

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Approved Minutes: Advisory Council Regular Meeting – March 9, 2005

CALL TO ORDER:

Opening Comments: Chairperson Zamora called the meeting to order at 10:00 a.m.

Roll Call: Present: Brian Zamora, Chair, Cassandra Adams, Sam Altshuler, P.E., Diane Bailey, Louise Bedsworth, Ph.D., Jeffrey Bramlett, Harold M. Brazil, Irvin Dawid, Emily Drennen, Fred Glueck, William Hanna, Stan Hayes, John Holtzclaw, Ph.D., Kraig Kurucz, Norman A. Lopera, Jr., Victor Torrealano, Linda Weiner.

Absent: Bob Bornstein, Ph.D., Elinor Blake, Kevin Shanahan.

PUBLIC COMMENT PERIOD: There were no public comments.

CONSENT CALENDAR:

1. **Approval of Minutes of January 12, 2005.** Dr. Holtzclaw moved approval of the minutes as submitted; seconded by Mr. Lopera; carried unanimously.

COMMITTEE REPORTS: Chairperson Zamora took Item No. 5 out of order.

5. **Report of the Technical Committee Meeting of February 7, 2005.** Mr. Hayes reported that the Committee discussed the District's Community Air Risk Evaluation (CARE) program, which will develop a toxics emission inventory for the Bay Area and select a pilot neighborhood to assess cumulative exposure in neighborhoods. An Advisory Committee to the CARE program has been formed and has just recently met for the first time. The Committee also received and discussed a presentation from District staff on climate change. The April 13th joint meeting with the Air Quality Planning Committee has been postponed; however, the Technical Committee will meet on April 13th.

PRESENTATION:

2. **EPA Region IX Air Programs.** Deborah Jordan, Air Division Director for US Environmental Protection Agency (EPA) Region IX, stated that the EPA is overseeing the transition from the 1-hour to an 8-hour ozone standard that was adopted in 1997 but, due to litigation, is only now being implemented. EPA will revoke the 1-hour standard in June 2005. Although there are areas in the eastern states with numerous ozone exceedances under the 8-hour standard, modeling efforts to date indicate that some of the eastern states are expected to come into attainment of the 8-hour standard in the next eight to ten years. California has the greatest number of such exceedances under the 8-hour standard, most of which are in the South Coast and San Joaquin Valley. The Bay Area has been classified by the EPA as being in "marginal" non-attainment status.

In terms of particulate matter, a fine particle (PM_{2.5}) standard has been added to the PM₁₀ standard, and EPA issued non-attainment designations for the country in December 2004. While some of the eastern states are not in attainment of the federal PM_{2.5} standard, the primary non-attainment areas in California are the South Coast, San Diego and San Joaquin Valley areas.

EPA is also required to frequently review the science for measuring criteria pollutants and their health effects. As a result of recent research, EPA may begin the process of making further modifications to particulate matter standards and promulgate a “coarse particle” standard for PM_{2.5}-PM₁₀, in order to increase health protection for sensitive populations, particularly older people and children.

EPA is working to reduce emissions of diesel exhaust as it has serious health impacts, and has formed a West Coast Diesel Emission Reduction Collaborative (“Collaborative”) with over 500 participants, among which are included the Department of Energy, Department of Transportation, Department of Agriculture, state and local leaders in the Western United States, Canada and Mexico. The goal of the Collaborative is to reduce diesel emissions up and down the West Coast. Public-private partnerships are being created to reduce diesel emissions from marine vessels and ports, trucking, locomotives and rail operations, construction and agriculture. The Collaborative will meet in Seattle in the near future.

Reducing air toxics in urban areas is another major priority, and EPA has initiated a pilot program in West Oakland to characterize port-related traffic in West Oakland neighborhoods. The pilot program contains 13 points regarding environmental clean-up. The first phase concerns the community diesel truck traffic and the second phase concerns identification and implementation of solutions. A diverse group of stakeholders are participating in this program and will work in a one-year time frame to develop toxic reduction options and start to implement them. The “Community Action for a Renewed Environment” (CARE) program will commence with a community-centered, multi-media approach to reducing risks from toxics the goal of which is to create self-sustaining community-based partnerships that will continue to improve local environments after EPA’s funding ends and involvement with the program concludes. The Request for Proposals will be issued soon and involve approximately ten grants nationally.

