

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Approved Minutes: Board of Directors' Regular Meeting– May 7, 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, Directors Tom Bates, Harold Brown, Chris Daly, Erin Garner, Scott Haggerty, Carol Klatt, Janet Lockhart, Jake McGoldrick (arrived 10:17), Nate Miley, Mark Ross, Michael Shimansky, Pamela Torliatt, Gayle B. Uilkema, Brad Wagenknecht and Ken Yeager.

Absent: Dan Dunnigan, John Gioia, Yoriko Kishimoto, Liz Kniss, John Silva, Tim Smith.

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

Public Comment Period: – There were none.

Consent Calendar (Items 1 – 3)

1. Minutes of April 16, 2008
2. Communications
Information Only
3. Quarterly Report of Division Activities
Report of Division Activities for the months of January –March 2008

Board Action: Director Wagenknecht moved approval of Consent Calendar; seconded by Director Torliatt; carried unanimously without opposition.

Committee Reports and Recommendations

4. Report of the **Legislative Committee** Meeting of April 21, 2008

Committee Member Wagenknecht gave the report of the meeting of April 21, 2008, stating staff presented Air Quality Bills for the Committee's deliberation and recommendations for Board of Director action on the proposed positions. The Committee recommends that the Board of Directors approve positions on the following air quality measures:

AB 2094 (DeSaulnier): Support
AB 2241 (Saldana): Support if amended

AB 2922 (DeSaulnier): Support
AB 2991 (Nunez): Support
AB 2522 (Arambula): Oppose unless amended
SB 375 (Steinberg): Support in concept.

The Committee also discussed AB 2744, authored by Jared Huffman, which would allow a vote of the people on a regional gas fee in the Bay Area, with the proceeds used for projects to cut climate change. This Bill failed to pass out of the Assembly Transportation Committee. The Committee requested additional information relating to high-occupancy toll lanes. This information is included in the Board packet. The next meeting of the Committee is scheduled for 9:30 AM, Monday, June 23, 2008.

Board Action: Director Wagenknecht moved approval of the attached positions on key air quality measures, seconded by Director Haggerty; carried unanimously without opposition.

5. Report of the **Budget and Finance Committee** Meeting of April 23, 2008

Committee member Daly gave the report of the meeting of April 23, 2008 stating the Committee continued discussions on the proposed budget for FY ending 2009. After discussion, staff was directed to provide clarification on the I-Bond funds, which is included in the staff report. The Committee recommends Board of Directors' approval of the proposed budget for FY ending 2009 upon completion of public hearings.

The Committee considered a transfer of \$1.25 million from designated reserves and a corresponding increase in the Air District's FY 2007/2008 Information System budget and authorization to enter into contract agreements. The Committee unanimously recommends the Board of Directors' approval to transfer \$2.8 million from undesignated to designated reserves for the second half of funding for the Production System, and authorize the Executive Officer/APCO to solicit bids and execute contracts for the Production System project not to exceed \$1.25 million.

The next meeting of the Committee is scheduled for 9:30 AM, Wednesday May 28, 2008.

Board Action: Director Daly moved, seconded by Director Shimansky and carried unanimously without opposition, to approve: A) Proposed Budget for FY ending 2009 upon completion of public hearings; B) Transfer of \$1,250,000 from the Designated Reserve and a corresponding increase in the Air Districts' FY 2007/08 Information Systems budget; C) Transfer of \$2.8 million from undesignated reserves to designated reserves for Production System; and D) Authorize the Executive Officer/APCO to solicit bids and execute contracts for the production system project not to exceed \$1.25 million.

6. Report of the **Public Outreach Committee** Meeting of May 5, 2008

Committee Chair Ross gave a report of the meeting of May 5, 2008 stating the Committee received an update on the Spare the Air Every Day 2008 Campaign. Staff's

presentation included background information on the Spare the Air program, program highlights, advertising and outreach, messaging information beyond free transit, exploring partnerships and incentives and the benefits of the program. After an extensive discussion, the consensus of the Committee was to explore the feasibility of not offering the free transit component of the program, but to provide an educational component with the possibility of providing bus passes to youth.

