

State of California
AIR RESOURCES BOARD

Summary of Board Meeting
February 26, 2004

Air Resources Board
Central Valley Auditorium, Second Floor
1001 I Street
Sacramento, California

MEMBERS PRESENT: Hons. Alan C. Lloyd, Ph.D., Chairman
Joseph C. Calhoun, P.E.
Dorene D'Adamo
Mark J. DeSaulnier
Matthew R. McKinnon
Barbara Patrick
Mrs. Barbara Riordan

AGENDA ITEM #

04-2-1: Health Update on the Nature and Possible Causes of Cardiovascular Effects Resulting from Long-Term Exposure to Particulate Matter

SUMMARY OF AGENDA ITEM:

Staff summarized a study on the nature and possible causes of cardiovascular effects resulting from long-term exposure to particulate matter (PM). This study is based on a continued analysis of data from the American Cancer Society. Approximately 1.2 million participants have been enrolled in this study, some for as long as 20 years.

The investigators found that deaths from cardiovascular causes were associated with high levels of community PM_{2.5}. Most respiratory causes of death were not increased in these exposure conditions. One important finding of this study was that participants who smoked were far more likely to die in communities with high PM levels than were non-smokers. The investigators also found that when they sorted deaths into specific cause-related disease groups that certain types of cardiovascular deaths were more likely to occur in subjects who died in high PM exposure locations. This suggests that there may be specific mechanistic pathways that cause the health effects. The results of this study, both in terms of type of health effect and magnitude of effects, are consistent with

and supportive of the Board's ambient air quality standards for particulate matter.

A discussion followed the staff presentation, lead by Dr. Friedman, regarding the implications and novelty of these findings. Dr. Friedman pointed out that prior studies most often focussed on respiratory effects and this study may lead to important new information. He also observed that the findings of health studies performed in prior decades might reflect, in part, the combined consequences of smoking (more common in the past) and PM.

ORAL TESTIMONY: None

FORMAL BOARD ACTION: None (Informational Item)

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: No

03-9-2: Public Hearing to Consider the Adoption of the Stationary Compression Ignition Engine Airborne Toxic Control Measure (Continuation from the November 20, 2003, and December 11, 2003, Board Hearing)

SUMMARY OF AGENDA ITEM:

Staff made a follow-up presentation to the proposal given on November 20, 2003, and December 11, 2003, for the proposed airborne toxic control measure (ATCM) for stationary compression-ignition engines. This item is part of the Board's Diesel Risk Reduction Plan.

Staff described the key provisions of the ATCM, comments received, and staff responses to those comments. Several 15-day changes were proposed to respond to the Boards directive at the December 11, 2003, hearing.

The proposed changes included establishing additional restrictions on the operation of emergency standby engines located near schools, establishing provisions that would delay compliance for remotely-located engines until 2011 if certain findings are made, and establishing a provision allowing emergency standby diesel engines to continue to participate in demand response programs.

ORAL TESTIMONY:

Tom Swenson- Cleaire Advanced Emission Controls
Sharon Rubalcava- Motion Picture Association of America
Cindy Tuck- California Council for Environmental and
Economic Balance
Daniel McGivney- Eastern Municipal Water District
Mary Jane Foley- Southern California Alliance of POTWs
Martin Ledwitz- Air Quality Manager for Southern California
Edison
Bonnie Holmes-Gen- American Lung Association of California
& Natural Resources Defense Council
Kate Larsen- Environmental Defense

FORMAL BOARD ACTION:

The Board unanimously approved Resolution 03-30 adopting the proposed Diesel Particulate Matter Control Measure for Stationary Compression-Ignition Engines, with staff's proposed modifications.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes

03-10-2: Public Hearing to Consider Adopting the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities where TRUs Operate

SUMMARY OF AGENDA ITEM:

Staff made a follow-up presentation to the December 11, 2003, proposal for the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities where TRUs operate. This item is part of the Board's Diesel Risk Reduction Plan.

Staff described what a TRU is and the key provisions of the proposed ATCM, benefits and costs, comments received, and staff responses to those comments. Several 15-day changes were proposed to address several comments.

The modifications made to the regulatory language included added definitions and modifications to definitions designed to improve clarity and respond to comments. The language was also modified so that compliance with the in-use performance standards can be achieved by using any certified in-use engine that meets the

applicable no-road/off-road emission standards for all regulated pollutants and the in-use performance standard for PM. A facility reporting requirement was also added so that the number of refrigerated trailers used for cold storage and their annual hours of operation could be determined. References to the appropriate sections were also added.

