



RESOURCES AGENCY

AIR RESOURCES BOARD

Executive Officer: James D. Boyd
Chairperson: Jananne Sharpless
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The California legislature created the Air Resources Board in 1967 to control air pollutant emissions and improve air quality throughout the state. The Board evolved from the merger of two former agencies, the Bureau of Air Sanitation within the Department of Health and the Motor Vehicle Pollution Control Board. The members of the Board have experience in chemistry, meteorology, physics, law, administration, engineering and related scientific fields.

The Board regulates both vehicular and stationary pollution sources. The primary responsibility for controlling emissions from nonvehicular sources rests with local air pollution control districts (California Health and Safety Code sections 39002 and 40000).

The Board develops rules and regulations for stationary sources to assist local air pollution control districts in their efforts to achieve and maintain air quality standards. The Board oversees their enforcement activities and provides them with technical and financial assistance.

The Board's staff numbers approximately 425 and is divided into seven divisions: Technical Services, Legal and Enforcement, Stationary Source Control, Planning, Vehicle Control, Research and Administrative Services.

MAJOR PROJECTS:

Implementation of Air Toxics "Hot Spots" Act. At its April meeting, ARB adopted new sections 93300-93347, Titles 17 and 26, California Code of Regulations (CCR), to implement the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Health and Safety Code section 44300 *et seq.*). The Act establishes a program to develop a state-wide inventory of site-specific air toxic emissions of approximately 300 substances referenced in the Act, to assess the risk to public health from exposure to these emissions, and to notify the public of any significant health risk

associated with these emissions. In adopting the new regulations on an emergency basis, ARB was complying with a provision of the Act requiring it to develop emission inventory criteria and guidelines for preparing air toxic emission inventories by May 1, 1989.

The criteria and guidelines in the regulations set forth minimum requirements for preparation of the emission inventory plans and reports by facility operators, and provide information needed by facility operators to identify sources of toxic emissions and to specify appropriate quantifying methods. The new regulations specify a group of substances for which emissions must be quantified, and a second group of substances for which the production, use, or other presence of the substances in an operation must be reported. They also identify processes and substances for which emissions must be quantified by source testing, and specify acceptable source test methods. Where source testing is not required, the guidelines specify appropriate uses of alternative measurement methods and acceptable emission estimation methods.

The emergency regulations were approved by the Office of Administrative Law (OAL) and went into effect on June 1.

Emission Standards and Test Procedures for Methanol-Fueled Vehicles. Also at its March meeting, ARB adopted regulations which establish exhaust and evaporative emission standards and certification test procedures to provide for the certification of new motor vehicles and motor vehicle engines designed to run on methanol or blends of methanol and gasoline. All classes of methanol vehicles are required to meet the California exhaust emission standards which are in effect for comparable gasoline and diesel vehicles and engines. The test procedures to be incorporated into Title 13 of the CCR are the federal test procedures proposed by the U.S. Environmental Protection Agency (EPA), with three specified exceptions.

If approved by OAL, these standards and test procedures would be applicable

to all classes of dedicated methanol vehicles and engines and fuel flexible vehicles (FFVs), except urban buses, starting with the 1993 model year.

ARB Adopts Lower Emission Standards for New Cars and Light-Duty Trucks. At its June 8 meeting, ARB adopted amendments to sections 1960.1, 1960.5, 2061, and 2112, Title 13 of the CCR, which specify emission standards for certain pollutants (hydrocarbon (HC), carbon monoxide (CO), and benzene) and test procedures for certification of motor vehicles for sale in California. The Board recognized that existing standards have not been changed in a decade, in spite of considerable technological advances which now provide manufacturers with the opportunity to meet lower emission standards and to design emission systems which will last up to 100,000 miles.

The amendments require manufacturers to meet more stringent HC and CO exhaust emission standards for passenger cars and light-duty trucks, and extends the current durability demonstration requirement to 100,000 miles—twice the previous standard of 50,000 miles. The new standards will be phased in, with car manufacturers having to meet the emission levels on 40% of the cars and light trucks they sell in the state in 1992, and on 80% in 1994. The requirements will be fully phased in by 1995.

These regulatory changes await approval by OAL.

