

Bay Area Air Quality Management District  
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## **APPROVED MINUTES**

Summary of Board of Directors  
Executive Committee Meeting  
9:30 a.m., Monday, June 29, 2009

- Call to Order - Roll Call:** Chairperson Pamela Torliatt called the meeting to order at 9:32 a.m.
- Present:** Pamela Torliatt, Chairperson; Brad Wagenknecht, Vice Chairperson; Chris Daly, John Gioia, Scott Haggerty, Yoriko Kishimoto and Mark Ross
- Absent:** Secretary Tom Bates; Gayle B. Uilkema
- Public Comment Period:** None
- Approval of Minutes:** Director Kishimoto made a motion to approve the May 18, 2009 minutes; seconded by Director Haggerty; carried unanimously without objection (Torliatt abstained).

### **Joint Policy Committee Update - *Presented by Ted Droettboom***

#### Overview:

Ted Droettboom reported that the Joint Policy Committee (JPC) approved six climate change priorities for the 2009/2010 fiscal year, as follows:

1. Sustainable Community Strategy pursuant to SB 375;
2. Indirect Source Rule;
3. Parking policies relating to climate change;
4. Implementation of electric and alternative fuel vehicles. He noted the Air District has submitted a grant under the Federal Stimulus Program to facilitate fleet purchases and infrastructure;
5. Solar Installation Energy Finance Program, which is being led by ABAG and intended to be an extension of the program implemented in Berkeley;
6. Adaptation, principally around sea level rise, which is being led by BCDC and ABAG, looking at development implications of a linear rise and certain 16-inch sea level rise by 2050.

Mr. Droettboom discussed future predictions of sea level rises and storm surges which could greatly increase flooding. He reported that the JPC proposes an informal organizational entity--Climate Bay Area (CBA), which recognizes there are hundreds of various climate initiatives across the Bay area.

CBA is intended to be led by regional agencies in partnership with business organizations and to be a network hub to share information for collaborative work. He cited that the initial idea was developed jointly by JPC staff and the Bay Area Council Economic Institute and indicated that a

broadly-based consultant committee has also been proposed to the JPC which brings together environmental and business group representatives from all 9 counties, with direction principally coming from the regional agencies.

Sustainable Community Strategy:

- The Sustainable Community Strategy is expected to extend over the next three years:
- A Strategy should be prepared no later than 2011 in order to be effective as a guide for the next Regional Transportation Plan (RTP);
- The Strategy is defined as an integrated land use and transportation plan which, when integrated with the transportation network and measures and policies, serves to reduce CO<sub>2</sub> from automobile and light trucks across the region;
- The Strategy is required by law to be incorporated into the RTP and as a component, must be realistically attainable under the life of the RTP;
- The Strategy cannot be a top down regional agency but developed as a genuine partnership between regional agencies and local governments, which will be difficult in the current fiscal climate.

Committee/Staff Discussion and Comments:

Haggerty: Believes the development of Treasure Island is a good candidate for sea walls. Mr. Droettboom reported that as part of BCDC's presentation on its Bay Area Adaptation Plan, the JPC will look specifically at such cases, as well as the Redwood City Salt Works. Treasure Island has a mitigation plan in place for how they will respond to sea level rise involving development of raising of the park land which separates the development of high rise buildings from the shore.

Kishimoto: Questioned and confirmed that the Mobile Source Committee will discuss the electric vehicle infrastructure project; the Executive Committee and Board of Directors will discuss the ISR; Mr. Broadbent will provide status updates at future Committee meetings.

Kishimoto: Emphasized the need for the Bay Area to be coordinated on one database.

Gioia: Questioned the mechanism which ensures participation of stakeholders and environmental justice advocates in JPC discussions. Mr. Droettboom noted that displacement and environmental issues will be addressed through the advisory committee of the Climate Bay Area, as well as through the Sustainable Community Strategy.

Ross: Referred to local government layoffs and reductions and suggested strategies which do not require reinvention or added personnel. Mr. Droettboom agreed this would be one of the most difficult challenges moving forward, and he briefly discussed ownership from those participating and developing the Strategy.

Torliatt: Asked that the Climate Bay Area be more clearly defined, identify how people are appointed and whether it is objective or policy based, and asked that the JPC revisit the policy of requiring a percentage of housing to be affordable.

**Committee Action:** None; for information only.

**Air District CEQA Guidelines Update – Staff Presentation by Planning Manager David Vintze**

Mr. Vintze explained that staff provided a presentation in March on the CEQA Guidelines update. He indicated that two major components of the update include the thresholds of significance and the guidelines themselves, which have analytical methodologies and mitigation strategies within the recommendations.

Mr. Vintze provided the following overview:

Objectives of CEQA Guidelines:

- Slow the growth in emissions from land use and transportation
- Support transit-oriented development, smart growth and infill development
- Complement goals of other District programs
- Provide needed assistance to local governments in meeting CEQA requirements

District Participation/Lead on Statewide CEQA & Land Use Issues:

- CAPCOA CEQA & Climate Change White Paper
  - Cited in articles, journals, environmental documents and court case
  - Over 8,000 downloads
- CAPCOA and ARB on GHG CEQA Thresholds
  - Air districts still working together
  - ARB not moving forward on thresholds
- CAPCOA General Plan Guidance for Climate Change
  - CAPCOA released document on June 15, 2009
- CAPCOA developing GHG mitigation effectiveness analysis

Scope of Guidelines Update:

- Comprehensive review of significance thresholds, analytical methods, and mitigation strategies, as guidelines have not been updated since 1999;
- Key areas to focus on:
  - Adequacy of existing thresholds for criteria pollutants, TACs, plans and odors
  - Develop new thresholds for greenhouse gases and construction equipment exhaust emissions
  - Provide new analytical methodologies and approaches for plan-level analysis
  - Identify new mitigation strategies and efficacy of all mitigation measures

Thresholds of Significance:

- Greenhouse gases, which is based on AB 32 in the Scoping Plan
- Toxic air contaminants
- Criteria pollutants
- General plans and specific plans

Chairperson Torliatt asked how planners determine threshold levels based on project types and sizes. Mr. Vintze stated that staff is reviewing development of a tiered approach to a GHG threshold that says all projects that are subject to CEQA have a short list of mitigation strategies or performance measures, as well as a numeric threshold for larger projects, where certain projects are deemed significant, i.e., a 65-unit subdivision. He noted screening tables will be developed and considered by the Board which will outline specific sizes of residential, retail, commercial which would be above the threshold. Staff is determining whether they will put mitigation strategies up front to determine whether projects are mitigable or not. There is also statewide discussion on a performance measures approach using a percentage and prescribed list of mitigation measures.

Mr. Vintze stated staff is proposing two toxic air contaminant thresholds; one for inside and one for outside CARE communities. Within CARE communities, new sources would be subject to Stationary Source permitting requirements. Any project must implement Toxic Best Available Control Technologies (TBACT) or Toxic Best Practices (TBP) which he briefly described.

Director Daly suggested floating a bill for regulation of toxic air contaminant thresholds, and Mr. Broadbent noted that guidelines are advisory to the CEQA process and would provide guidance to cities and counties as they make land use decisions.

Director Haggerty referred to Pacific Steel Casting (PSC) and questioned risk thresholds for existing sources. Mr. Broadbent noted that at the July 13<sup>th</sup> Stationary Source Committee, staff will recommend lowering the threshold for new sources and will look at how to best proceed regarding thresholds for existing sources. Vice Chairperson Wagenknecht confirmed that the current risk threshold for existing sources was 100/one million.

Mr. Vintze continued his presentation, and briefly discussed the following thresholds:

Greenhouse Gas Thresholds:

- Database of Bay Area CEQA projects
- Projection of new development projects
- Gap analysis to determine reductions
- Considers AB32 Scoping Plan measures
- Threshold level to capture “fair share”

Toxic Air Contaminant Thresholds:

- Thresholds for new sources
  - CARE Communities
    - All projects implement TBACT (toxic best air control practices)
    - Over 5/million cancer risk: Significant Impact
  - All other areas
    - Over 1/million cancer risk: TBACT/TBP
    - Over 10/million cancer risk: Significant Impact
- Thresholds for new residential and other sensitive receptors
  - CARE Communities
    - All projects: TBACT/TBP
    - Over 10/million cancer risk from any source: Significant Impact
  - All other areas
    - Over 1/million install TBACT/TBP
    - Over 10/million cancer risk from any source: Significant Impact

Criteria Pollutant Thresholds:

- Link thresholds to District permitting regulations
  - New Source Review emission rate used for nonattainment pollutants
    - ROG, NOx, PM2.5 – 10 tons/yr, 54 lbs/day
    - PM10 – 15 tons/yr, 82 lbs/day
  - Prevention of Significant Deterioration emission rate used for attainment pollutants
    - CO – 100 tons/yr, 547 lbs/day
    - SO2 – 40 tons/yr, 219 lbs/day

Plan Level Thresholds:

- Consistency with Air Quality Plan and transportation control measures
- Consistency with AB32 & SB375 for greenhouse gases
- Buffer zones for toxic air contaminants and odors
- Per capita or per household emissions threshold

Analytical Methodologies:

- Provide guidance on how to evaluate impacts of projects and plans
- Update with latest emission factors and models
- Provide guidance on modeling assumptions appropriate for Bay Area
- Include new greenhouse gas assessment tools
  - Working with statewide group to upgrade land use model with additional GHG assessment protocols

Mitigation Measures:

- Update existing mitigation strategies and add new strategies from around the state
- Include ongoing work of CAPCOA committees and other districts for greenhouse gases and air toxics
- Review and revise mitigation effectiveness estimates

Update and Workshop Schedule:

July: Release revised Thresholds Report & draft Guidelines update

August: Workshop series on Thresholds Report & draft Guidelines

September: BAAQMD Board Hearing

Chairperson Torliatt confirmed with Mr. Bunger that from a legal standpoint, Legal Counsel has worked with District planning staff on the CEQA guidelines to ensure they have substantial evidence to whatever threshold the District adopts.

**Committee Action:** None; for information only.

**Update on Preparation of Bay Area 2009 Clean Air Plan – Staff Presentation by Dave Burch, Principal Planner**

Mr. Burch stated that the State Clean Air Act requires the District to update the 2005 Ozone Strategy which includes continued progress toward attaining standards, reducing transport to neighboring air basins and including all feasible control measures.

Purpose of the Clean Air Plan:

- Improve air quality
- Protect public health
- Protect our climate

Mr. Burch said staff will also coordinate the Clean Air Plan (CAP) with transportation and land use plans and will voluntarily develop a Multi-Pollutant Plan, which will reduce particulate matter, air toxics and greenhouse gases, in addition to reducing ozone.

Progress to Date:

- Defined objectives for CAP
- Compiled and reviewed database of potential control measures
- Performed extensive public outreach
- Defining draft control strategy & measures; and
- Developed Multi-pollutant evaluation method

Benefits of Multi-Pollutant Planning:

- Demonstrate leadership
- Better integrate efforts to reduce criteria pollutants, air toxics, and greenhouse gases

- Optimize co-benefits/minimize trade-offs as we define control measures
- Identify control measures that would produce the greatest health and climate protection benefit

Multi-Pollutant Evaluation (MPEM):

Use MPEM to help analyze control measures:

- Capture benefits across all pollutants
- Quantify cost benefits of health and climate protection
- Evaluate trade-offs

Other potential uses of MPEM:

- Help inform policy decisions and prioritize which pollutants to focus on
- Evaluate climate protection measures in terms of their impact on criteria air pollutants
- Estimate benefit of reduction in air pollution burden in Bay Area: past, present, future

Stages of Methodology

*For ozone, PM, toxics:*

- #1 Emission
- #2 Emissions → Concentrations
- #3 Concentrations → Exposure
- #4 Exposure → Health effects
- #5 Health effects → Economic Valuation

*For GHGs:*

- #1 Emissions → Economic Valuation

Chairperson Torliatt questioned why there would be a different methodology for GHGs and asked why they refer to the economical value given recognized health impacts. Mr. Burch indicated that GHGs are global scale pollutants and have a wide range of effects; staff attempts to capture the cost to society like sea level rise, species eradication and migrations and is looking at how a local reduction of GHGs would potentially have a local health effect. Staff relies on existing studies that have attempted to quantify the social costs of global warming, and as science develops, staff may go back and apply various steps.

Mr. Hilken said social costs include health impacts from higher temperatures; the District performs modeling for local exposures for ozone and particulate matter and translates it to health effects. He agreed that the focus is not all economical but truly about health effects and preventing the effects of climate; however, staff needs some common metric to be able to express the benefits and dollars and this is the simplest way to do this. He agreed that it can be better described and refined as new information becomes available.

Mr. Burch discussed an example of benefits from 1% reduction in Bay Area pollutants:

- Diesel PM2.4 at \$20,000,000
- Woodsmoke PM 2.5 at \$40,000,000
- Greenhouse Gases at \$30,000,000
- Ozone at \$15,000,000
- Other Carbonaceous PM 2.5 at \$42,000,000
- Toxics (except diesel at \$250,000)

Mr. Burch then presented the Draft Bay Area 2009 Clean Air Plan framework, which included its vision, performance objectives, control strategy, toolkit and special topics, including:

The Clean Air Plan (CAP) will include the following:

Stationary Source Measures:

- Industrial & commercial sources (coating & solvents)
- Energy production (natural gas production)
- Combustion processes (coke calcining, cement plants)

Mobile Source Measures:

- Promote clean vehicles & fuels
- Retrofit or replace
- Accelerate retirement of high-emitters

Transportation Control Measures:

- Group TCMs into 5 categories:
  - Improve transit services
  - Improve system efficiency
  - Encourage sustainable travel behavior
  - Support focused growth
  - Implement pricing strategies

Land Use / Local Impacts:

- Clean Air Communities Initiative
- Indirect Source Regulation
- New CEQA guidelines; enhanced CEQA review
- Land use guidelines to reduce population exposure
- Enhanced AQ monitoring
- Enhanced enforcement of ARB diesel rules
- Target grants to impacted communities

Energy & Climate Measures:

- Urban heat island mitigation
  - cool roofs / green roofs
  - cool paving
  - tree-planting
  - ventilation
- Energy efficiency & conservation
- Alternative energy

Multi-Pollutant planning presents issues and challenges:

- Plan wears two hats: ozone & multi-pollutant
- Where to draw the line?
- Managing expectations
- Finding emission reductions to match CAP goals

Mr. Burch noted there is broad support for the multi-pollutant concept, planning is the wave of the future and the Clean Air Plan (CAP) will be a major step forward.

Next Steps:

- Issue draft control strategy: by end of July
  - public workshop(s)
- Issue by end of September:
  - draft CAP
  - draft CEQA doc

- draft Socio-Economic Analysis
- public workshops
- Adoption of CAP by Board: December 2009

Committee/Staff Discussion and Comments:

- Kishimoto: Questioned whether parking analysis and road pricing will be part of the control measures and asked what kind of assumptions will be made. Mr. Burch explained that staff is addressing parking and road pricing through the Transportation Control Measure Element in the plan and is working with MTC to determine if there are other value added items to move things forward incrementally. He recognized the importance of land use and pricing in addressing air quality along with associated challenges and constraints.
- Torliatt: Expressed the need for careful coordination with MTC, and asked that the District focus and ensure that funds are spent on improving air quality. Mr. Broadbent discussed implications of specific commitments and policy issues the District is still working through with MTC. He announced that the Clean Air Plan will be brought to the September JPC meeting where other agency perspectives will be heard.
- Kishimoto: Suggested that the Clean Air Plan be rolled into a Bay Area Climate Plan and perceived the message to be a plan which communities can buy into and easily work with. Mr. Broadbent indicated that the Sustainable Community Strategy will be brought through the JPC to respective agencies in 2011. There is discussion surrounding methodologies for purposes of determining the target and the Clean Air Plan is designated more as a blueprint to achieve State and federal air quality standards.

**Committee Action:** None; for information only.

**Overview of Strategic Facilities Visioning Process** – Chairperson Torliatt requested discussion on the item be continued to the next meeting in July.

**Continued Discussion to Amend the Air District’s Administrative Code Regarding Board of Directors Officers’ Term of Office** – Chairperson Torliatt requested discussion on the item be continued to the next meeting in July.

**Consideration of Letter of Support for Appointment to the California Air Resources Board**  
– *Staff Presentation by Executive Officer/APCO Jack Broadbent*

Committee/Staff Discussion and Comments:

- Torliatt: Reported receiving a request from Director Yeager indicating that a letter of support from the Board for his appointment to the California Air Resources Board was not necessary. She suggested the Executive Committee formulate a process in the future to address a process for Boardmember interest and how letters of support are handled.
- Ross: Supported that the letter be forwarded and believed it would send a message of support.
- Haggerty: Spoke of past occurrences involving Boardmember interest for appointments and agreed with the need to develop a policy regarding Boardmember interest and letters of support.
- Gioia: Discussed how other air districts have addressed the matter, noting that those persons interested will typically apply. He said there is negotiation between the State Senate leaders, other groups, and the Governor and he suggested the District not set a precedent in taking positions on recommending or supporting

appointments. Mr. Broadbent discussed varying positions amongst Air District Boards, stating there was no firm pattern or policy regarding the support of appointments.

**Committee Action:** The Committee directed staff to agenda discussion at the next Executive Committee meeting to address a process or policy relating to Boardmember interest, letters of support, and appointments to the California Air Resources Board.

**Overview of Air District Select Milestones/Activity – 2008/2009 – Staff Presentation by Executive Officer/APCO Jack Broadbent**

Chairperson Torliatt recommended Mr. Broadbent present an overview of Air District Select Milestones/Activity for 2008/2009 at the Board of Directors meeting on July 1, 2009.

Mr. Broadbent provided a brief update on weekend *Spare the Air* exceedances, specifically for levels in Livermore (82), San Martin (78) and Los Gatos (77).

Director Haggerty voiced concern about communities like Livermore which put the District into non-compliance yet are not identified as communities of concern. Directors held brief discussion about the importance of air quality in all communities, factors of income and age, and methodologies used for communities with higher levels of ozone and those with higher diesel particulate matter.

Chairperson Torliatt suggested looking at ozone issues versus CARE Program issues, and questioned weather patterns. Mr. Broadbent said communities of concern are used to reference communities that have a high concentration of emissions; income and age are also considered.

**Committee Member Comments/Other Business:** Director Haggerty spoke of concerns of significant diesel particulate matter along I-580.

Executive Officer/APCO Jack Broadbent introduced Jennifer Chicconi, Manager, Executive Operations. He reported Mary Ann Goodley would serve to head up the District's efforts in relocating its facilities and operations.

#### **CLOSED SESSION**

***Public Employee Performance Evaluations of the Executive Officer/APCO and District Counsel (Government Code Section 54957 And 54957.6).***

The Committee adjourned to Closed Session at 10:55 a.m.

#### **OPEN SESSION**

The Committee reconvened in Open Session at 11:05 a.m. Chairperson Torliatt stated that no reportable action had been taken in Closed Session.

**Time and Place of Next Meeting:** At the call of the Chair.

**Adjournment:** The meeting was adjourned at 11:06 a.m.

*/s/ Lisa Harper*  
Clerk of the Boards