

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

APPROVED MINUTES

Advisory Council Executive Committee Meeting
9:00 a.m., Wednesday, January 8, 2003

1. **Call to Order – Roll Call.** 9:03 a.m. Quorum Present: William Hanna, Chairperson, Elinor Blake, Rob Harley, Ph.D., Kraig Kurucz, Bob Sawyer, Ph.D., P.E., Brian Zamora.
2. **Public Comment Period.** There were no public comments.
3. **Approval of Minutes of November 13, 2002.** Noting some minor hyphenation typographs on the first page, Dr. Sawyer moved adoption of the minutes; seconded by Ms. Blake; carried.
4. **Discussion of Study Topics Referred by Staff and the Board, as well as Pending Topics Carried Over From 2002, and Assignment to Standing Committees.**

Issues Proposed by Staff and the Board for Referral to the Advisory Council:

- A. Council Review of the District’s State Implementation Plan (SIP) submittals. Executive Officer/APCO William C. Norton noted that the Ozone Attainment Plan is one of two top priorities for the District this year. *This was assigned to the Technical Committee.*
- B. Develop a List of Possible Intermittent Ozone Strategies. Mr. Norton indicated that this is the other top priority for the District. The focus is on reducing ozone levels in the Livermore area to avoid violating the one-hour federal ozone standard. *This was assigned jointly to the Air Quality Planning and Technical Committees.*
- C. Review the Role of Compressed Natural Gas (CNG) and Liquid Natural Gas (LNG) as Internal Combustion (IC) engine fuels (displacing diesel). *This was assigned jointly to the Air Quality Planning and Technical Committees.*
- D. Review the “State of the Art” of remote “fence line” ambient air monitoring. While the focus of this referral is on refineries, Mr. Zamora noted that fence line monitoring might be applied in some fashion to airport emissions as well. *This was assigned jointly to the Public Health Committee and Technical Committees.*
- E. Review Marine Shipping as a Source of Potential Emission Reductions. *This was assigned to the Public Health Committee.*
- F. Evaluate the Role of the District in Response to a Catastrophic Event Occurring in the Bay Area. *This was assigned to the Public Health Committee.*

G. Review Proposal to Develop Regional Greenhouse Gas Emission Inventory. Mr. Norton stated that the Sonoma County Climate Protection Group is seeking \$25,000 in District funds to support staff work for the development of a regional greenhouse gas emissions inventory. The Board of Directors has referred this proposal to the Advisory Council for review and would like the Council's recommendations within the next two months. In discussion, Dr. Sawyer opined it was appropriate for the District to become involved in evaluating greenhouse gases at the regional level as this issue will assume increasing importance in the future. There is a need to ensure that the emission inventory is correct because greenhouse gases can be related to emissions of pollutants regulated by the District. Moreover, warmer ambient temperatures will increase the number of ozone exceedances. In response to concerns expressed over the impacts of the state budgetary crisis on the ability of the District to provide funding for this project, Mr. Norton stated that the District would soon know what and where the budgetary cuts will be.

Issues Remaining From 2002 for Completion:

H. Particulate Matter Abatement (Public Health Committee). Mr. Zamora stated the Committee's recommendation is complete and will be reviewed by the Council today.

I. Enhancement of Enhanced Vehicle Inspection & Maintenance (Air Quality Planning Committee). Mr. Kurucz noted that the Committee has referred a segment of its preliminary recommendations on mobile source emission modeling to the Technical Committee.

J. Evaluation of Biogenic Emissions near Livermore (Technical Committee). Mr. Altshuler stated that staff would review this data and make a presentation to the Technical Committee at a future meeting.

K. Air Quality Impact of September 11, 2001 Commercial Aircraft Shut Down, and Subsequent Port of Oakland Shut Down (request of Council at November 13 Regular Meeting). Mr. Hess indicated that there is a website available at which Technical Committee members may look at ozone readings at the District monitoring sites for any hour and any contaminant. The Deputy Clerk will forward this information to the Advisory Council members for review.

L. Further Study Measures (staff report to the full Board on January 15, 2003). Chairperson Hanna stated that these would be addressed under Agenda Item No. 5.

