

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Approved Minutes: Advisory Council Regular Meeting – September 10, 2003

Call To Order

Opening Comments: Chairperson Hanna called the meeting to order at 10:05 a.m.

Roll Call: Present: William Hanna, Chair, Sam Altshuler, P.E., Louise Bedsworth, Ph.D., Elinor Blake, Harold M. Brazil, Pamela O'Malley Chang, Irvin Dawid, Ignatius Ding, Stan Hayes, John Holtzclaw, Ph.D., Norman Lopera, Jr., Brian Zamora.

Absent: Patrick Congdon, Rob Harley, Ph.D., Fred Glueck, Kraig Kurucz, Kevin Shanahan, Victor Torreano, Linda Weiner.

Public Comment Period: There were no public comments.

1. Approval of Minutes of July 9, 2003: Mr. Lopera moved approval of the minutes; seconded by Dr. Holtzclaw; carried unanimously.

Committee Reports

2. Report of the Air Quality Planning Committee Meeting of July 22, 2003

Dr. Holtzclaw stated that the Committee continued with its review of pending legislation, and focused on the bills that concern new source review and particulate matter (PM). Staff also gave a presentation on state and federal efforts to regulate on- and off-road sources of diesel emissions.

In response to questions, Thomas Addison, Legislative Analyst, stated that SB 700 (Flores) has passed the Senate Appropriations Committee but has not yet been voted on by the Senate. The Air District supports the bill, and it is expected to pass. Mr. Dawid observed that moderate urban Democrat legislators have joined with the agricultural lobby and recently defeated SB 705 that concerned burning of agricultural waste.

3. Report of the Public Health Committee Meeting of August 28, 2003

Ms. Blake stated that the Committee continues to review a staff referral concerning whether optical remote sensing technology in operation at the ConocoPhillips refinery fence line should be applied to other Bay Area refineries. A discussion was held with District staff that explored the past performance of the monitors in relation to refinery incidents, the advantages and disadvantages of the technology, and access to the data generated by the system. The Committee will meet on October 20, 2003 to further discuss this issue with the staff of the five Bay Area refineries. Members of the Technical Committee are invited to attend and listen to the discussion.

4. Report of the Technical Committee Meeting of August 7, 2003

Mr. Hayes stated that the Committee received presentations from refinery staff and representatives on flare distribution frequency. A central issue concerns the difference between District and industry estimates of total daily flare emissions, which derives from differences in the respective assumptions made in the emissions calculation methodology. Staff also provided a presentation on the South Coast AQMD Rule 1118 on refinery flare monitoring. At its next meeting, the Committee will consider adopting recommendations on refinery flaring.

5. Minutes of the Public Health and Technical Committee Meeting of June 30, 2003

Ms. Blake stated that an oral report on this meeting was given at the last Council Regular meeting, and the minutes are now included in this agenda packet for the Council members' review.

Presentation:

6. Status Reports on Ozone Attainment Planning

a) U.S. EPA Action on 2001 Ozone Attainment Plan

Jean Roggenkamp, Manager of Planning, stated that the Environmental Protection Agency (EPA) posted notice in the Federal Register of July 15, 2003 of its intention to approve the District's 2001 Ozone Attainment Plan for the federal one-hour standard. It stated that the 2001 plan had corrected the deficiencies in the 1999 Ozone Plan and not only stayed the emissions offsets sanction but also deferred imposition of transportation funding sanctions. The comment period concluded on August 15. EPA will review comments and then take final action by a date yet to be determined. In reply to Chairperson Hanna, Ms. Roggenkamp noted that pending litigation, under State law, on the Plan does not affect the actions undertaken by federal EPA.

b) 2003/2004 Ozone Planning

Ms. Roggenkamp stated that the 2001 Ozone Plan committed the District to issue an updated Plan by April of 2004. The Bay Area has an attainment deadline of 2006 for the federal ozone standard. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) will join in this update. While there is no deadline for attaining the state ozone standard, the District must implement "all feasible measures" to reduce ozone both within, and downwind from, the region.

