

HOUSE SPECIAL COMMITTEE ON TASK FORCE ON MOTOR VEHICLE EMISSIONS

Hearing Room
Tapes - 2

MEMBERS PRESENT:

Chair Tom Brian, Chair
Rep. Margaret Carter
Rep. Tony Federici
Rep. Jerry Grisham
Rep. Leslie Lewis

MEMBER EXCUSED:

STAFF PRESENT:

Richard Yates, Committee Administrator
Sarah A. Myers, Committee Assistant

MEASURES HEARD:

Informational Orientation and Overview

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

005 CHAIR BRIAN: OPENS Orientation on Task Force on Emissions at 4:14

011 CHAIR BRIAN: Outlines the purpose for this 1995 Task Force on Emissions.....to review the EPA Clean Air Act requirements on the State of Oregon, review factors of the Air shed issues, the actions taken by the 1993 Legislature, DEQ's progress in submitting an Air Quality Maintenance Plan to the EPA, their actions taken since 1993 with the authority given them by the 1993 Session, and the 1995 Task Forces responsibility is to weigh and review all of these factors that make up the Air Quality Maintenance Plan to make recommendations to DEQ in the area of rules or to the Speaker in terms of Legislation.

MOTION: REP. FEDERICI: ADOPTION of rules [EXHIBIT B].

CHAIR BRIAN: Hearing no objection, MOTION CARRIES.

Invited Testimony: Gregory Green, Administrator of the Air Quality Division

John Kowalczyk, Manager of Air Quality Planning Section

038 GREGORY GREEN, ADMINISTRATOR of AIR QUALITY DIVISION: Introductory statement regarding their objectives for the Task Force on Emissions.

-Advisement of the requirements of the Clean Air Act as it pertains to the Metro Area;

-Status report of our efforts to implement the Clean Air Plan for the Metro

Area as specified in HB 2214.

-To date the Portland Metro Area has exceeded the national ambient air quality standards for the ground level ozone since the standard was adopted in 1971.

-Unhealthy conditions for residents and imposition of sanctions on industry as a result.

-Metro has received compliance earlier in this decade as a cooperative result.

061 GREEN: Discusses his support regarding the Clean Air Act Plan in respect to the ozone maintenance plan as specified by HB 2214.

-EPA flexibility will lessen the burden of the strategies in the previously mentioned plan.

-Mixed opportunities with wide spread responsibilities.

083 JOHN KOWALCZYK, MANAGER OF AIR QUALITY PLANNING SECTION: Begins discussion of the Federal Clean Air Act and the Clean Air Plan; written testimony overviewing these topics will be covered in moderate detail. [EXHIBIT A]

089 REP. FEDERICI: Unhealthy air has caused Impositions of the Clean Air Act Industrial Growth Sanctions; when were those sanctions imposed and what exactly are they?

094 GREEN: The sanctions were imposed when the area was declared Non Attainment for the ozone standards, the involve the establishment of L.A.E.R. (Lowest Achievable Emission Rate)... to prevent the additional chemical emissions into the air; balanced with an equal and an overall reduction in the emissions into the Air shed.

-REP. FEDERICI asks when the sanctions were imposed; GREEN responds, "in 1990".

110 KOWALCZYK: Begins with a slide show: Starts with ground level ozone. Comments refer to the slides brought by the DEQ.

150 KOWALCZYK: Continues with slide presentation.
-Responds to question regarding the Ozone level in Portland.

165 REP. CARTER: In 1993, NE Portland was pretty high in terms of being out of Attainment?

170 KOWALCZYK: No, we are actually under attainment.
-Explains question of classification from CHAIR BRIAN.
-Continues with slide presentation on Ozone requirements and CAA Industrial Growth Sanctions.

200 REP. LEWIS: Could you repeat one more time what the off sets are exactly?

210 KOWALCZYK: Repeats the off sets and gives a specific example.

220 REP. FEDERICI: Requests a specific example regarding Mr. Kowalczyk's above explanation.

230 KOWALCZYK: Responds by discussing the first off sets that were ever applied.

-Another question from REP. FEDERICI, and CHAIR BRIAN regarding pollution control for dry-cleaning plants, and how the "net" is determined.

-Discusses the Portland Ozone Trends; continues with slide show.

260 KOWALCZYK: Continues with slides; Ozone Forecast.

270 REP. FEDERICI: Is their no growth standard plugged into that factor, Are we expected to maintain the same ambient air standards regardless of the growth in population?

275 KOWALCZYK: Yes, the standard level is fixed regardless of the population.

280 REP. LEWIS: We had a drop in ozone in 1991 and 1992, what was the reason for this drop in the Ozone.

285 KOWALCZYK: It was due to two things, first by lowering the volatility of gasoline vaporization pollution control and the other was the requirement of gas station regarding the filler pipes for the achievement of the attainment standard.

-Responds to CHAIR BRIAN'S question regarding the imposition of the required use of oxygenated fuel; imposed in the winter only and we are in our 3rd winter of usage.

-Continues with slide's.

300 REP. CARTER: Are we still working with the Health Department because of the high incidence of children with asthma; health impacts in the community?

Tape 2, A

005 KOWALCZYK: We are working with the Health Division for studies regarding the effects on children, however, we generally rely on national data for the rest of the State.

007 REP. LEWIS: Non Attainment was .12 parts per million, your health impacts are based on going out of Non Attainment, what are you basing the increase on for the 15 million?

010 KOWALCZYK: The national data is not that precise, it merely states that if you exceed the standards you can expect health affects.

-Continues with the slides and maintenance plan requirements.

042 CHAIR BRIAN: We are currently in the margin; we are already in the designation, correct?

045 KOWALCZYK: No, now we are in marginal Non Attainment and we want to get into Attainment; we have to submit a plan to be approved by the EPA to achieve the designation of Attainment, then the area is classified as Attainment and the threats of sanctions are lifted.

047 REP. CARTER: Right now we are under sanctions, how much is it costing us to get into Attainment?

052 KOWALCZYK: Its costing us...gives an example of New Mexico; not a lot of industrial growth within some regions because of the sanctions and possibly also because of the off set costs.

075 KOWALCZYK: Auto emission testing standards; monetary penalties need not be imposed;

-Ends discussion of the Clean Air Act.

092 CHAIR BRIAN: Could you comment on the timing, regarding moving some dates around and "we bought some time" for credits.

095 KOWALCZYK: We were trying to look for tax credits to minimize the impact of the plan.

105 REP. FEDERICI: What is the difference in chemical composition in ground and stratospheric ozone. Are they both O2?

113 KOWALCZYK: No, they are both O3. Gives differences. Differences in separation

120 GREEN: Was your question about the additional control standards?

124 CHAIR BRIAN: ...balance of the requirements and how many points we get for certain measures, I'm just exploring every possible option to identify the possibility of us buying some points that we could trade out.

129 REP. LEWIS: If I figure from the year 2006, I come back to 1997 when this plan is supposed to start. How come some of the strategies are starting far earlier than 1997?

136 KOWALCZYK: Explains reason for starting strategies sooner for reasons of Attainment.

-Vehicle inspection program as an example.

147 REP. LEWIS: What do you mean by credit?

150 KOWALCZYK: Emission reductions credit.

-Responds to question from REP. LEWIS regarding measuring the emissions.

-Page, 6, maintenance program; Blue ribbon task force of 1991, and their recommendations which are included in Attachment 7 [EXHIBIT A].

202 KOWALCZYK: Continues with discussing written testimony.

-Old car exemption; vehicle emission feat; employer provided alternatives for employees to reduce vehicle traffic.

235 REP. FEDERICI: On item 3, what counties would this be.

244 REP. LEWIS: I don't understand the differences in numbers, Page 5 regarding attainment.

256 KOWALCZYK: Explains the percentages in total air shed reductions. Most of our data represents the motor vehicle emissions.