Indoor air quality (IAQ) is another area to which EPA resources are devoted and its program work focuses on indoor radon, air quality in schools, environmental management of indoor asthma triggers and childhood exposure to secondhand tobacco smoke. Voluntary approaches are especially emphasized and include public information and outreach, education, training and technical support, cooperative assistance agreements with organizations, partnerships and scientific and technical studies and analyses. EPA’s “Tools for Schools” has proven to be particularly successful, and collaboration with the Regional Asthma Management and Prevention Initiative, Department of Health Services and California Air Resources Board has also proven helpful.

EPA is working to reform the New Source Review (NSR) program and has conducted two rounds of reform to date. Round 1 concerned new applicability tests (plant wide applicability limits, clean units) and the State Implementation Plans for these are due in January 2006. As litigation is pending on this round, there is some uncertainty in moving forward on this. Round 2 concerned issues of routine maintenance, repair and replacement, but this reform was stayed by court order in December 2003. Efforts are presently underway at EPA to develop a bifurcated approach to NSR which separates federal from state and local requirements. Yet another review of NSR may follow which concerns Emission Reduction Credits (ERCs). EPA participated in a recent California Air Pollution Control Officer conferences on ERC availability, and is committed to working with air districts on this matter.

EPA's climate change initiatives emphasize slowing the growth of greenhouse gas emissions and involve cooperation with the Department of Energy, as well as interfacing with voluntary program efforts on both the national and international level. EPA is endeavoring to promote energy efficiency, clean renewable energy and distributed generation, and other clean energy sources, through a federal-state voluntary program entitled "Clean Energy Environmental State Partnership Program." To date, ten states including California have joined through signing a Memorandum of Understanding.

In December of last year, the EPA received five petitions from non-governmental organizations on refinery Title V permits issued by the District. Under a Consent Decree from a previous litigation, EPA must respond to these petitions by March 15, 2005. The responses will be in the form of Orders signed by the EPA Administrator. EPA has worked together with the District to address many of these issues, which are rather complicated from either or both a legal and technical perspective.

In discussion and reply to Council member questions, Ms. Jordan observed:

- The formation of PM_{2.5} is complex: it can be primarily emitted and secondarily formed.
- The only location in the country where the 24-hour standard for PM is exceeded is in California, and this is primarily in the San Joaquin Valley and South Coast.
- EPA is committed to reducing emissions from locomotives, but even with a tightening of the standards the engine turnover time is such that the benefits may not be seen for a long time. However, EPA has just given a grant for retrofitting diesel locomotives on Amtrak trains.
- The EPA staff at Ann Arbor could respond on the question of the use of synthetic motor oil, in terms of its benefits in reducing PM_{2.5} and CO₂ emissions, and improving fuel efficiency.
- EPA's involvement in Smart Growth initiatives is a result of having received requests for technical assistance in that field and to recognize the good efforts that have been made so far. Further involvement in this field is limited by budgetary constraints that are facing the agency in 2006.
- EPA collaborates with the Department of Defense to the extent and whenever possible.

AIR DISTRICT OVERVIEW:

3. Report of Executive Officer/APCO. Mr. Broadbent stated that:

- a. The District is presently developing the budget for FY 2005/06 and will make its initial submittal to the Board Budget & Finance Committee in April. The state legislation that deducted 10% of the District's property tax revenues continues through this fiscal year.
- b. The Cost Recovery Study (CRS) has been completed and will help the District ascertain whether its revenue stream will cover its costs. Recommendations will be forthcoming in two weeks. Advisory Council members Glueck and Holtzclaw have participated in the CRS.
- c. The District is currently working with EPA on some pending Title V permitting issues.
- d. Two workshops have been scheduled on a proposed refinery flare control rule.
- e. The Advisory Committee to the District's CARE program met for the first time in February.
- f. The District's air quality management planning process is in abeyance pending EPA's decision on the 1-hour and 8-hour ozone standards.

