

## Ozone Working Group - August 5, 2003 Comments and Staff Responses

### **1. Provide information about all exceedances in recent years and indicate which episodes have been selected for ozone modeling.**

Response: The modeling protocol for this round of ozone planning is posted on the Ozone Working Group webpage ([http://www.baaqmd.gov/pln/Plans/ozone/2003/modeling/modeling\\_protocol.pdf](http://www.baaqmd.gov/pln/Plans/ozone/2003/modeling/modeling_protocol.pdf)). Section 2 of the modeling protocol describes the selection of episodes for modeling. Page 2-4 of the modeling protocol includes a table of all episodes from 1995 through 2002. The episodes selected for modeling are: July 11 –12, 1999, June 15, 2000, and July 31, 2000. The 1999 episode was selected in part due to the widespread ozone exceedances (several locations in the Bay Area as well as in the Sacramento and Central Valley air districts). The year 2000 episodes were selected in part due to the extensive meteorological, emissions and air quality data collected during Summer 2000 through the Central California Ozone Study. The July 1999 and July 2000 episodes have the highest priority for modeling.

### **2. Provide a list of ENVIRON's clients.**

Response: The District consulted references for ENVIRON's Novato-based Air Sciences Office when selecting a consultant to conduct the modeling work for the Bay Area using the Central California Ozone Study data. The District was satisfied that ENVIRON has the requisite knowledge, skills, abilities and experience to perform the required work. Clients of the ENVIRON Air Sciences Office include the California Air Resources Board, California Department of Transportation, City of Los Angeles Environmental Affairs Department, National Academy of Sciences, Sacramento Area Council of Governments, Texas Natural Resource Conservation Commission, and the U. S. Environmental Protection Agency. The Novato office is part of ENVIRON's large and diverse international environmental and public health consulting practice. For information about some of the projects of other ENVIRON offices, see their website at [www.environcorp.com](http://www.environcorp.com).

### **3. Measures rejected for lack of authority should not be rejected. MTC and BAAQMD should seek authority. Emission reduction benefits (SIP credit) could be conditioned on receiving authority.**

Response: In the District's preliminary evaluation of suggested measures presented at the August 5, 2003 Ozone Working Group meeting, we indicated that the District lacked authority for a number of mobile source measures. Our conclusion was based upon the fact that state and federal law give state and

federal agencies jurisdiction for regulating mobile sources. Therefore, the District cannot adopt mobile source regulations (e.g. set tighter emission limits for heavy-duty vehicle engines). We recognize that we did not convey this point clearly. As we continue our evaluation of suggested measures, we will identify the state or federal agency that has regulatory jurisdiction. We will also continue to encourage relevant state and federal agencies to strengthen their regulations, where appropriate.

District staff want to point out that we do implement several grant programs to reduce emissions from mobile sources. These programs include the Transportation Fund for Clean Air, the Carl Moyer Program, and the Low Emission School Bus Program. TFCA grants are awarded to projects that reduce emissions from motor vehicles either by reducing the use of motor vehicles or through cleaner fuels and engines. Moyer grants are awarded to projects that reduce emissions from heavy-duty diesel engines, equipment and vessels. Low Emission School Bus grants help school districts replace or repower their older school buses with cleaner engines. TFCA funding comes from a surcharge on motor vehicles registration fees, while the Moyer and School Bus funds come from the State.

If obtaining new authority would help reduce emissions, this action can certainly be pursued. It is important to bear in mind that federal air quality requirements impose very rigorous and specific requirements on the region. For example, the Bay Area must demonstrate attainment of the national 1-hour ozone standard by 2006. Pursuing and obtaining new authority through the Legislature, subsequently developing and implementing programs, and achieving emission reductions by 2006 poses considerable challenges. Thus, measures requiring new authority are more appropriate in the Clean Air Plan (CAP) for the state 1-hour ozone standard, because state requirements do not impose such imminent attainment deadlines. The Clean Air Plan already contains several measures requiring new authority (e.g. certain market based transportation measures). MTC and BAAQMD will consider potential additional measures requiring new authority for inclusion in the CAP.

**4. If measures considered “de minimis” were packaged together, emission reductions from the combined measures would not be “de minimis”.**

Response: On a conceptual level, this statement is correct. If several measures that each reduced emissions by 0.10 ton per day (tpd) or less were grouped together, collectively they could add up to over 0.10 tpd. But to actually achieve the emission reductions, amendments to individual regulations would have to be developed, adopted, and implemented. District stationary source rules are based on specific types of sources or industries. For example, organic liquid storage tanks are subject to District Regulation 8, Rule 5, printing presses to Regulation 8, Rule 20 and boilers to Regulation 9, Rule 7. Consequently, to achieve “grouped” emission reductions from several source categories, a separate rule development process would be needed for each of the source categories. The

rule development process required for each rule amendment involves substantial time and resources (typically 12 – 18 months).

