

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 771-6000

APPROVED MINUTES

Summary of Board of Directors
Climate Protection Committee
4th Floor Conference Room
Monday, May 16, 2011, 9:30 a.m.

Call to Order - Roll Call: Chairperson Jennifer Hosterman called the meeting to order at 9:30 a.m. without an established quorum.

Present: Chairperson Jennifer Hosterman, and Directors Carole Groom, David Hudson, Susan Garner, and Mark Ross

Absent: Vice Chairperson Gayle B. Uilkema and Directors John Gioia, Susan Gorin, and Johanna Partin

Public Comment Period: None

Approval of Minutes of November 29, 2010 and March 7, 2011 – Deferred due to lack of quorum.

Status Report on Greenhouse Gas Tailoring Rule

Brian Bateman, Director of Engineering, provided the Committee with an update and presentation on some requirements that have come out of the U.S. Environmental Protection Agency (EPA) to regulate greenhouse gas (GHG) emissions. Background information regarding Supreme Court rulings regarding regulating GHG emissions from vehicles was provided. The most important finding was whether GHG emissions met the definition of air pollutants that was in the Clean Air Act. The court found that GHG emissions did meet the definition of air pollutants. The court also ruled that EPA does not have the discretion to not consider making the necessary findings to regulate GHG from vehicles. There are two findings that the court ruled that EPA needs to consider. These are: 1) whether or not GHG emissions endanger public health and welfare; and, 2) if the pollutants do endanger public health and welfare, do GHG emissions from vehicles contribute to atmospheric levels that result in that endangerment. The EPA needed to make these determinations based upon the Supreme Court ruling. This process took the EPA about 2 ½ years. The EPA issued the findings in December 2009. The EPA then established a regulation for GHG emissions for vehicles from 2012 to 2016 model year vehicles in April 2010.

Mr. Bateman stated that there are other requirements to focus on, in particular, ones that affect the Air District as a permitting agency. There are two types of permits that apply to facilities that are “major sources” of regulated air pollutants. These are Prevention of Significant Deterioration (PSD) and Title V permits. Major sources include power plants, larger manufacturing plants (e.g., petroleum products, chemicals, cement, glass, steel, motor vehicles).

Mr. Bateman continued with the presentation detailing the Tailoring Rule, which was adopted by EPA in May 2010, and why it is needed; the phase-in process for the tailoring rule and the implementation method of such rule.

There are approximately 80 lawsuits on all aspects of the Tailoring Rule and the outcome of litigation may alter the rule in some way.

Committee Comments/Questions: Committee members discussed and inquired about the opportunity for public participation in the Title V process.

Public Comment: None

Committee Action: None; for information only.

Approval of Minutes of November 29, 2010 and March 7, 2011 – Director Hudson made motion to approve the November 29, 2010 and March 7, 2011 minutes; Director Garner seconded the motion; carried unanimously without objection.

Discussion of Decision in Association of Irrigated Residents, et, al., v. California Air Resource Board (ARB) et, al.

Brian Bunger, District Counsel, provided Committee members with a copy of the Statement of Decision for the ongoing lawsuit. He provided a summary of AB32 legislation, an update on the litigation process, a summary of ARB's Scoping Plan adoption process, and a summary of the violated CEQA provisions. Mr. Bunger will keep the Committee updated on this ruling.

Committee Comments/Questions:

Committee members asked various questions primarily about the effects the outcome of the litigation may have on the Air District's authority and how the cap and trade regulation may change.

Public Comment: Chair Hosterman opened the public comment period.

John Holtzclaw, Sierra Club, stated that Sierra Club didn't take a position on the pending lawsuit. However, it did issue an open letter to ARB asking them to reevaluate the cap & trade regulation.

Committee Action: None; for information only.

Advisory Council Recommendations to Meet the 2050 Greenhouse Gas (GHG) Emission Target

Jean Roggenkamp, Deputy Air Pollution Control Officer, introduced John Holtzclaw, Advisory Councilmember, who thanked the Council and Board for taking a leadership role in greenhouse gases. Mr. Holtzclaw summarized the main topics within the emission reduction strategies for the transportation sector.

Ms. Roggenkamp stated that the Board Chair referred this to the Committee when the Advisory Council made their presentation on the emission reduction strategies for the transportation sector to the Board.

Henry Hilken, Director of Planning, Rules & Research, reviewed the recommendations that the Advisory council has made to the Board of Directors. The Air District continues to move forward with these recommendations. Currently, there are 15 recommendations that have been presented. Mr. Hilken gave the presentation which discussed California's 2050 Emission Target.

Committee Comments/Questions:

Committee members discussed several ideas and options to help attain greenhouse gas emission targets. These ideas consisted of parking reform, SB 375, EV charging infrastructures, SB 582, gas tax, and cool paving.

Public Comment: None

Committee Action: None; for information only.

Committee Members' Comments: None

Time and Place of Next Meeting: 9:30 a.m. – At the Call of the Chair
939 Ellis Street, San Francisco, CA 94109

Adjournment: The meeting was adjourned at 11:35 a.m.

MS/ Maricela Martinez

Maricela Martinez
Executive Secretary