The Board directed staff to create an opportunity for a “pilot project” to demonstrate equal or greater health and welfare benefits when compared to the staff proposal. Such pilot projects would also demonstrate they are cost-effective and technologically feasible. Such pilot projects would occur in advance of the ATCM’s implementation and be of limited duration and scope. If the pilot project demonstrated that the approach achieved equivalent emission and risk reductions, and was verifiable and enforceable, the board directed the Executive Officer to consider amendments to the ATCM to allow the approach on a broader scale.

ORAL TESTIMONY:

David Modisette – California Electric Transportation Coalitions
Stan Foster – Norco Ranch
Stephanie Williams – California Trucking Association
Robert Diggs – American Trucking Association
BJ Kirwan – Latham and Watkins
Bob Wilson – IdleAire

FORMAL BOARD ACTION:

The Board unanimously approved Resolution 03-37 adopting the proposed Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and facilities where TRUs operate, with staff’s proposed modifications

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes

03-10-3: Public Hearing to Consider Amendments to the Diesel Emission Control Strategy Verification Procedure

SUMMARY OF AGENDA ITEM:

In May 2002, the Air Resources Board (ARB or Board) adopted a procedure to verify emissions reductions achieved by diesel emission control strategies, which includes warranty and in-use compliance requirements (the Procedure). The Procedure was

developed to support the Diesel Risk Reduction Plan (the Plan) adopted by the Board in 2000. Over the course of its on-going dialogue with stakeholders, staff determined that changes should be made to improve the Procedure and better enable ARB to meet the goals of the Plan.

At the December 11, 2003, public hearing, staff proposed a number of amendments to the Procedure. In consideration of Executive Order S-2-03, the Board delayed final action on the amendments. On February 26, 2004, the Board conducted a public hearing to renew consideration of the amendments proposed in December, as well as some additional changes that staff made in the interim. The primary proposed amendments are summarized below:

Warranty requirements: Staff proposed several changes to the warranty requirements. First, staff proposed that the warranty coverage of damage to the vehicle or equipment caused by a diesel emission control strategy be removed from the required warranty, but that such coverage be retained for the engine. This change would encourage more participation in the California market by manufacturers that currently view the warranty as imposing excessive liability, and retains a level of consumer protection beyond that in other related warranties. The potential for a verified emission control strategy to cause non-engine related damage is minimal. Second, staff proposed to increase the warranty period to two years, unlimited miles, for trucks that typically accumulate 100,000 or more miles per year and have less than 300,000 miles on the odometer at the time of retrofit installation. This change addresses end-user concerns that the five year, 150,000 mile warranty period is insufficient for such vehicles. Third, instead of requiring the manufacturer to demonstrate that a failure it wishes to exclude from coverage was caused by abuse, neglect, or improper maintenance, staff proposed that coverage may be denied simply if such was the case and that the burden of proof be removed from the manufacturer. Finally, staff added language, which explicitly allows manufacturers to include examples of instances where coverage may be denied.

Nitrogen dioxide (NO₂) Limit: Staff proposed that the effective date for the NO₂ emission limit be changed from January 1, 2004 to January 1, 2007. The three-year delay would give manufacturers more time for product development aimed at reducing NO₂ emissions, and give staff time to gather additional data and develop a better understanding of the questions surrounding the complex NO₂ issue. The delay would end before widespread implementation of strategies is expected to occur, and therefore would prevent potentially negative health effects.

Proposed Verification Testing Protocol: Staff proposed that the applicant must demonstrate that its product relies on sound principles of science and engineering to achieve emission reductions. This amendment would provide the Procedure with a formal process for handling those control systems that appear to rely on principles not generally understood or accepted by the scientific world.

Harmonization of Durability Requirements: Staff proposed that the applicant be allowed to request that the Executive Officer consider the testing of two identical units, one that has been pre-conditioned and another that has completed the service accumulation period. This change would further harmonize the Procedure with the United States Environmental Protection Agency's verification program and offer more flexibility to applicants.

The proposed amendments do not alter the purely voluntary nature of the Procedure. Only companies that find it financially advantageous to participate in the verification process will do so.

ORAL TESTIMONY:

Staci Heaton – California Trucking Association
Bruce Bertelsen – Manufacturers of Emission Controls Association
Kevin Hallstrom – Engelhard Corporation
Marty Lassen – Johnson Matthey
Kimberley Jones – Lubrizol
Tom Swenson – Cleaire
Julian Imes – Donaldson Company, Inc.
Sean Edgar – California Refuse Removal Council

FORMAL BOARD ACTION:

The Board adopted all of the proposed amendments per resolution 03-36.