269 KOWALCZYK: Continues discussing the findings of the 1993 House Special Task Force findings.

-Potential federal sanctions, for federal highway funds.

-3 major recommendations, Page 7.

-Attachment 11 on the House Special Task Force detailed findings.

316 KOWALCZYK: Continues discussing the specifics of the House Special Task Force of 1993 enclosed within his written testimony.

348 CHAIR BRIAN: I believe that the House Task Force decided that the inspection boundary was arbitrary. John could you point out to us in HB 2214, Attachment 12 where the authority for expanding the boundary is.

381 KOWALCZYK: Refers to HB 2214 and authority for... Attachment 10; the intent was removed in the legislation. Bottom of page 3 of the report, the

footnotes on the back of Page 10, #1.

416 REP. LEWIS: Senators Dukes and Bunn removed the required criteria. Because it was not their intent to have the vehicle boundary expanded to their area.

-Clarifies for CHAIR BRIAN that the senator's left the ability to expand but not the language of the necessary criteria.

430 CHAIR BRIAN: Page 2 of the bill, on criteria which we had discussed such as commuting to work, prevailing winds are things that would need to be considered in measuring various areas in the greater region against.

454 KOWALCZYK: We did use those criteria even though it was not in the bill. We did try to follow your intent.

TAPE 1,B

033 KOWALCZYK: Covers what they have done to implement HB 2214 which passed

both houses with strong support. Goes through the provisions of HB 2214.

-Major findings of the report.

-Ratings of vehicle emissions.

-Assumed EPA adoption of rules, however they are behind so we have gone ahead and adopted our own; as we assume the EPA will adopt them when they get to that point.

-Regulation of consumer products

075 CHAIR BRIAN: Could you explain to the committee the federal rule with regard to Oregon's adoption of product restrictions versus California and so forth?

080 KOWALCZYK: I think you are thinking of is that there is a federal preemption but those are for engines and fuels...there is no federal restrictions on consumer products, so we can do what we want on those things. But we have made proposals that are fairly close to the federal requirements.

090 REP. LEWIS: In the area source rules, I don't see these any where in section 11, so these are above and beyond the reductions which you were planning for originally?

097 KOWALCZYK: It assumes the EPA 3% reduction but it was not provided so we are having to plug that hole that was created.

-Clarifies for CHAIR BRIAN and the committee that no more credit will be given, but that we are making sure we get the credit which we thought we would get.

-Responds to question from REP. CARTER regarding VOC's and the comparable content between oven cleaner and men's shaving cream.

KOWALCZYK: Discusses specifics of HB 2214.

-Further discussion of credits with CHAIR BRIAN and REP. LEWIS.

126 REP. CARTER: Does this mean cars beyond 1974 do not have to go through vehicle emissions?

132 KOWALCZYK: Yes, it maintains the old car exemption of cars from 1973 and older.

139 CHAIR BRIAN: What happens if we rollback the exemption to 1965, what happens to the credits?

145 KOWALCZYK: We could calculate that but I don't have that information.

150 REP. FEDERICI: I had some discussions with the DEQ regarding a bill to encompass the idea of 'CASH FOR CLUNKERS' that the DEQ would purchase vehicles older than 1965 and turn them over for scrap metal. Bill did not get dropped b/o what happened to the bill once out of Legislative Counsel.

166 CHAIR BRIAN: We are reviewing this list to determine which topics to spare for consideration. Any other ideas (to the committee)?

176 KOWALCZYK: The advisory committee suggested that we use the census data and rank the information. We did this and the data shows the percent of workers that drive into the ozone Non Attainment area.

-Boundary expansion on Attachment 16; it is very close to the Toll-Free extended calling area includes Newburg and Scapoose and such...

205 REP. FEDERICI: PUC rejected the proposal....

220 REP. LEWIS: The eleven percent expansion, how many vehicles? Other reductions, is that based on the air shed?

231 KOWALCZYK: There are two assumptions, first that 50% of those vehicles

would actually drive into the air shed and also the expectation that the emissions which occur from the driving in those surrounding areas do travel into the air shed by wind patterns.