Criteria for Area Designations. Also at its June 8 meeting, ARB held a public hearing and adopted new sections 70300-70306, Title 17 of the CCR, which implement section 39607(e) of the California Clean Air Act (CCAA) of 1988 (Chapter 1568, Statutes of 1988). That section requires ARB to adopt criteria for designating an air basin attainment or non-attainment for any state ambient air quality standard set forth in section 70200, Title 17 of the CCR. The pollutants for which there are standards in section 70200 are ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM10), sulfates, lead (particulate), hydrogen sulfide, and visibility reducing particles.

The proposed regulations provide the bases for establishing area designation status (attainment, nonattainment, or unclassified due to insufficient data) for each of the nine pollutants. The regulations specify which data will be used, how the geographic extent of the designation area for the various pollutants will be determined, and how data will be used to determine the designation.



REGULATORY AGENCY ACTION

The criteria also provide for annual review of the area designations and consideration of any person's request for revision of a specific designation.

Once the regulations are approved and area designations assigned, the Board is authorized to require air pollution control and air quality management districts to collect fees from holders of permits for facilities which emit 500 tons or more per year of any nonattainment pollutant or its precursors, to help defray the costs of state programs mandated by the CCAA.

The Board adopted these proposed regulatory changes subject to minor modifications in the published language; these changes await approval by OAL.

Permit Fee Regulations for Nonvehicular Sources. The CCAA imposed a number of other requirements on ARB, and provided mechanisms to the Board and the districts to help to defray the state costs of implementation of the Act. To offset increased costs of additional state programs related to nonvehicular sources, section 39612 of the Health and Safety Code authorizes the Board, beginning July 1, 1989, to require districts to collect fees from holders of permits for facilities which emit 500 tons or more per year of any nonattainment pollutant or its precursors.

Proposed sections 90800-90803, Title 17 of the CCR, would apply to the 1989-90 fiscal year, and would provide for (1) the collection of the emission fees by districts on a dollar-per-ton basis; (2) recovery of administrative costs by the districts; (3) imposition of additional fees on facilities that do not pay in a timely manner; (4) a contingency factor of 25% included in the fees; and (5) exemption of districts from the fee collection requirements for demonstrated good cause. The regulations specify that fees shall be based on the estimated 1987 emissions from each facility, as determined on or before March 31, 1989.

The Board held a public hearing on these proposed regulations at its June 8 meeting, and adopted the changes with one modification; the contingency factor was changed to 10%. These changes await approval by OAL.

Atmospheric Acidity Protection Program. Also at its June meeting, the Board held a public hearing on proposed sections 90620-90623, Title 17 of the CCR, to implement the Atmospheric Acidity Protection Act of 1988 (Health and Safety Code sections 39900-39911). In that statute, the legislature directed ARB to determine the nature and extent of potential damage to public health

and the state's ecosystems which may be expected to result from atmospheric acidity, and to develop measures which may be needed for the protection of public health and the state's sensitive ecosystems. To enable the Board to carry out these activities, the Act authorized ARB to require local air pollution control districts, beginning July 1, 1988, to impose additional variance and permit fees on nonvehicular sources which emit 500 tons or more of either sulfur or nitrogen oxides.

The new sections, which were adopted by the Board, provide for the collection of these fees by the districts and forwarding of the fees to ARB for deposit into the Air Pollution Control Fund, to partially fund the Board's Atmospheric Acidity Protection Program for fiscal year 1989-90. The fees to be collected by districts are based upon emissions data for calendar year 1987, the most recent statewide emissions data available.

These changes await approval by OAL.

LEGISLATION:

AB 471 (Katz), as amended on May 18, would increase the state gas tax rate from 9 cents per gallon to 14 cents per gallon on July 1, 1990 and would further adjust the rate every two years thereafter until 1998. AB 471 passed the Assembly on May 25 and is pending in the Senate Transportation Committee.

AB 756 (Killea), as amended on May 17, would require the State Fire Marshal, in conjunction with ARB, to study the effects of exposure to carbon monoxide during dwelling fires, or when appliances, heating systems, or water heaters are poorly vented. This bill is pending in the Assembly Ways and Means Committee.