The modeling for this plan involves several participants. Data from the Central California Ozone Study (CCOS), which gathered meteorological and emissions data during the summer of 2000, will be reviewed. The California Air Resources Board (CARB) is coordinating a multi-agency group to collect and evaluate these data. Environ Corporation will conduct the emissions, meteorological and photochemical modeling for past ozone episodes. This will form the basis for future planning and setting an emission reduction goal to attain the national standard. District staff are heavily involved in this process as well. Three ozone episodes have been selected for modeling. Two were from the summer of 2000: one in June, and the other in July/August. Both are buttressed with rich data from CCOS. The June 2000 episode had high values only in Livermore. An episode in July of 1999 was also picked as it had high values at a number of Bay Area monitoring stations as well as in downwind regions.

The priority will be to model the July/August 2000, the July 1999 and then the June 2000 episodes. Preliminary modeling results are expected by early October. Modeling runs will help to determine if attainment is projected by 2006 or further emission reductions will be required, and the Council will receive a report on the preliminary results. Staff are presently evaluating a list of 400 potential additional control measures: 300 concern stationary and mobile sources and the remainder concern transportation control. These measures derive from other air districts in the state, the public, community members, the Advisory Council and Board of Directors. Staff also reviewed previous plans for control measure suggestions then thought infeasible but which now may be practical. Criteria for evaluating the potential measures include technical feasibility, cost-effectiveness, the amount of precursor reductions achieved within specific time frames, associated adverse environmental and socio-economic impacts and public acceptability. Approximately two months will be required for this review.

In terms of public involvement, the District is taking a higher profile in the ozone planning process and is starting earlier than in the past. The Modeling Advisory Committee is reviewing the modeling work of the consultant, Environ Corporation. It has met since May of 2002 and will meet again on September 16. The Ozone Working Group meets bi-monthly to review the progress of the planning work and provide input at each stage in the process. It will meet on October 28. Initial community meetings on the Ozone Plan will be held this month and will describe the District's ozone planning process and solicit input on ozone control measures. These meetings were requested by the Environmental Justice Air Quality Coalition, which also helped to determine their location. The first meeting was held in Rodeo and was well attended. Contra Costa County Health Services Department staff presented information on the health effects of ozone and also worked with District staff to organize a community training session prior to the Rodeo community meeting to help the community become more involved in the air quality planning process. Staff hopes that the health officers from the other counties will provide similar assistance. When the draft Plan is issued, more community meetings will be held. The Board of Directors will then hold a public hearing to adopt the final Plan.

In discussion, Ms. Roggenkamp stated that PM is not a focus of discussions on the Plan, but some measures that reduce ozone also reduce PM. MTC and ABAG staff are attending the community meetings to answer questions about the transportation emissions component of ozone formation. Peter Hess, Deputy Air Pollution Control Officer, added that Environmental Audit, Inc., will conduct the California Environmental Quality Act (CEQA) review of the Plan, and the full Council will receive a presentation on the results of this review at a future meeting.

c) Federal 8- hour ozone standard designation process

Implementation of the national 8-hour ozone standard adopted in 1997 may now take place, following the conclusion of litigation. On July 15, 2003, CARB recommended to EPA that the Bay Area be declared in attainment of this standard based on monitoring data for 2000-2002. EPA will make its final designation in April 2004. It will likely include the data from the 2003 ozone season, which concludes next month, in the evaluation. Mr. Hess added that the 1-hour ozone standard concerns the number of days over 124 parts per billion (ppb) ozone during a three-year period, and it does not matter how high the exceedance is. The 8-hour standard is more stringent and concerns the severity of the fourth highest excess averaged over three years. EPA is conceptually proposing that once EPA makes attainment and non-attainment designations for the 8-hr standard, air districts are excused from having to attain the 1-hour standard as long as there is no backsliding in terms of controls.

The Bay Area has witnessed a steady decline in precursors of ozone and NOx, primarily due to the stringency of District rules and vehicle turnover. The San Martin and Livermore air monitoring stations are the most critical areas for the 8-hour standard. To date, monitoring data indicates that the District may be in attainment of both the 1-hour and 8-hour standards.