The Committee requested, and the Executive Officer provided, additional information based on his discussions with the Metropolitan Transportation Committee and transit operators, stating staff engaged in conversation with MTC staff as to how far along they were in the planning of the free transit program. He noted there was a great deal of planning undertaken and a number of transit operators are part of the program and recommended maintaining the Spare the Air Day to coincide with the date of June 19, 2008 which is Dump the Pump Day, and that the remaining \$1.7 million be used to develop an educational program designed to encourage transit use by youth in the fall.

Director Shimansky reported on the vote of the Committee and confirmed with Mr. Broadbent that June 19, 2008 was not a scheduled holiday.

Committee Chair Ross noted the Committee had requested Mr. Broadbent speak with MTC staff, and the Committee received a Summary of the Wood Smoke Outreach and Incentives, which included background information, 2007/2008 Survey Results, overview of financial incentive efforts, the Air District's Regulatory effort, and Outreach Efforts on Spare the Air Tonight campaign. He said the next meeting of the Committee is at the Call of the Chair.

Director Torliatt said that while she could not participate in the meeting, she looked forward to receiving more information and voiced her support of the recommendation.

Board Action: Director Ross moved approval of the report and recommendations of the Public Outreach Committee as revised, seconded by Director Shimansky; carried unanimously without opposition.

PRESENTATION

7. Overview of West Oakland Health Risk Assessment

Henry Hilken, Director of Planning, reported that he and Dr. Phil Martien would provide an overview of the West Oakland Health Risk Assessment, conducted by the California Air Resources Board in conjunction with the Air District, the Port of Oakland and the Union Pacific Railroad. The CARB has taken a lead in this comprehensive study which began in 2006. The study looks at risks at the Port of Oakland, Union Pacific and the West Oakland community, and results have identified very high risks of particulate emissions in the area.

Mr. Hilken said a Cancer Toxicity-Weighted Emissions Study was done in the Bay Area; most impacts come from diesel emissions and from mobile sources. He presented a map of the emissions. CARE findings have identified sensitive populations. Mr. Hilken presented other CARB studies outside of the Bay area and reported that the Port of Oakland is projected to grow and emissions will increase if serious steps are not taken to address emissions. The District has been very involved with emissions inventory, has reviewed modeling inputs, provided technical advice, and co-hosted community meetings.

Dr. Martien gave an overview of the Health Risk Assessment, stating the assessment focuses on diesel PM, it is based on emissions in 2005, it includes Part I--the Maritime Port of Oakland; Part II--Union Pacific Rail Yard, and Part III--Sources in and adjacent to West Oakland. It estimates the potential lifetime cancer risk and other health impacts based on modeled concentrations of diesel PM, and he said the draft summary was released in March with final results expected to be completed in June 2008.

Key findings reveal that the West Oakland community is exposed to three times higher concentrations, or approximately 1,200 excess cancers per million. He presented a spatial contour map of risk and said impacts from on-road heavy-duty trucks result in the largest contribution followed by ships, harbor craft, locomotives, and cargo handling equipment. He presented potential cancer risks in Bay Area from Port emissions and non-cancer health impacts from Port diesel PM emissions broken down in specific health impact and numbers of cases, stating the study also projected growth into the future. It is predicted that by 2015 the risk will be reduced by 80% through regulations on existing on-road, heavy duty trucks and ship main engines.

Dr. Martien discussed Air District roles and commitments in West Oakland, stating that the District will be tracking reductions and is co-chairing and participating in the Port of Oakland Maritime Air Quality Improvement Plan Task Force (MAQIP), and will conduct a Community Air Risk Evaluation (CARE) Program Mitigation Action Plan which will focus risk reduction activities where they are most needed in six communities. They are developing land use guidance, providing liaison with local health departments, conducting outreach efforts and grant funding. He further discussed the District's incentive funding which projects approximately \$87 million in grant funding in 2008 from a variety of sources.

Dr. Martien described community outreach efforts and said a total of six meetings were held during March and April to provide specific information on toxic air contaminants. Regarding land use guidance, the District does not have authority over local decisions but is developing guidance to evaluate health impacts from new projects, will determine when mitigation is required, will assist with general plans and project-specific analysis and provide tools. Next steps include work with ARB to complete the final Health Risk Assessment; they will refine those with the most health impact, conduct sub-regional and regional modeling, continue to implement CARE Mitigation Action Plan and continue dialogue with communities.

Director Haggerty asked if the Teamsters were included in community dialogue and Dr. Martien said in addition to conducting meetings, they have met with actual operators of the equipment and have received their concerns. Director Haggerty questioned if all data regarding emissions had been received and felt it would be interesting to compare data when trucks are also not running. Dr. Martien said they will undertake refinement of the truck traffic as some might be undercounted and apportioned to the freeway and not to local roads.

Director Ross referred to key findings on Slide 7 and questioned if the findings were exacerbated due to truck traffic or would the same findings be present elsewhere. Dr. Martien said location is important; the Port represents 30% of emissions but the location of those relative to the residents translates to 16% of the risk. Director Ross questioned if there is a cumulative effect and Mr. Broadbent said cancer risks are 3-4 times higher than the Bay area; that it would be approximately 480 excess cancers per million on average, they are not double-counted and the 480 is not added to the 1,200 but represents a figure outside of that area.

Director Miley said he met with the Port last week and in light of the fact that their Board passed a policy to reduce emissions by 85% in 2020, he questioned what impact this would have on what the District is doing in terms of regulations. District Counsel Bunger said this would be integrated into what the District is working on, the Port has committed to a number of measures over time and they will be working hand in hand with each other.

Director Miley said the Port feels much of the emissions are not directly as a result of their operations, they believe many trucks are not Port-related, and Mr. Broadbent said the District will be obtaining a better count and a change might be reflected, and Dr. Martien said; however, the count would most likely not be significant; instead of 16%, it could be 25%. Dr. Martien said also there have been origin designation studies done in other areas and they are encouraging the Port to conduct these studies for the region, which could provide more specific information on truck attribution.

Director Miley referred to the land use guidance as a tool without authority and questioned how this would relate to public health elements that Alameda County is pursuing. Mr. Bunger said the guidance will be somewhat specific to the Bay Area due to transit-oriented development, the District needs to identify how to get in concert with land use policies, the State is trying to get people to live closer to transit which might exacerbate the situation, and therefore, this is extremely important to curb the situation.

Director Shimansky thanked Dr. Martien for his presentation, believed that the assessment would be all-encompassing and questioned if the District looked at emissions airports and related traffic as being large contributors. Dr. Martien said the West Oakland assessment focused on all sources of diesel emissions. He said diesel is the lion's share of the overall risk but they are also looking at non-cancer risk on a regional basis and all sources are included. Through the CARE program and regional model, they

will look at all contributors, airports will be included and Mr. Broadbent noted Acrolein has been identified as a non-cancer health risk, which he said is in airport emissions.

Director Lockhart questioned land use guidance tools and questioned if the District would bring the information to the State level, as there is a lot of pressure to produce denser housing closer to transit. Chair Hill agreed and said the ARB in October will deal with the on-road diesel rule which is extremely stringent and will work towards the 80% reduction and Mr. Broadbent also noted that staff was also planning on bringing CEQA guidelines to the Executive Committee for discussion.

Director Garner referred to Slide 2, the Cancer Risk-Weighted Emissions map, and questioned and confirmed that the basis was modeled emissions; that the District utilized engineering calculations to estimate emissions and spatially mapped on an annual basis those based on the location of the sources.

Director Garner questioned and confirmed that the District considers acute toxicity and that for non-cancer assessment, there were some, but both chronic and acute are part of the analysis. Director Garner confirmed that if a 24-hour log in the model shows us where the particulate becomes most dangerous, we can incentivize off-hour use in operations. He believed there are high risk areas that could be mitigated considerably with indoor air treatment for select facilities like schools, which would significantly make a health difference for students and he hoped this could be analyzed.

Director Brown referred to Slide 11 which identifies health impacts and numbers of cases per year. He questioned if the District ever gets into the epidemiology of this, stating that in Marin, they had clusters and believed it was important for cancer patients. Mr. Broadbent said they should be getting into translating the information to the public and for the next budget, the District will propose putting aside some money to hire a Health Officer under contract.

Director Brown questioned and confirmed the information was being shared with health officials and Director Brown reiterated the importance of having an epidemiologist.

Director Torliatt referred to comments regarding the formulation of regulations and reiterated the need to move this forward. She wanted to focus on land use comments and said Mr. Broadbent commented that when land use decisions are made, they are recommendations only. She believed it would be far more effective for the District to alert local communities that dollars could be provided to those who achieve recommendations, which would provide an incentive and investment to those participating communities. She also questioned how will the District track the number of trucks coming in and out of the Port, noting there is a current economic downturn that may not be the case in the future, and she believed this should be factored into the numbers as well as future expansion.

Mr. Broadbent said the Port is implementing a program to better track trucks, community groups have raised this concern and he agreed it was important toward the truck count.

The District is trying to help the Port and the West Oakland community to reduce the risk and will also work with the truckers to retrofit trucks.

Director Bates referred to Slide 12, CARB Findings on Risk Reduction, and he questioned if all findings were ARB actions. Mr. Broadbent said ARB will consider a controversial rule that establishes standards for on-road truckers, which will be dependent in part on how it is implemented. The District, in its role, can use its resources to get the truckers retrofitted.

Director Bates applauded the District for the report and he questioned the lack of public participation at the meeting. Mr. Broadbent believed most of the community groups would be in complete agreement with the information obtained, said the Mobile Source Committee will be meeting next week and he hoped some of the TFCA monies can be augmented to get the truck retrofit programs underway. Director Bates further discussed his concern about people living near freeways, and Mr. Broadbent acknowledged this concern and discussed the \$20 million in I-Bond monies of which matching funds could be dedicated to trucking firms to address the issue.

Chair Hill thanked District staff for their thorough presentation.

OTHER BUSINESS

8. Report of the Executive Officer/APCO

Mr. Broadbent reported the following:

- May 15 is Bike to Work Day and the District is a sponsor of a large program implemented by 511.org.
- The District is a recent recipient of a Green Business Award by the City and County of San Francisco.
- The next Board meeting will include two public hearings and is critical that the Board attend.

9. Chairperson's Report - None

10. Board Members' Comments

Director Torliatt added two events to the Community Events calendar; the Sonoma Marin Fair and Sonoma County Fair, and asked for the District's presence at both events.

Director Daly made a request for an update to be provided on the NOV issued for the violation of the Dust Mitigation Plan for Hunter's Point by Lennar. Mr. Broadbent said the Stationary Source Committee will be briefed on the issue.

Director Uilkema reiterated the importance for updates to be provided upon the request of Directors, and Mr. Broadbent noted that the issue was of a confidential nature. Chair Hill confirmed an update would be provided at the Stationary Source Committee meeting.

11. **Time and Place of Next Meeting** - 9:45 a.m., Wednesday, May 21, 2008- 939 Ellis Street, San Francisco, CA 94109
12. **Adjournment** - The meeting adjourned at 11:04 a.m.

/s/Lisa Harper
Clerk of the Boards