AB 1718 (Hayden), as amended on May 17, would prohibit the sale of residential hand-held fire extinguishers, medical sterilants and other products containing halogenated chemicals, and the manufacture, assembly, packaging, or sale of any product containing specified chlorofluorocarbons (CFCs), halons, or other halogenated chemicals except under specified conditions. This bill is pending in the Assembly Ways and Means Committee.

AB 1736 (Friedman), as amended on May 10, would require ARB to review and evaluate the adequacy of programs to reduce CFC emissions from motor vehicle air conditioning systems. This bill is pending in the Assembly Ways and Means Committee.

AB 1737 (Friedman) would authorize local air pollution control agencies to suspend the operating permit of any air

pollution source which has been issued five or more notices of violation within a 90-day period. The bill further authorizes districts to base fees for the issuance of variances based on the degree to which the person seeking a variance exceeds the permitted air pollution emission rate. This bill is pending in the Assembly Ways and Means Committee.

AB 2020 (Cortese), as amended on May 16, would prohibit the manufacture, distribution, and sale of any product made of any rigid polystyrene foam product if it is made with a fully halogenated CFC blowing agent compound and if specified conditions occur. This bill is pending in the Assembly Ways and Means Committee.

AB 2151 (W. Brown), as amended on May 17, would enact the Energy Conservation and Global Warming Reduction Act of 1989, dealing with the increase of global temperatures due to the emission of greenhouse gases. The bill would require ARB to conduct an inventory of existing greenhouse gases emitted from power plants that provide electricity to California. This bill is pending in the Assembly Way and Means Committee.

AB 2203 (Cortese) would require cities and counties that are not attaining federal clean air standards to include air quality elements within their general plans. The bill would require ARB to prepare by September 30, 1990 guidelines for cities and counties to use in developing the air quality elements. This bill is pending in the Assembly Ways and Means Committee.

SB 116 (Rosenthal), as amended on April 18, would require the reuse or recycling of ozone depleting CFCs when servicing or disposing of any refrigeration system such as freezers and air conditioning systems. The bill would prohibit intentionally venting or disposing of the CFCs. SB 116 passed the Senate on May 26 and is pending in the Assembly Committee on Natural Resources.

SB 427 (Torres), as amended on May 30, would require ARB to inventory sources of global greenhouse gases, and gases that potentially contribute to depletion of stratospheric ozone, and to include this information in a biennial report. This bill would, on and after January 1, 1991, prevent the use and handling of CFCs without obtaining a permit from ARB, with prescribed exceptions. This bill is pending in the Senate Appropriations Committee suspense file.

SB 907 (Vuich), as amended June 5, would require any new bus acquired by



any public or private entity after January 1, 1992, for public transit, to be certified by ARB to meet specified exhaust emission standards. This bill is pending in the Senate Appropriations Committee.

SB 1138 (Marks) would prohibit the manufacture, import, or export of any product containing any CFC or halon, and the use of those substances in any application that is harmful to the environment. This bill is a two-year bill pending in the Senate Natural Resources and Wildlife Committee.

SB 1192 (Marks), as amended on May 22, would prohibit the manufacture, distribution, or sale of any polystyrene foam food service or packing products made with certain CFCs or with any compound that presents a significant risk to workers or public health, if substitutes are available. SB 1192 passed the Senate on May 26 and is pending the Assembly Natural Resources Committee.

SB 1219 (Rosenthal) would require the Public Utilities Commission (PUC), whenever it considers the cost of fuel in establishing the rates of an electrical utility, to consult with ARB and any affected air pollution control district concerning the increased costs associated with a utility switching from the use of natural gas to fuel oil in the generation of electricity. ARB would be required to develop an air pollution cost differential value, and that cost would be added to the cost of the fuel oil. If the cost of the fuel oil together with the value is lower than the cost of natural gas, the utility would be able to recover (through ratesetting) only the cost of the fuel oil. If the cost of fuel oil together with the value is higher than the cost of natural gas, then the utility would be able to recover only the cost of natural gas if the corporation uses fuel oil in the generation of electricity. The bill would also require the utility to pay the cost differential to the district in which it is located. This bill is a two-year bill pending in the Senate Committee on Energy and Public Utilities.

SB 1677 (Garamendi), as amended on May 23, requires local air pollution control districts to designate persons as voluntary clean fuel consumers by virtue of their use of clean fuels rather than fuel oil in a combustion process. This bill is pending in the Senate Appropriations Committee.

The following is a status update on bills described in detail in CRLR Vol. 9, No. 2 (Spring 1989) at pages 97-98:

SB 361 (Torres), which would require ARB to undertake a study of determine the feasibility of requiring large, new and modified industrial sources of carbon

dioxide to offset additional carbon dioxide emissions with reductions of carbon dioxide from other existing sources, is still pending in the Senate Governmental Organization Committee.

AB 204 (D. Brown), which would specify that the term "solid waste disposal site" does not apply to an island in the Pacific Ocean fifteen or more miles from the mainland coast, is still pending in the Assembly Natural Resources Committee.

SB 718 (Rosenthal), as amended on May 1, would appropriate \$1,200,000 from federal settlement funds received by the state to the Secretary of the Environmental Affairs Agency for allocation to ARB, air pollution control districts, air quality management districts, and the California Coastal Commission to ensure that offshore oil operations conform to federal and state air pollution control requirements. This bill is pending in the Senate Appropriations Committee suspense file.

AB 292 (Floyd), which would eliminate the requirement that ARB adopt a resolution to exempt modifications that do not reduce the effectiveness of required pollution control devices or which result in emissions that are at levels which comply with existing state or federal standards, is still pending in the Assembly Transportation Committee.

SB 1123 (Rosenthal), as amended on April 26, would require the Department of General Services to purchase low-emission vehicles. The bill would require the state to seek to acquire a mix of least polluting and least cost qualifying vehicles available. SB 1123 passed the Senate on May 18 and is pending in the Assembly Utilities and Commerce Committee.

AB 911 (Killea), as amended on May 16, would make a statement of legislative intent with respect to the attainment of federal and state ambient air quality standards through the purchase and use of low-emission vehicles and fuel. AB 911 passed the Assembly on May 22 and is pending in the Senate Rules Committee.

SB 1006 (Leonard), as amended on May 23, would require ARB to certify by June 30, 1990 which motor vehicles are low-emission vehicles. This bill passed the Senate on May 26 and is pending in the Assembly Committee on Economic Development and New Technologies.

AB 1050 (Sher), which would clarify existing provisions requiring ARB to classify each air basin according to whether it is in attainment with air qual-

ity standards, passed the Assembly on April 27 and is pending in the Senate Governmental Organization Committee.

SB 54 (Torres), as amended June 15, would prohibit an air pollution control district or air quality management district from issuing or renewing a permit for construction or operation of a project which burns hazardous waste unless the project will not interfere with state and federal ambient air quality standards. This bill is pending in the Senate Appropriations Committee suspense file.

SB 231 (Roberti), as amended on April 5, would require ARB to adopt criteria to determine the existence of replacement products for specified CFC applications. This bill is still pending in the Senate Appropriations Committee.

SB 155 (Leonard), as amended on May 31, would enact the California Clean Transportation Act of 1989, and impose additional tax under the Motor Vehicle Fuel License Tax Law and the Fuel Tax Law on specified motor vehicle fuels at designated rates based on whether the fuel meets specified standards. This bill is still pending in the Senate Transportation Committee.

FUTURE MEETINGS:

To be announced.

CALIFORNIA WASTE MANAGEMENT BOARD

Executive Officer: George T. Eowan
Chairperson: John E. Gallagher
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Created by SB 5 in 1972, the California Waste Management Board (CWMB) formulates state policy regarding responsible solid waste management. Although the Board once had jurisdiction over both toxic and non-toxic waste, CWMB jurisdiction is now limited to non-toxic waste. Jurisdiction over toxic waste now resides primarily in the toxic unit of the Department of Health Services. CWMB considers and issues permits for landfill disposal sites and oversees the operation of all existing landfill disposal sites. Each county must prepare a solid waste management plan consistent with state policy.

Other statutory duties include conducting studies regarding new or improved methods of solid waste management, implementing public awareness programs, and rendering technical assistance to state and local agencies in planning and operating solid waste programs. The Board has also attempted to develop