In reply to questions, Mr. Hess stated:

- inter-state transport is addressed in the California Clean Air Act and is a matter of State jurisdiction. The District does contribute some ozone to its downwind neighbors, but the quantity will be ascertained by the modeling work conducted by Environ Corporation.
- the possible daily coincidence between excesses of the 1-hour and 8-hour standards is a matter that will have to be referred to the modelers for analysis.
- there may be several reasons why the Central Valley has made progress on the 1-hour standard but has reached a plateau on the 8-hour standard. Firstly, the Sacramento area has severe vehicular congestion, and has only 30 million annual public transit boardings, compared with 500 million in the Bay Area. Secondly, according to a presentation by Dr. Harley to the Council last year, there has been a 200% increase in the use of diesel fuel in the San Joaquin Valley, which renders diesel emissions as a significant contributor to ozone formation in the Central Valley. Thirdly, a study conducted by U.C. Davis shows that all 8-hour non-attainment areas are east of Sacramento, while the westerly region extending to the Bay Area and up to Placer County is in attainment. Both Stockton and Tracy are in attainment, but the region below Modesto is non-attainment. Therefore, pollutant transport impacts, as viewed through both the 1-hour and 8-hour standards, require further review.

Other Business:

7. Report of the Executive Officer/APCO. William C. Norton stated that:

- the tracking of the trailer bills on the State budget adopted last month reveals no adverse impact on the District's budget thus far. However, the District's budget may still be affected by whoever is the State's Governor on October 8, particularly with regard to subvention funds.
- the District will present its Ozone Plan for review and comment to environmental justice communities and the areas in which the greatest ozone impact occurs—namely, Livermore, Concord and either Petaluma or Santa Rosa in the North Bay. The Ozone Plan will also be brought to the Advisory Council for review and comment.
- The District will be updating its website, and the first iteration is due in the next week. The static content will be changed to make it easier to navigate. Interactive capability will follow. Mr. Dawid suggested the website present the Advisory Council's mission statement.
- New data management software for the District's personnel and accounting sections will be implemented in January of next year, and later applied to the more complicated permit system.
- The Board Ad Hoc Selection Committee recommendations for the Executive Officer/APCO will be presented to the Board on September 17, 2003, pending negotiations with the candidate.

8. Report of the Advisory Council Chairperson

Chairperson Hanna directed the Applicant Selection Working Group to convene and address the three vacancies that are now on the Advisory Council.

He requested input on whether the audiotape of the Council Regular meeting should be uploaded to the District's website. Presently, the audiotape of the Board of Directors' Regular meetings is uploaded to the web. In discussion, Council members expressed concerns over the intermittent sound quality that would occur if a speaker did not speak clearly or directly into the microphone, the potential for outside parties to remix and edit digital recordings of Council members' statements, technical feasibility and associated resource requirements, and the absence of a clear mandate to upload the tape. Brian Bunger, District Counsel, observed that there is no legal requirement to upload the tape on the website. After further discussion, consensus was reached that the tape will not be uploaded and that draft minutes will be posted on the website instead, with a clear notation that the minutes are in draft form. Prior to their posting, such draft minutes will have been preliminarily reviewed by the appropriate Council or Committee Chair.

9. Council Member Comments/Other Business

Dr. Holtzclaw expressed appreciation to Chairperson Hanna for appointing him to the Advisory Interview Committee for the selection of the Executive Officer/APCO. It was remarkable that a group comprised of such a wide diversity of stakeholders reached unanimity on the exceptional qualifications of two of the candidates.

Mr. Altshuler noted that recent press reports reveal that air quality data were misreported during the September 11, 2001 crisis in New York City. Since improved quality control and quality assurance on air monitoring data may become the subject of future legislation, the Council may wish to address this now rather than wait to respond to legislation. Professor Tom Cahill from the University of California at Davis could address the Council on this matter. Mr. Hayes noted that this topic was discussed at the 2003 Air & Waste Management Association meeting. He added that speakers with different perspectives might further enrich the discussion, particularly as there are some noteworthy technical disagreements on this issue among air monitoring professionals.

Mr. Altshuler inquired if the trend in the Transportation Fund for Clean Air (TFCA) project allocations toward bicycle rather than clean air vehicles is reflective either of a change in the types of project applications submitted or the scoring criteria now applied toward their evaluation. Mr. Norton replied that the projects now submitted differ from those in the past. These may differ because projects must come up with matching funds to make them cost-effective, without which they cannot be successfully submitted. Matching fund availability appears to have declined.

10. Time and Place of Next Meeting: 10:00 a.m., Wednesday, November 12, 2003, 939 Ellis Street, San Francisco, California.

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

James N. Corazza
Deputy Clerk of the Boards