A finding that a control measure suggestion would result in a de minimis emission reduction is a way of prioritizing work to get the most emission reductions as soon as possible considering staff resources to develop rules. Over the years, the District has had to consider regulating source categories with smaller and smaller emissions in order to continue to make progress toward clean air. We see this process continuing. For now, we believe that there is ample work to be done on source categories that can individually produce reductions greater than 0.10 tpd.

In some cases, a notation of “de minimis” for a suggested measure means the District does not have facilities in that source category (e.g. Formica manufacturing). In other cases, a notation of “de minimis” means that the source category is already controlled and a more stringent regulation would produce negligible emission reductions. District staff are considering changing the category name from “de minimis” emission reductions to negligible emission reductions to more clearly convey the evaluation results.

**5. Do not approve of using MTC’s RACM analysis in the 2001 Ozone Attainment Plan as a rationale for rejecting some transportation control measure suggestions; should update analysis.**

Response: U. S. EPA has proposed approval of the 2001 Ozone Attainment Plan, including the RACM analysis. During the current ozone planning process we are taking a fresh look at all control measure suggestions, but we believe that many of the conclusions in the 2001 RACM analysis continue to be valid. MTC is willing to review certain specific measures that are of concern and consider ways to improve the analysis.

**6. Suggestion regarding control measure evaluations for future meeting: describe sources, group measures together in table, possibly by amount of emission reductions (significant, modest, minimal).**

Response: Staff have evaluated approximately half of the suggested measures. Staff are considering different ways to categorize the suggested measures and our evaluation of them. Our current thinking is to group the stationary and mobile sources measure suggestions into the following categories:

- Already implemented
- Potentially viable
- Further study needed
- Need funding
- Need legislative authority
- Federal/State jurisdiction
- Negligible emission reductions

Not cost-effective  
Not technologically feasible

For relevant categories (e.g. need funding) we may be able to rank measures by evaluation criteria (e.g. cost-effectiveness) to establish priority. We expect to complete the preliminary evaluations and post a complete draft of our evaluations on the District website prior to the January 6, 2004 Ozone Working Group meeting.

**7. Descriptions of measures are not detailed enough; process doesn't give opportunity to elaborate on measures.**

Response: For potential measures gleaned from rules and programs in other air districts, the descriptions in our evaluations are commensurate with the descriptions provided in the regulations and plans of the other air districts. Regarding measures suggested by the public, the District and MTC have provided numerous opportunities for interested persons to provide control measure suggestions (e. g., call for suggestions in January 2003, multiple OWG meetings, opportunities to provide written suggestions following OWG meetings, six community meetings, a TCM workshop). Certainly the more detailed the suggestion, the more detailed our evaluation can be. We urge anyone who has control measure suggestions to provide them by October 31, 2003 to Henry Hilken ([hhilken@baaqmd.gov](mailto:hhilken@baaqmd.gov)) at the District (we pass the TCM suggestions on MTC staff). People who want to elaborate on suggested measures may do so at the October 28 Ozone Working Group meeting and/or by contacting staff by October 31, 2003.

**8. Recast ferry boat measure to provide a standard that manufacturers should meet given that performance based standards are more effective than dictating specific actions.**

Response: We will do so.

**9. Is SMAQMD implementing measures that the BAAQMD says the Bay Area district lacks authority to implement?**

Response: No. Both the Sacramento air district and the Bay Area air district are updating their air quality attainment strategies for the national and California 1-hour ozone standards. Each district is evaluating hundreds of potential measures. We have not identified any measure being implemented by the Sacramento district that we have indicated we lack authority to implement.

**10. SMAQMD seems to have a more "can-do" approach to making legislative changes than the Bay Area agencies.**

Response: This perception is inaccurate. BAAQMD and MTC have very active legislative programs and pursue new legislation each year. The Sacramento and Bay Area districts are unique among air districts in having in-house legislative staffs who work on legislation to improve air quality. The BAAQMD staff have a close working relationship with the Bay Area legislative delegation, which is both more “green” and has far more members in leadership positions than the Sacramento area delegation. As a result, the BAAQMD has achieved significant results in the Legislature. For example, in the most recent legislative session, the BAAQMD advocated for a number of important air quality bills that have been signed into law, including SB 656 (Sher – particulate matter regulatory requirements), SB 700 (Florez – removes regulatory exemptions for agricultural equipment), SB 288 (Sher – prevents changes in the national New Source Review program from weakening the California New Source Review program), and AB 998 (Lowenthal – imposes fees on perchloroethylene dry cleaners to promote alternatives). MTC is similarly very active, and generally very successful, in pursuing legislation to enhance the regional transportation planning process.

**11. SMAQMD staff says they are considering aggregating “de minimis” measures. Can’t the BAAQMD do this too?**

Response: See response to comment #4 above for the BAAQMD view on aggregating “de minimis” measures. SMAQMD is undergoing a similar process to evaluate control measures, and it is unknown at this time how SMAQMD will actually approach “de minimis” measures in their attainment strategy.

**12. How is MTC proposing to use cost-effectiveness as an evaluation criteria?**

Response: Cost-effectiveness, expressed in terms of cost per ton of emissions reduced, will be provided for some suggested transportation control measures when it can be reasonably quantified. This information is not used specifically in screening TCMs for the federal ozone strategy, but is provided as supplemental information for some strategies under consideration for inclusion in the Clean Air Plan for the state ozone standard.

**13. Question whether air quality impacts of real time bus arrival information should be identified as potentially de minimis” .**

Response: The conclusion is based on literature research that contains limited evidence showing direct relationships between providing transit arrival information and increases in transit ridership. Estimating the impact would be difficult given the lack of empirical data. However, MTC will attempt to develop a more conceptual approach to defining a range of emission impacts.

**14. MTC should consult with transit agencies regarding ability to increase transit service if additional funding were provided.**

Response: This process is ongoing. However there are significant constraints to increasing service, including new estimates of transit operator capital replacement and rehabilitation shortfalls -- which indicate a significant increase since the last Regional Transportation – and declines in revenues available for day to day transit operations. Timely replacement of transit operator vehicles, in particular, is viewed as a high priority for use of federal transit formula funds.

**15. MTC should consider transferring STP funding from road projects to transit projects.**

Response: Like transit capital shortfalls, the cost of road repair has also increased since the last Regional Transportation Plan. The suggested transfer of STP funds would be counter-productive as bus transit operators depend on well-maintained roads to provide their service.

**16. MTC TCM screening table, Low Income Student Bus Pass Program item on pg. 1. Study of program effectiveness has not been completed, so table should not indicate “de minimis” emission reductions.**

Response: MTC will consider revising the comment based on the review of the first year evaluation results, due to be released in the Fall, and implications for future emission reductions.

**17. District should address airport sources; airports should be considered point sources.**

Response: By law, the District cannot consider airports or airport operations (e.g. aircraft take-off / landing or other mobile source activities) as point sources of pollution. They are mobile sources subject to regulatory authority of state and federal agencies. The District does have authority and does regulate a few point sources at airports (e.g. fuel tanks). The emission inventory included in the District’s air quality plans and used in attainment modeling takes into account all sources of air emissions associated with airports.

**18. Consider cumulative (beneficial) impacts on communities of color that would result from implementing “de minimis” measures, i.e. consider local health benefits of potential control measures.**

Response: Regulating ozone precursor emissions from some industries in order to reduce regional ozone levels can also result in local reductions in toxic air contaminants. For example, regulating organic emissions from refinery operations can help reduce ozone concentrations downwind and also reduce benzene and other toxic air contaminants in the vicinity of the refineries. This

comment requests that the District consider the health benefits of these local benefits as a reason to adopt and implement controls that may not be warranted as ozone control measures due to negligible reductions of ozone precursor emissions. Staff also received this comment at recent community meetings. District staff will consider the local benefits when considering whether to include such control measures in the attainment strategies for the ozone standards.

**19. Do not agree with two-minute limit for suggestions.**

Response: This comment may be referring to time limits that are sometimes set during formal public hearings before boards and commissions. During the Ozone Working Group meetings, no specific time limit is imposed on speakers; however, it is the responsibility of the facilitator to keep the meeting on track. All participants can make their comments and suggestions and are invited to interact with staff to discuss control measure suggestions.

**20. Would like update on environmental review status, timeline for determining emission reductions target, status of Health and Safety Code Section 40233 plan, emissions inventory status, and process of release of data from CCOS.**

Response: The District has hired Environmental Audit, Inc. to assist the regional agencies in preparing environmental impact analysis and documentation for the Ozone Attainment Strategy and the Clean Air Plan. The consultant's work is underway (e.g. preparing background information).

The timeline for determining the emission reduction target depends upon the modeling work being conducted by the District and ENVIRON, the District's consultant. The modeling has been delayed due to delays in receiving complete data from the Central California Ozone Study (CCOS). The data is necessary in order to have a credible technical foundation for ozone attainment planning for the Bay Area and for assessing transport to downwind districts. Technical staff at the District and ENVIRON are working with ARB to resolve the data issues. We hope we will be able to bring modeling results to the January 6, 2004 OWG meeting. We will not be able to establish an emission reduction target for transportation sources in accordance with H&S Code 40233 until we have an overall emission reduction target. However, identification of feasible control measures continues.

The emission inventory is under development. We still need on-road motor vehicle emission estimates from the Air Resources Board. We hope that we will be able to have a draft emission inventory for the January 6, 2004 OWG meeting.

Central California Ozone Study data is available at the following website:

<http://www.arb.ca.gov/airways/Datamaintenance/default.asp>

**21. What are the assumptions for analysis of transport of emissions to other air basins?**

Response: The CCOS Technical Committee (U. S. EPA, ARB, air districts) is in the process of developing a transport assessment protocol. The committee has not set a schedule for completing the transport assessment protocol.