently available, would continue to be unavailable for three additional years. Staff has been informed that natural gas engine manufacturers plan to offer 0.2 g/bhp-hr NOx engines by 2007.

At an October 20, 2005 rulemaking hearing, the Board considered whether to amend the 2007-2009 model-year 0.2 g/bhp-hr NOx standard for diesel urban buses to align it with the California and federal NOx standard for 2007-2009 heavy-duty diesel truck engines described above. Staff presented its assessment of urban bus engine availability for the 2007-2009 model years under the preexisting standard compared to the amendments being considered. At the conclusion of the October 20, 2005 hearing, the Board voted (subject to a supplemental 15-day comment process) to leave the current 2007 California urban bus engine emission standard in place, but to allow transit agencies to purchase diesel urban bus engines meeting the 2007-2009 model year heavy-duty truck engine standard as long as transit agencies purchasing 2007-2009 model year urban buses or engines certified to a NOx emission level greater than 0.2 g/bhp-hr meet specified conditions to maximize NOx emission reductions. However, the Board directed staff to return on October 27, 2005 and report back on the effects of maintaining the current standard on transit agencies' access to external funding sources, most specifically funding under the Carl Moyer Program (Health and Safety Code secs. 44275 and following).

At the October 27, 2005 hearing, staff presented its assessment of the effect of the Board's initial action the previous week on transit agencies' ability to obtain funding from external sources. After considering the presentation, the Board voted to modify its previous action by aligning California's urban bus engine standards in the 2007 and subsequent model years with California's heavy-duty truck engine standards – coupled with the same conditions that had been approved the week before for transit agencies purchasing 2007-2009 model year urban buses or engines certified to a NOx emission level greater than 0.2 g/bhp-hr. The Board concluded that this modification would lessen any potential loss of funding under the Carl Moyer Program.

As directed by the Board, the modifications to the amendments, including the text of the mitigation requirements, will be noticed and available for 15 days for supplemental comment prior to final action by the Executive Officer.

ORAL TESTIMONY: None accepted on October 27, 2005.

FORMAL BOARD ACTION: The Board voted to approve Resolution 05-61.

RESPONSIBLE DIVISION: Mobile Source Control Division

STAFF REPORT: Staff Report prepared in connection with October 20, 2005 hearing, but no additional Staff Report prepared for October 27, 2005 proceeding.

05-9-1: Public Meeting to Consider Public Comment on the ARB/Railroad Statewide Agreement for a Particulate Emissions Reduction Program at California Rail Yards, Entered Into on June 24, 2005, and to Take Action as Appropriate

SUMMARY OF AGENDA ITEM:

At the October 27, 2005 ARB meeting the Board received a report from staff on the June 2005 ARB/Railroad Statewide Agreement. The Board also received and considered numerous written submittals and the testimony of 74 witnesses. At the conclusion of the meeting the Board deferred a formal decision to either ratify or rescind the Agreement, and determined that it would revisit this item at its January 26, 2006 meeting.

In the interim the Board directed staff to work with the participating railroads – BNSF Railway Company and Union Pacific Railway Company – to clarify several provisions of the Agreement. Items to be clarified include the circumstances under which the participating railroads might be released from their obligations to implement the Agreement, how the Agreement affects the existing programs and enforcement practices of local agencies, and what limitations, if any, the Agreement might create for other agencies that seek to reduce air pollution associated with rail operations. The Board emphasized the need for staff to continue and increase its efforts to work with community stakeholders and air districts in connection with rail yard emissions. The Agreement remains in effect during this period.

In response to the Board's direction, staff committed to work with the participating railroads, air districts, and community members in order to successfully implement the Agreement and achieve the anticipated emission reductions. The staff will report back to the

Board in January on clarifications of the Agreement that have been identified and progress in implementing the Agreement. At that meeting the Board will again consider what action (if any) is warranted relative to the Agreement. The Board announced that it would allow additional testimony at the January meeting, limited to comments on any clarifications of the Agreement being presented and on the implementation update.

ORAL TESTIMONY:

Gloria Negrete McLeod, Assembly Member
Alan Lowenthal, State Senator
Jan Perry, SCAQMD Board Member
Cynthia Verdugo-Peralta, SCAQMD Board Member
Kurt Wiese, SCAQMD
David Nawi, Shute, Mihaly, and Weinberger (for SCAQMD)
Peter Mieras, SCAQMD
Jim Clouet, SCAQMD
Chung Liu, SCAQMD
Margaret Clark, CA Contractors Assoc.
Bob Lucas, CCEEB
Dave Davies, National Railway Equip.
Shaudi Falamaki, CA Assoc. Port Authorities
Manuel Salcedo, for State Senator Nell Soto
Susan Seamans, South Bay COG
Marlene Carney, CA Chamber Commerce
Aeron Arlin Genet, San Luis Obispo APCD
Jean Roggenkamp, BAAQMD
Nancy Ramos, City Council – Commerce
Tina Baca Del Rio, City Council – Commerce
Eddie Washington, Los Angeles County
Larry Robinson, Sacramento Metro AQMD
Romel Pasqual, for Mayor of Los Angeles
Lawrence Dale, Mayor – City of Barstow
Sheri Repp, City of Carson
Eric Martinez, City of Long Beach
George Leddy, Assembly Cindy Montanez
Erin France, City of Buena Park
John Cross, Long Beach (Westside)
Bonnie Holmes-Gen, American Lung Assoc.
Ron Gastelum, Chamber of Commerce LA
Mark Stehly, BNSF Railway
Lupe Valdez, Union Pacific Railroad
Michael Barr, American Assc. Railroads
Kirk Markwald, CA Rail Industry
Jaylene Forbis, CA Shortline RR Assoc.

Karen Dzienkowski, Railpower
Barbara Lee, CAPCOA
James Provenzano, Clean Air Now
Carol Coy, SCAQMD
Candace Kim, Coalition for Clean Air
T.L. Garrett, PMSA
Melissa Lin Perrella, NRDC
Virginia Field, Clean Air Now
Colleen Callahan, American Lung Assoc-LA
Jan Misquez, Westside Resident
Penny Newman, CCAEJ
Dennis Yates, SCAQMD Board Member
Bea Lapisto-Curley, SCAQMD
Perla Hernandez, Congresswoman Napolitano
James Flournoy, Save Our Community
Lydia Gutierrez, School Teacher
Bob Euhla, City of Commerce
Tonia Reyes Uranga, City of Long Beach
Teresa Flores Lopez, City of San Bernardino
Darryl Molina, Communities Better Env.
Goedana Kiorpeoglou, Coalition for Clean Air
Maria Gonzalez, Youth for EJ
Bert Barboza, Youth for EJ
Anthony Orozco, Youth for EJ
Esther Portillo, Citizen
Anita Hutchens, School Teacher
Rachel Lopez, City of Mira Loma-CCAIEJ
Frank Gallego, City of Commerce
Jesse Marquez, Coalition for a Safe Env.
Arthur Hernandez, City of Wilmington Council
Julia Scoville, Coalition for Clean Air
Jose Velasco, CCAIEJ
Susanna Negrete, Citizen
Josie Guitan, City of Mira Loma-CCAIEJ
Angelo Logan, Modesto Avila Coalition
Barry Wallerstein, SCAQMD
Bill Dewitt, City of Southgate

FORMAL BOARD ACTION: See Summary of Agenda Item.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes