



Mojave Desert Air Quality Management District

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**Testimony of Eldon Heaston
on behalf of the
Mojave Desert Air Quality Management District and the
Antelope Valley Air Quality Management District
before the Congress of the United States,
House Committee on Science, Space and Technology
for a hearing entitled *Reality Check: The impact and Achievability of EPA's
Proposed Ozone Standards.***

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Room 2318 Rayburn House Office Building
Washington, DC

Good Morning. I am Eldon Heaston the Executive Director/Air Pollution Control Officer for the Mojave Desert Air Quality Management District (MDAQMD or Mojave District) and the Antelope Valley Air Quality Management District (AVAQMD or Antelope District). I'm here today as a regulator and one of the people who will be required to develop and implement the plans and regulations which would be necessary if there is a change to the National Ambient Air Quality Standards for Ozone. I would like to thank the committee which has given me this opportunity to testify.

My two Districts are located in inland Southern California, adjacent to and directly downwind from the greater Los Angeles area. The MDAQMD covers more than 20,180 square miles of desert San Bernardino County and the Palo Verde Valley region of Riverside County with an approximate population of 552 thousand people. The jurisdiction of the AVAQMD includes the desert portion of Los Angeles County with approximately 1,300 square miles and an estimated population of 460 thousand.

Due to the prevailing wind direction and topography these two air districts are overwhelmingly impacted by transported Ozone and its precursors, Oxides of Nitrogen (NO_x) and Volatile Organic Compounds (VOC¹), from both the greater Los Angeles area and the San Joaquin Valley. It is this simple fact that drives most of my concerns with not only the proposed Ozone standard but also the most recent 2008 .075 ppm 8 hour standard. Currently the entire AVAQMD is designated nonattainment for Ozone and the MDAQMD is nonattainment for the Victor Valley area. The ozone precursor inventory for the Antelope Valley and Mojave Desert

¹ In the California emissions inventory VOC is referred to as Reactive Organic Gasses or ROG.

Districts is approximately 192 tons per day (tpd) combined². This is in comparison to roughly 1078.93 in the South Coast Air Quality Management District (SCAQMD or South Coast District)³ which covers the greater Los Angeles Area or 692.93 in the San Joaquin Valley Unified Air Pollution Control District (SJVUAPD or San Joaquin District)⁴. Unfortunately this means that even if there were absolutely no air pollution emissions in either the Antelope or the Mojave District these areas would still exceed the current 2008 standard. The net result of this natural situation is that the Antelope and Mojave Districts can NEVER attain even the current 2008 Ozone standard unless and until our upwind neighbors manage to do so.

Both the South Coast and San Joaquin districts are designated nonattainment for Ozone and classified as extreme, the worst classification available. They are struggling to find sufficient emissions reductions to attain the current Ozone standard. Their plans rely heavily on technology forcing measures and so called "black box" reductions which may not, if ever, be technologically or economically viable. However without postulating such reductions neither they, nor in turn my districts, can ever achieve attainment. I fear that if the proposed Ozone standards are enacted, especially at the lower end of the ranges contemplated by EPA that the entire Southern California region will need to be an all-electric zone to meet the requirements contained in the Clean Air Act.

I am also concerned that some of the lower standard proposals, namely the .060 to .065 ppm ranges are getting seriously close to the ambient background levels of Ozone. The closer the standard gets to background levels the greater the impact will be of long range transported pollution from other countries and ships at sea. These are sources over which local air districts have no control. Even you, as the Congress have little or no influence upon other countries or foreign flagged vessels. However if the standards are lowered, reductions in such emissions will be necessary to achieve attainment.

As you are all well aware, one general assumption underlying the Clean Air Act was that a major component of the air pollution problems was derived stationary sources. Now over the years since its enactment collectively we've done a pretty good job of controlling stationary source emissions. This is reflected in the fact that our emissions inventory has shifted from being mostly stationary in nature to being mostly mobile and area-wide⁵. In the Mojave District our pollution inventory is now 61% mobile and area-wide sources for ozone precursors. Likewise, in the Antelope District it is 66%. In the South Coast and the San Joaquin Districts the percentages are 85% and 80 % respectively. Therefore, in order to achieve attainment of the current standards as well as any newly proposed standards these going to need to vigorously addressed. Of course these types of sources are primarily within the preview of the Federal Government and will need to be addressed at the national level.

² MDAQMD 2012 Inventory for Ozone precursors = 116.61 tpd NOx and 38.58 tpd VOC. AVAQMD 2012 Inventory for Ozone precursors = 18.56 tpd NOx and 16.27 tpd VOC. See <http://www.arb.ca.gov/ei/maps/statemap/dismap.htm>.

³ SCAQMD 2012 Inventory for Ozone precursors = 584.25 tpd NOx and 494.73 tpd VOC.

⁴ SJVUAPCD 2012 Inventory for Ozone precursors = 321.27 NOx and 371.66 VOC.

⁵ Sources of pollution where the emissions are spread over a wide area, such as consumer products, fireplaces, road dust and farming operations. Area-wide sources do not include mobile sources or stationary sources. See: <http://www.arb.ca.gov/html/gloss.htm>

California has been leading the way in attempts to regulate mobile sources especially diesel. However we still have a problem in that the sheer number of vehicles and vehicle miles traveled contribute substantially to the Ozone problem. In my districts, for example, a large portion of the population commutes over 60 plus miles one-way to work to jobs located within the Los Angeles basin. Thus one of the best mobile source control measures available in the Antelope and Mojave Districts is to move the jobs and the people doing them closer together. The more stringent controls required by a proposed new standard will make it inherently more difficult to site new industry or move existing stationary sources to lessen vehicle miles traveled and the pollution created by those vehicles.

Another problem arising from the Clean Air Act itself is the premise that all nonattainment areas are created equal. It assumes that a high concentration of a criteria pollutant is generated by sources in direct proximity to where the measurement was taken. This is not always the case. Once again I must stress that transport, both regional and international, is not addressed very well in the act or in its implementation. For example, there have been several proposals over the years by EPA to not allow a particular area to rely on upwind reductions in showing progress under the Act. In a transport impacted area such as my districts the net result would be to require stringent and costly controls in an area with little or no overall air quality benefit. The proposed new Ozone standards will, once again, not address this fundamental underlying issue.

The Clean Air Act has, overall, been quite effective in reducing air pollution. However, we have just begun to really reap the benefits of regulations, plans and control equipment put into place as a result of the 1 hour Ozone standard. The plans and rules needed for the current 8 hour standard are just now beginning to be implemented. Industrial sources are just now starting to install new controls to comply with these new rules. It will take a few years at the minimum to determine the full extent to which these regulations are effective. Unfortunately, the proposed new standards will change the playing field again. I fear the net result, at least in the Antelope and Mojave Districts will be to confuse the public into thinking that air pollution is becoming worse. I also am concerned that it will make it extremely difficult for industry to comply with new provisions so soon after upgrading to comply with the current standards.

One of the things that I think we can all agree upon is that it is the intent of the NAAQS to protect the public health. It is our duty as reasonable governmental officials to do this in a cost efficient manner by getting the most health protection for each dollar spent on pollution control. As I mentioned before most of the population base in the Mojave District is located in and around the cities of the Victor Valley. There are several outlying pockets of population namely Barstow, Needles and Blythe but the remainder of the district is open desert with a very low population per square mile. If the entire 20 thousand plus square miles of the Mojave District becomes nonattainment, as I suspect it will be, the cost of compliance for industrial sources in those outlying areas will increase substantially without a corresponding benefit to public health. In fact, I fear that there may be an unintended consequence in that as company compliance spending increases there will be less spending on employment. As you are no doubt aware economic opportunity and economic status often has a direct correlation with public health. I fear the unintended consequence of improve air quality at the expense of increase the health burden caused by the lack of economic opportunity for the residents of my districts.

I appreciate very much the opportunity to come and testify here today. If there is any additional information that I can provide or any questions that you feel I may be able to answer for you I will be happy to do so.