RESPONSIBLE DIVISION: Mobile Source Control Division

STAFF REPORT: Yes

04-2-2: Public Hearing to Consider Adoption of the Airborne Toxic Control Measure for Diesel-Fueled Portable Engines

SUMMARY OF AGENDA ITEM:

Staff presented to the Board a proposed airborne toxic control measure (ATCM) to reduce public exposure to diesel particulate matter (PM) emitted from portable diesel-fueled engines (Resolution 04-7), a step toward achieving the goals of the Diesel Risk Reduction Plan.

By 2010, portable engines must be certified to Tier 1, 2, or 3 U.S. EPA/ARB off-road engine standards. After 2010, fleets of portable engines must meet diesel PM emission averages that become more stringent in 2013, 2017, and 2020. Owners/operators of these fleets will have flexibility in determining how the fleet emission standards are to be satisfied. Options that are available to satisfy these standards include: replacing engines, using add-on control devices, switching to alternative diesel fuels or alternative fuels, and receiving credit for electrification.

The staff's proposed ATCM for portable diesel-fueled engines presented at the hearing contained revisions to the original proposal released January 2004. The revisions include recognizing engine "flexibility" provisions contained in federal and State law, providing a limited exemption for some lattice boom cranes, and amending text for clarification. The Board directed staff to evaluate the need for restrictions of operation near schools and return to the Board with a recommendation in fall 2004.

ORAL TESTIMONY:

Tim French - Engine Manufacturers Association
Janet Hathaway - Natural Resources Defense Council
Bonnie Holmes-Gen - American Lung Association of California
Sven Thesen - Pacific Gas & Electric Co.
Sharon Rubalcava - Motion Picture Association of America
Cindy Tuck- California Council for Environmental & Economic Balance (CCEEB)
James Thomas - Pool Well Services Co.
Doug Van Allen - BJ Services Company
Mike Buckantz - Construction Industry Air Quality Coalition (CIAQC)
Frank Caponi - County Sanitation Districts of Los Angeles County
Daniel McGivney - Eastern Municipal Water District
Bruce Bertelsen - Manufacturers of Emission Controls Association (MECA)

FORMAL BOARD ACTION:

The Board unanimously approved Resolution 04-7 adopting the proposed ATCM for Diesel-Fueled Portable Engines with staff's modifications.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes

04-2-3: Public Hearing to Consider the Proposed Amendments to the Regulation for the Statewide Portable Equipment Registration Program

SUMMARY OF AGENDA ITEM:

ARB staff presented the proposed amendments to the Regulation to Establish a Statewide Portable Equipment Registration Program (Statewide Regulation), which is found in the California Code of Regulations, title 13, sections 2450 through 2466. The purpose of the proposed amendments is to ensure consistency with the Airborne Toxic Control Measure for Diesel-Fueled Portable Engines, provide sufficient funds for ARB to recover its costs to administer the program, and provide additional clarity and enforceability to the Statewide Regulation.

Staff presented the key provisions of the proposed amendments, summarized the environmental and economic impacts, discussed the proposed 15-Day Changes, and concluded with staff's recommendations.

Amendments were proposed in the areas of portable engine eligibility, recordkeeping and reporting requirements, and increased program fees. In addition, staff proposes to allow certified and uncertified engines to be registered under the Statewide Regulation until December 31, 2005. After that date, only certified engines will be accepted in the program. Several 15-Day Changes were proposed to address several comments received.

ORAL TESTIMONY:

Mike Buckantz - Construction Industry Air Quality Coalition
Barbara Lee - California Air Pollution Control Officers Association
Ken Barker - Sully-Miller Contracting
Tom Umenhofer - Western States Petroleum Association
James Thomas - Pool Well Services Company
Doug Van Allen - BJ Services Company

Paul Able - Schlumberger
Robert Hassebrock - Weatherford
John Linnborn - Sully-Miller Contracting
Geoff Boraston - Granite Construction, Inc.
Sharon Rubalcava - Motion Picture Association of America
Martin Ledwitz - Southern California Edison
Sven Thesen - Pacific Gas & Electric Company
Randal Friedman - U.S. Navy
Cindy Tuck - California Council for Environmental & Economic
Balance
Daniel McGivney - Eastern Municipal Water District
Frank Caponi - County Sanitation Districts of Los Angeles County
David Grose - Sacramento Metropolitan Air Quality Management
District

FORMAL BOARD ACTION:

The Board unanimously approved Resolution 04-8 adopting the Proposed Amendments to the Regulation for the Statewide Portable Equipment Registration Program, with staff's proposed modifications. The Board also directed staff to work with the districts and other stakeholders to develop a proposal for increased district inspection fees.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes