

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, February 22, 2010

- Call to Order - Roll Call:** Chairperson Brad Wagenknecht called the meeting to order at 9:37 a.m.
- Present:** Chairperson Brad Wagenknecht; Vice Chairperson Tom Bates; Committee Members Chris Daly, Susan Garner, Scott Haggerty, Mark Ross, Pamela Torliatt and Gayle B. Uilkema
- Absent:** Secretary John Gioia
- Also Present:** Hearing Board Chairperson Tom Dailey, M.D.
- Public Comment Period:** None
- Approval of Minutes:** **Committee Action:** Director Daly made a motion to approve the November 19, 2009 minutes; seconded by Director Bates; carried unanimously without objection.

Quarterly Report of the Hearing Board – October 2009 – December 2009

Hearing Board Chairperson Tom Dailey presented the Quarterly Report of the Hearing Board – October 2009 – December 2009.

Committee Action: None; for information only.

Joint Policy Committee Update

Ted Droettboom provided a Joint Policy Committee update and communicated the following events to date: The climate change issue emerging in the 1970's and 1980's; the 1990 Climate Action Plan; adoption of the 2002 Pavley emission standards which are not yet implemented in California; passage of AB 32 in 2006 and SB 375 in 2008; the AB 32 mandate to return to 1990 levels by 2020; and the need to be at 80% below 1990 levels by 2050.

He discussed the challenges in implementing CEQA standards, struggles of agencies in working out an approach to AB 32 that allows them to move forward in the way they produce regional transportation plans but incorporate SB 375 objectives. He noted the existence of significant political interests to suspend AB 32 as well as opposition regarding the correlation between local land use control and climate change. Local governments are being asked to perform while also struggling to keep financially solvent, dealing with climate change is seen as an unfunded mandate, and one of the principal solutions to deal with GHGs involves transit systems, which he said are also on the verge of insolvency.

Directors discussed economic reasons and incentives to endorse a path that includes climate change activity, acknowledged that businesses and agencies are in “survival” mode, acknowledged the rigorous program ahead, and questioned whether the JPC was set up effectively to coordinate the demands of all four regional agencies.

Mr. Droettboom said where the JPC is failing is that, given the ability to meet once every two months, he is not able to bring substantive enough items for Directors to grapple with an issue and come to a decision that can then be brought back to respective agencies. The second issue is that SB 375 is challenging the four agencies to work together in a more coordinated way than ever before. It directly steps on the mandates of each of the agencies, such as focused growth and CARE areas. The tension is at the political and at technical level of the agencies. Because of the structure of SB 375, MTC and ABAG are forced to work together which is surfacing cultural issues between the two. He believed that it can no longer be “business as usual” to be successful in meeting the SB 375 mandate and he is hopeful the pressure will allow the JPC to feel that the overall body is more effective.

Directors questioned whether the problem was an overwhelming amount of work, lack of focus or leadership, or too many conflicts to overcome. Mr. Droettboom said four agencies are pursuing important mandates but never had to work together at this level of actual conflict resolution before.

Directors discussed the need for commitment and leadership and to continue to push the District’s regulatory authority and climate agenda.

Committee Action: None; for information only.

Update on Outreach Regarding Proposed Revisions to the District’s California Environmental Quality Act (CEQA) Guidelines and Thresholds of Significance

Director of Planning and Research, Henry Hilken, provided an update on CEQA guidelines and thresholds of significance and reviewed the following Board comments provided at the January 6, 2010 meeting:

- Thresholds could impede infill/PDA projects
- Additional outreach was needed to cities/counties including workshops for local government staff in all counties
- More information was needed on criteria for “qualified” Climate Action Plans and Community Risk Reduction Plans (CRRPs)
- Work to proceed on CRRPs, meetings be held with elected officials and stakeholders
- Acknowledgement that local staff resources and expertise exists

In response to Board comments, Mr. Hilken stated that staff is developing technical resources, criteria for CRRPs and CAPs are underway, case studies are being developed to demonstrate how real projects can meet thresholds, workshops and meetings are being scheduled in all counties, and the District is providing training and technical support to local staff.

Mr. Hilken discussed resources that staff is developing to support the CEQA guidelines under risks and hazards thresholds, which include:

- Screening tables for construction, stationary sources, and roadways
- Criteria for CRRPs
- Case study examples

- Update AC emission inventories
- CRRP pilot projects with SF and San Jose
- Assist local development of CRRPs with funding and technical assistance

Resources being developed under the GHG threshold include:

- Modeling tools to quantify GHG emissions from new development projects
- Guidance for quantifying mitigation measures efficiencies
- Literature review of transportation/land use studies documenting the emission reduction benefits of high density infill development
- Criteria for Climate Action Plans (GHG reduction strategies)
- Methodologies to calculate GHG emissions from Climate action Plans
- Case study examples for infill projects

Mr. Hilken noted that local government workshops have been scheduled in all 9 counties, with the following content:

- Significance thresholds and how they should be applied
- Case studies on how guidelines apply to real projects in each county
- Mitigation strategies and implementation mechanisms
- Mitigation measure quantification
- Guidance on CRRPs and GHG reduction plans

Additional workshops and support are planned in two locations. Computer modeling training is planned in four locations. On-going meetings are being scheduled with regional agencies, and District staff is providing on-going technical support.

Mr. Hilken provided a schedule of County workshops which will soon be posted on the District's website. Next steps include:

- Meet with Bay Area planning directors at their Association meeting (March 25, 2010)
- Continue on-going meetings with regional agencies (MTC, ABAG, JPC)
- Complete local government and public workshops by the end of April 2010
- Complete computer modeling training by May 2010
- Work with local governments on developing CRRPs
- Provide additional presentations to elected officials, local government staff and stakeholders
- CEQA thresholds to be considered by the Board of Directors in June 2010

Director Comments/Questions:

Directors supported outreach as being critical, confirmed that the District utilizes a local agency database and provides notices at meetings in conducting public outreach.

Director Haggerty offered use of the Alameda County Board Chambers as a substitute for the Oakland workshop/meeting(s).

Director Ross confirmed that outreach extends to the public and private sectors, environmental justice communities, industry, and environmental groups.

Director Daly confirmed that the San Francisco location was tentatively scheduled to be held in the City's Planning offices or at the District offices.

Director Garner complemented staff for their response and aggressive scheduling of meetings and workshops. She confirmed the scheduling of an Oakland location and a northern Santa Clara County location, which would be targeted to all groups.

Chairperson Wagenknecht confirmed that case studies would be discussed about how guidelines apply to real projects in counties.

Committee Action: None; informational only.

Report on the Community Air Risk Evaluation (CARE) Program and Identification of Impacted Communities

Senior Advanced Projects Advisor, Dr. Phil Martien, noted that he would provide an overview of the CARE Program objectives and how they are used to identify impacted communities, and more general information as to how the CARE program has informed other programs at the Air District. He said the objectives of the CARE Program are to evaluate at the regional level, the community cancer and non-cancer health risks from ambient toxic air contaminants (TAC), identify sensitive populations, and focus health risk mitigation measures on locations with higher risk levels and sensitive populations.

Dr. Martien presented cancer toxicity-weighted emissions by pollutant and by source category, which shows diesel particulates represent 86% of the total weighted risk inventory. He then presented maps of Bay Area risk-weighted emissions and modeled air toxics risk, showing areas of the highest and lowest cancer risk, demographic and health data of populations under 18 years of age and asthma hospitalization rates. Health information shows that youth and seniors are more sensitive to exposures. When identifying impacted areas, factors considered include exposure of youth and seniors, emissions and low income families where more than 40% of the population is below 185% of the Federal Poverty Level (FPL).

He then explained the method to draw the boundaries surrounding the regions, which identified six impacted communities as Concord, Richmond San Pablo, Western Alameda County, San Jose, Redwood City/Palo Alto and Eastern San Francisco.

Director Comments/Questions:

Director Torliatt suggested alerting local governments of reduced grant dollars if they continue to create problems in already impacted areas. Dr. Martien noted that CRRPs will be a way to make cities become more aware of land use issues and their impacts.

Director Haggerty questioned and confirmed with Dr. Martien that asthma hospitalization rates are not used in factoring in economic data. He also noted that air toxins generated in the 880 corridor settle in the 580 corridor, and the 580 corridor constantly puts the District in non-attainment status, yet the data in the 580 corridor is not reflective of this. He requested staff present a map that removes the income data. Dr. Martien stated that taking away the income data will not change the mapping much. What is not seen are high exposures, which means there is not the density of population that exists in some of the urban core areas. It also means that the directly emitted emissions, although there, are not resulting in high concentrations. He agreed that traffic data is almost as high as what is along the 880 corridor, but it is pretty much the only source of diesel emissions there.

Director Haggerty said the modeled air toxins are from 2005. He also questioned and confirmed that the housing data is from the 2000 census, voiced concerns that significant high-density housing numbers have not been captured in the modeling, and requested that data be updated

and be made current. Mr. Hilken noted that staff is updating the inventory for future years and staff can work to obtain more updated information from ABAG.

Director Garner said she noticed a correlation between modeled air toxic risk and hospitalization risk, and questioned whether the District should consider a grant program to supply preventative medical treatment to low income area residents in highly impacted zones. Ms. Roggenkamp noted that the District funds the Breath Mobile that operates in Oakland, Emeryville and San Leandro. She briefly described its use in providing medical screening, medication, and education to families focusing on asthma.

Director Ross suggested addressing the fact that the District is spending its efforts in many areas when 85% of the problem lies with diesel emissions. Mr. Broadbent said this will be one of the findings of the Clean Air Plan. He said PM drives more mortality/morbidity rates in the Bay Area, and agreed that it makes sense spending dollars removing PM from the air and improving public health.

Dr. Martien then presented the Clean Air Communities Initiative, which uses information about impacted communities. He said staff is working with CARB to allow the District to focus efforts on making sure regulations are enforced. For stationary sources, the Board recently amended the toxics NSR Rule where the District will track pollutants within these communities for new or modified sources starting this year. Grants and incentive funding has focused on diesel sources, as well as educational outreach.

Dr. Martien discussed staff's work on a regional air monitoring network and presented coverage for ozone and PM monitors and toxics monitoring in impacted communities, as well as regional coverage, stating that staff is reviewing overlooked areas to supplement the network. Modeled ozone for average summer afternoon concentrations and modeled PM_{2.5} for average winter 24-hour concentrations were presented, and Dr. Martien stated there are source areas in the core Bay Area but higher concentrations distributed throughout the area, as well. The District continues to have robust programs focused on regional attainment of criteria pollutants. Examples applied to the whole Bay Area include proposed CEQA guidelines, multi-pollutant Clean Air Plan, Community Risk Reduction Plans (CRRPs) for cities and counties, local scale measurements, near-roadway and near sources, to fill-in between regional monitors, and grants and incentive programs.

Director Uilkema said she believes the CARE program does impact local jurisdictions' land use, but on the other hand, the District has a responsibility to drive home the point that housing built for seniors and low income should not be next to freeways that is unmitigated. She asked to ensure the CARE Program does not only involve the Port of Oakland.

Mr. Broadbent said the policy discussion speaks to the issue discussed earlier about having the four regional agencies coordinate efforts, and this area is particularly where agencies need to do a better job of working together. The TOD and PDA policies developed by ABAG and implemented by others are starting to become a conflict, and staff recommends CRRPs be the approach as how to work out the conflict.

Director Ross believed that if maps identified endangered species, every agency may understand and accept it. Mr. Broadbent reiterated that the whole concept is very forward-thinking as compared to the rest of the country. The EPA wants to provide money for near roadway monitoring because some of the efforts undertaken already indicate that PM levels and other levels are 3 to 4 times the ambient standard, and they want state and local agencies to start thinking about this.

Director Uilkema questioned that if monitors reveal higher levels, would mitigations be proposed. Mr. Broadbent discussed monitor locations specifically not located by freeways because of EPA guidance, which characterizes the general air in the community. So, a plan to target grants to get rid of diesel as soon as possible is probably the best approach to take. Ms. Roggenkamp added that the federal process is that once monitoring shows you are not meeting health based standards, the onus comes back on the local district to prepare a plan, and the District is on the forefront of this.

Director Torliatt questioned whether the District has contacted ABAG to alert cities of exceedances along corridors or has suggested consideration of land use changes. Ms. Roggenkamp said the District has shared CARE data with ABAG staff, indicated that it needs to be part of cities' thinking, and it is taking awhile but it is occurring. She said staff has a technical assistance role and communicates through the CEQA guideline process.

Director Ross recognized Dennis Bolt and Guy Bjerke of WSPA in the audience. He congratulated and wished Dennis Bolt well on his retirement, noting that this was his last formal attendance to a District meeting.

Update on the 2010 Clean Air Plan

Mr. Broadbent recommended continuance of this item to the next Executive Committee Meeting, and the Committee continued the update on the 2010 Clean Air Plan.

Strategic Facility Planning Process Update

Mr. Broadbent recommended continuance of this item to the next Executive Committee Meeting, and the Committee continued update of the strategic facility planning process.

Closed Session

The Executive Committee adjourned to Closed Session at 11:04 a.m.

CONFERENCE WITH LABOR NEGOTIATORS (*Government Code § 54957.6(a)*)

Agency Negotiators: Jack P. Broadbent, Executive Officer/APCO
Jack M. Colbourn, Director of Administrative Services

Employee Organization: Bay Area Air Quality Employee's Association, Inc.

Open Session

The Committee reconvened the Executive Committee Meeting at 11:33 a.m. District Counsel Brian Bunger stated there was no reportable action taken in Closed Session.

Committee Member Comments/Other Business: None

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

Adjournment: The meeting was adjourned at 11:34 a.m.

/s/ Lisa Harper
Lisa Harper
Clerk of the Boards