240 CHAIR BRIAN: Drive from Newburg to Portland, in addition, it is also considered that such cars which drive around say Newburg add to the prevailing winds?

244 KOWALCZYK: To some extent but it is believed that the emissions disperse that they don't impact the area beyond the EPA "buffer".
-Discusses a question from CHAIR BRIAN regarding prevailing winds.

283 REP. CARTER: Is there not a wind pattern from the East?

287 REP. LEWIS: Most of the prevailing winds from the NW in the summer time.

291 KOWALCZYK: Provides further clarification of the winds.

297 REP. LEWIS: So you are going to test 38,000 vehicles for no reason?

305 KOWALCZYK: They will contribute because of wind patterns.
-I don't know to what level of contribution, however.

320 CHAIR BRIAN: We will revisit the boundary expansion discussion, because there has to be a showing as to the expansion into the two counties.

336 CHAIR BRIAN: Overview of overall actions to be taken.

343 KOWALCZYK: We have had a consultant to identify options for implementation of the maintenance program. We have implemented the enhancement program.

360 CHAIR BRIAN: Enhancement issue; we have a real back-up problem especially when waiting to be tested. Maybe this thing is something to be contracted out.

382 GREEN: We have added computer technology to cut down and relieve some of the waiting process.

394 KOWALCZYK: Overview of Land Use Plan as it refers to vehicle emissions.
-Parking ration program;
-Question from CHAIR BRIAN;
-Establishment of technical advisory committees; general recommendations in written testimony.

TAPE 2, B

010 KOWALCZYK: Continues referencing the written testimony.

060 KOWALCZYK: Continues discussing the recommendations from the written testimony.

070 CHAIR BRIAN: Ratio of space utilization?
-I need to see some... the rationale...of parking spaces.

084 KOWALCZYK: Agrees to get the information requested for CHAIR BRIAN; continues with written testimony.

097 CHAIR BRIAN: They are doing things to lower their emissions...

102 KOWALCZYK: Reductions....
-Final provision of HB 2214.
-EPA has a 49 state car...
-EPA changing motor vehicle emission standards as changes occur.
-Discusses Net effect of reductions.

157 KOWALCZYK: Continues with written testimony overview of changes.
-HB 2214 vs. Now.
-Available credits for use.

207 KOWALCZYK: The surplus credits and the possible uses for it given the recommendations from the DEQ advisors.

230 KOWALCZYK: Alternative revenue source may be needed. Completes the overview and gives a summary.

250 REP. FEDERICI: My figures were about half of what is needed; revenue source could be the fines imposed by the DEQ on various industries, could they not?

256 KOWALCZYK: Yes, that may be a source, if enough could be generated from fines.

260 CHAIR BRIAN: What is the contribution to Portland air shed from Clark Co.?

270 KOWALCZYK: Responds to CHAIR BRIAN's question.
-Enhanced vehicle inspection program.
-Responds to another question from CHAIR BRIAN.
-Attainment reduction discussion with CHAIR BRIAN.

320 CHAIR BRIAN: What's happening with electric cars?

333 KOWALCZYK: Mandate to produce electric cars in California; the auto industry is not happy with the proposed mandates.
-EPA has proposed a compromise.

352 CHAIR BRIAN: In theory if we adopted the California law and the did the federal 49 state adjustment you'd get both credits?

363 KOWALCZYK: The whole State of Washington and Oregon would have to adopt a similar program otherwise people would just go out of state to buy their automobiles.

386 REP. FEDERICI: Requests a comparison of whether the vehicle emission standards are being imposed by the EPA uniformly through all ten regions or if there is a difference, what that difference is for other regions and why.

CHAIR BRIAN: CLOSES the meeting on the Orientation for the Task Force on Emissions at 6:05.

Submitted by, Reviewed by,

Sarah A. Myers Richard Yates
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - DEQ prepared testimony, 59 - pages.
B - Task Force Rules, 2 - pages.