- g. The summertime Spare the Air program, which last year featured free BART on commute day mornings, will be expanded to include all transit authorities in the Bay Area and may be entitled "Spare the Fare." The program was funded last year with \$2 million in Congestion Management Air Quality funds and this fund will be doubled this year. In reply to Council member questions on this topic, Mr. Broadbent stated that the impact of the free BART on Spare the Air days last year was assessed at the West Oakland BART station through a variety of ridership counting techniques, and estimates are that a 7-8% ridership increase occurred (40,000 additional riders). Council member concerns regarding improving parking security at BART stations will be shared with the Metropolitan Transportation Commission (MTC). The extent to which survey information can include the impact on casual carpoolers is also of interest. Featuring testimonials from actual participants in the free transit on Spare the Air days will also be considered.

COMMITTEE REPORTS

- 4. Report of the Joint Air Quality Planning & Technical Committee Meeting of December 16, 2004.** Chairperson Brazil stated that the Committees met jointly to discuss previous presentations and that the issues are summarized in the minutes.
- 6. Report of the Air Quality Planning Committee Meeting of February 9, 2005.** Dr. Holtzclaw reported that the Committee will address climate change and diesel clean-up issues with the Technical Committee, and is presently focusing on the hydrogen highway blueprint. In February, Dr. Timothy Lipman of U.C. Berkeley gave a presentation on the latter issue, and at the next meeting on April 4th the Committee will receive a presentation from a member of the Governor's staff on the blueprint.
- 7. Report of the Public Health Committee Meeting of February 15, 2005.** Mr. Torreano reported that the Committee is investigating IAQ, and received a presentation from EPA Region IX Indoor Air Quality coordinator Barbara Spark. At the next meeting, the Committee will receive a presentation from California Air Resources Board staff member Peggy Jenkins on IAQ efforts at the state level, as well as the state's perspective on issues of regulatory jurisdiction. The Committee will begin developing recommendations based on these and previous presentations on IAQ.
- 8. Report of Executive Committee Meeting of March 9, 2005.** Chairperson Zamora reported that the Committee met earlier this morning and:
- conducted its first review of the Council's By-Laws. Further changes were made and these will be presented at the next Executive Committee meeting for review.
 - reviewed the Council's budget for next fiscal year. The principal portion of the Council's budget is to reserve places for attendance at the Annual Air & Waste Management Exhibition & Meeting. At this writing, Council members Adams, Brazil, Drennen and Holtzclaw have expressed interest in attending, with members Altshuler and Kurucz considering attending.
 - reviewed issues of "conflict-of-interest" via a presentation from District Counsel Brian Bunger, who outlined the legal requirements for government officials and employees for filing "Form 700" Conflict-of-Interest forms with the Fair Political Practices Commission. The Council will develop a Code of Conduct for its members and the first step is to understand conflict of interest guidelines and requirements. District Counsel indicated that since Advisory Council members do not make final decisions that fiscally impact the District, they are not required to file a Form 700.

OTHER BUSINESS:

9. Report of Advisory Council Chair. Chairperson Zamora reported that he attended the February 4, 2005 meeting of the Board Executive Committee and presented the Council's work plan for 2005.

10. Council Member Comments/Other Business. The following comments were made:

- Mr. Dawid reported that a District environmental planner will make a presentation on the high cost of free parking at the April 6 meeting of the Redwood City Forum on City Design.
- Mr. Torreano announced that the State Building Trades Council will next meet to discuss compliance at construction sites.
- Mr. Lopera inquired if the District has a set of guidelines for Spare the Air Days for municipalities and county government as the East Bay Regional Park District would be interested in reviewing and incorporating them into its own practices. Deputy APCO Jean Roggenkamp indicated that the District would provide these guidelines to Mr. Lopera.

11. Time and Place of Next Meeting. 10:00 a.m., Wednesday, May 11, 2005, 939 Ellis Street, San Francisco, CA 94109.

12. Adjournment. The meeting was adjourned at 11:23 p.m.

James N. Corazza

James N. Corazza
Deputy Clerk of the Boards