

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Approved Minutes: Board of Directors' Regular Meeting– March 19, 2008

## **Call To Order**

Opening Comments: Chairperson Jerry Hill called the meeting to order at 9:45 a.m.

Roll Call: Present: Jerry Hill, Chair, Tom Bates (10:05 a.m.), Chris Daly (9:50 a.m.), Scott Haggerty, Yoriko Kishimoto, Carol Klatt, Liz Kniss (9:55 a.m.), Janet Lockhart, Jake McGoldrick (9:55 a.m.), Mark Ross, Michael Shimansky, John Silva, Tim Smith, Pam Torliatt, Gayle B. Uilkema, Brad Wagenknecht, Ken Yeager.

Absent: Dan Dunnigan, Erin Garner, John Gioia, Nate Miley.

Pledge of Allegiance: The Board of Directors recited the Pledge of Allegiance.

Director Daly arrived after the Pledge of Allegiance.

**Public Comment Period:** – The Chair called for public comment and there was none.

Directors McGoldrick and Director Kniss arrived at 9:55 a.m. Director Bates arrived at 10:05 a.m.

## **Consent Calendar (Items 1 – 5)**

1. Minutes of March 5, 2008

2. Communications

*Information only.*

3. District Personnel on Out-of-State Business Travel

*In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memoranda lists District personnel who traveled on out-of-state business.*

4. Referral of Draft Proposed Budget for Fiscal Year Ending 2009 to the Budget and Finance Committee

*Pursuant to Administrative Code Division II, Section 3.2 Fiscal Policies and Procedures, and in compliance with Section 29064 of the Government Code, the Board shall refer the proposed budget for Fiscal Year Ending 2009 to the Budget and Finance Committee for review and consideration.*

5. Consideration of Recommendation for Salary Range Increase for the Classification of Clerk of the Board

*The Board of Directors considered approval of recommendation for a salary range increase for the Clerk of the Board classification from Range 132 to 136.*

**Board Action:** Director Shimansky moved approval of Consent Calendar; seconded by Director Smith; carried unanimously without opposition.

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

6. Report of the Climate Protection Committee Meeting of March 13, 2008

Director Torliatt presented the report and stated that the Climate Protection Committee met on Thursday, March 13, 2008.

The Committee received a report from staff on the proposed Greenhouse Gas fee schedule to address costs incurred by the Air district to implement Climate Protection activities for stationary sources. Three members of the public commented on the item; expressing concern with Air District authority; and with duplication of efforts at the state and regional levels.

The Committee provided direction to staff to move forward with the fee schedule with the exclusion of biogenic CO<sub>2</sub> emissions.

The Committee received an update from staff on Air District activities to support local government with climate protection efforts; that included: the Air District's Climate Protection grant program; inventory assistance, workshops, regional and state partnerships; planning assistance and CEQA guidance and support. Staff also presented a brief overview of the California Air Pollution Control Officer Association's "CEQA and Climate Change" white paper. The paper presents threshold options, tools for impact quantification and a list of mitigation measures.

The Committee deferred agenda item #6 Greenhouse Gas Emission Reductions from Bay Area Stationary Sources, Phase II Report to the next meeting of the Committee.

The next meeting is at the call of the Chair.

**Board Action:** Director Torliatt moved that the Board of Directors approve the report of the Climate Protection Committee; seconded by Director Kishimoto carried unanimously without opposition.

7. Report of the Stationary Source Committee Meeting of March 17, 2008

Director Haggerty presented the report and stated that the Stationary Source Committee met on Monday, March 17, 2008.

The Committee received reports on the following three informational items:

- 1) Status Report of Proposed Regulation 6; Rule 3: Wood Burning Devices. The report included background information on Wood Smoke and Winter PM<sub>2.5</sub>; a breakdown of wood smoke distribution; Bay Area wood smoke inventory; a summary of comments received at public workshops; proposed changes to the draft rule; next steps in the rule process; and information on outreach meetings to be held in April. The Committee discussed that the proposed rule does not allow any indoor or outdoor residential burning when the Air District forecasts an exceedance of the National Ambient Air Quality Standard for fine particulate matter, including EPA-certified wood burning devices and pellet stoves, in order to provide a clear air quality message to the public and obtain the maximum emission reduction possible.

Five members of the public commented in support of the proposed rule and 1 member of the public was neutral.

- 2) Proposed Amendments to Regulation 9; Rule 7: NO<sub>x</sub> and CO from Industrial, Institutional and Commercial Boilers, Steam Generators and Process Heaters. The report included background information on Regulation 9; Rule 7: which was last amended in 1993; proposed amendments to the rule to reduce NO<sub>x</sub> limits to reflect current control technology and extend NO<sub>x</sub> limits to devices below 10 million BTU/hr; proposed energy efficiency requirements; and next steps in the rule process. A second public workshop is scheduled for early April and a public hearing is expected the third quarter.
- 3) Proposed Amendments to Regulation 8; Rule 20: Graphics Arts Printing and Coating Operation. The report included an overview of printing technologies; currently regulated printing operations in the Bay Area; VOC emissions from permitted printing sources; proposed amendments to the draft rule including anticipated emission reductions; and next steps in the rule process. A workshop on the proposed amendments is expected in the spring and a public hearing to consider proposed amendments to the rule is expected the third quarter 2008.

The Committee provided direction to staff on items discussed during each presentation.

The next meeting of the Committee will be at the call of the chair.

**Board Action:** Director Haggerty moved that the Board of Directors approve the report of the Stationary Source Committee; seconded by Director Shimansky; carried unanimously without opposition.

### **Other Business**

8. Report of the Executive Officer/APCO

Mr. Broadbent provided the Board of Directors with two presentations. The first was the Revised 8-Hour National Ozone Standard.

Mr. Broadbent highlighted the following:

- EPA revised 8-hour national ozone standard March 12, 2008;
- Standard reduced from 84 ppb to 75 ppb;
- Exceeded twice as many days per year in Bay Area;
- EPA has not published revised standard in *Federal Register*;
- Attainment designations by March 2010;
- Plans for non-attainment areas due by 2013; and
- Implementation requirements (attain dates) in separate rule

EPA's conclusion is that the current standard is not sufficiently health protective.

Last year there was 1 exceedance of the 8-hour standard. If the standard had been 75 ppb, there would have been 2 exceedances. In the summer of 2006 there were a series of days in which there were very hot temperatures and 12 days exceeded the national standard. The new standard would have been exceeded 17 times.

Director Torliatt asked if other U.S. states have the same 8-hour state standard as California. Mr. Broadbent responded that staff will go back to see which other states may have stricter standards, but stated that most states rely strictly on the federal ambient air quality standards.

In addition, Director Torliatt asked about the status of the ozone attainment plan. Mr. Broadbent indicated that the California Clean Air Act requires that the Air District update its plan every 3 years. Staff believes it may make sense to pull all the pollutants under one plan; ozone and PM, because NOx and other pollutants contribute to both problems. Therefore, it may be best to have a comprehensive strategy update for 2009. Staff will brief the Executive Committee on this issue.

Mr. Broadbent also stated that this would not be a federal plan, as the update will be strictly to show progress towards meeting the state standards. U.S. EPA will have a different set of requirements for the Air District to meet for the new ozone standard. Brian Bunger, Legal Counsel stated that the Air District is currently under no federal planning obligation.

Mr. Broadbent continued with his report with an overview on the West Oakland Health Risk Assessment. Mr. Broadbent stated that CARB has been working with the Air District on a set of health risk assessments. The focus is on the West Oakland community, the relative concentrations and impacts of diesel PM.

Mr. Broadbent discussed the following:

- Assessment focuses on diesel PM
- Based on emissions in 2005
  - Trucks, ships, harbor craft, locomotives, cargo handling equipment, and other diesel sources

- 3 complementary parts
  - Part I: Maritime Port of Oakland
  - Part II: Union Pacific Rail Yard
  - Part III: Sources in and adjacent to West Oakland
- Estimates the potential lifetime cancer risk and other health impacts based on modeled concentrations of diesel PM
- Preliminary results to be presented at the March 19, 2008 community meeting in West Oakland

Mr. Broadbent noted that the report is being released by CARB, as most of the resources were spent by the state. The Air District has worked closely with CARB.

Mr. Broadbent indicated that the most important finding is an elevated risk in and around the West Oakland community: the cancer risk is about 3-4 times higher in that community than in other areas of the Bay Area. The Air District's Community Air Risk Evaluation (CARE) program has identified the same type of issue. Elevated levels of diesel particulate occur in about six communities in and around the Bay Area. This information has been released to the public through the CARE program and through the call for projects for the Carl Moyer Program. The Air District is working diligently to put traps on trucks, traps on harbor craft and traps on railroad locomotives in and around those communities.

Those 6 communities include:

- Concord;
- Richmond;
- West Oakland;
- East Oakland, San Leandro;
- Eastern San Francisco; and
- San Jose

These areas are believed to have elevated levels of diesel particulate and therefore elevated risks. The Air District will continue to target grant funds, and continue to work with the communities. Mr. Broadbent continued his discussion and stated that 80+ percent of the risk is due to diesel particulate, and what is being conveyed to the community groups is that we should redouble and focus our efforts to clean up the diesel particulate.

The majority of these risks are due to truck traffic. It is not necessarily in and around the port, although the port clearly does contribute in ship, truck and train traffic. Chairperson Hill stated that this summer CARB will adopt an on-road diesel rule, similar to last years rule which was the off-road diesel rule which is quite stringent and will have major effects on every diesel truck in the state. It should result in a 40% reduction of the diesel particulate by 2015, and by 2020 there should be a 75% reduction.

The Air District strategies include:

- Extensive Participation in Health Risk Assessment
  - Emissions inventory development
  - Assist with and review modeling
  - Participate in community outreach
- Co-chair and Participant in Port of Oakland Maritime Air Quality Improvement Plan (MAQIP)
- Tracking Reductions of Diesel Emissions and Risk in West Oakland
- Community Air Risk Evaluation (CARE) Program Mitigation Action Plan
  - Grant funds targeted
  - Outreach efforts increased
  - Liaison with local health departments
  - Land use guidance
  - Green Ports Initiative

Mr. Broadbent also commented that the Air and Waste Management Association will conduct their Annual Conference in Portland, Oregon from June 24 – June 26 and requested that Board members that are interested in attending respond by April 1, 2008. Mr. Broadbent concluded his report.

9. Chairperson's Report – There was none.
10. Board Members' Comments – Director Shimansky stated that Town of Danville is looking at an ordinance to waive permits for installing gas lines, and that this may interest other cities and counties.
11. **Time and Place of Next Meeting** – 9:45 a.m., Wednesday, April 2, 2008 – 939 Ellis Street, San Francisco, CA 94109
12. **Adjournment** – The meeting adjourned at 10:45 a.m.

*/s/Vanessa Johnson*  
Vanessa Johnson  
Acting Clerk of the Boards