5. **Regulatory Time Table for 2003**. Mr. Hess presented the "Rule Development Action List for 2003" listing both further study ("FS") and other stationary source ("SS") control measures:

- A. Flare Monitoring – SS 15
- B. Marine Vessel Loading – FS 11
- C. Waste Water Treatment at Refineries – FS 9
- D. Permit Fees – Regulation 3
- E. Toxic Compound New Source Review – Regulation 6
- F. Yeast Manufacturing – New Rule
- G. Process Vessel Depressurization – SS 17
- H. Low Emission valves – SS 16
- I. Pressure Relief Devices – FS 8
- J. Flares at Refineries – FS 8
- K. Storage Tank (FS 10)

Mr. Hess reviewed three other issues that are on the horizon for Advisory Council consideration:

Other Important Issues for 2003:

- L. Review the photochemical modeling for the 2004 Ozone Attainment Plan. *This has been assigned to the Technical Committee.*
- M. Review the 2004 Ozone Attainment Plan. *This has been assigned to the Technical Committee.*
- N. Provide input on CARB (California Air Resources Board) Transport Mitigation Proposals. Mr. Norton noted that the District was informed very recently by CARB about this matter. Given the recent litigation over attainment and transport mitigation, this topic is important to the District. CARB has authority to decide what the mitigation will be, and this could mean increasing emissions offsets from 1.5 to 2 for new facilities. In discussion, it was noted that the relaxation of the New Source Review requirements at the federal level poses a potential impediment to a successful emissions offsets program. The District will also have to demonstrate that the stringency of its rules are equivalent the federal rules. *This was assigned jointly to the Air Quality Planning and Technical Committees.*

Referring to a December 24, 2002 District e-mail suggesting that emissions from refinery flaring may be greater than previously estimated, Ms. Blake inquired as to a possible increase in the inventory. Mr. Norton replied that there are presently 13 tons of reactive organic compounds from refinery flares in the emission inventory. The December 24 report estimated a possible emission range of 11-22 tons per day from flaring. However, not all refineries have flare-monitoring equipment. As Further Study Measure No. 8 (Pressure Relief Devices and Flares at Refineries) moves forward, more accurate data will be obtained. The Council can assist the District in evaluating refinery flaring and the impact on air quality of a rule to more comprehensively control it.

Dr. Sawyer inquired as to the status of vapor recovery equipment at gasoline stations. Mr. Hess replied that CARB has adopted rules for enhanced vapor recovery. The District's Regulation 8 could include a "Don't Fill Up Your Car In The Morning" rule as an intermittent control measure.

- 6. Committee Member Comments/Other Business.** Mr. Altshuler expressed concern over the process by which the Advisory Council was asked to review the proposed policy changes to the Transportation Fund for Clean Air (TFCA) and that the Public Health Committee did not review the proposed changes. He also felt that the district staff's compilation of public and Council comments omitted the details expressed in the Air Quality Planning and Technical Committee meeting minutes and instead reported only that the two Committees endorsed the proposed policy changes. He opined the TFCA funding formulas will now approximate those of the Carl Moyer Program, which has resulted in a high number of diesel repowerings. While this will certainly result in emissions reductions it may also potentially undermine TFCA support for the alternative fuel programs. Mr. Altshuler suggested that the Council's comments today be forwarded to the Mobile Source Committee for its consideration on January 9. The whole preceding section of comments should be ascribed to Sam. Chairperson Hanna responded that this issue would be discussed at the full Advisory Council meeting today, and that he would provide a written memo regarding today's discussion for review by the Mobile Source Committee.

Dr. Harley noted that last year he gave a presentation on the Central California Emission Inventory to both the full Advisory Council and the Council's Technical Committee. A draft written report with the full results of this study will be available for peer review within two weeks.

Chairperson Hanna indicated that in the fall of last year he met with former Board Chair Attaway who suggested that all Advisory Council recommendations go first through District staff before they are presented to the Board of Directors. In this way, the Board would not be caught unaware as it was with the Environmental Justice recommendations that came from the Council a couple of years ago. Chairperson Hanna stated that after giving Mr. Attaway's request a great deal of thought, he concluded that the Advisory Council's views ought not to be ameliorated or modified by staff prior to submittal to the Board. If the Council is to fulfill its role, it must continue to offer its recommendations in a manner that ensures the Board will hear from the diverse stakeholders that it represents. On the other hand, the Advisory Council is obliged to coordinate with staff to the maximum extent possible. Dr. Sawyer agreed, noting that while the Council is by law an independent body it must operate in a manner that avoids conflict with the Board and staff, and it must therefore be professional in its independence. Ms. Blake added that it is structurally impossible for District staff not to be informed of the Advisory Council's activities because staff is present at every Council Committee and Regular meeting.

Mr. Norton replied that the staff's role is not to dilute Council recommendations but instead to provide coordination and information, and to identify for both the Council and the Board where the controversies and complexities may reside in a given issue. Also, when a Council member addresses the Board and provides a minority opinion, it is helpful for clarity and communication if the Council member identifies his or her affiliation as being with a company or the Council. With regard to additional avenues of communication, Mr. Norton added that the Council Chair routinely reports to the Board Executive Committee, and the District's Executive Officer/APCO also provides reports on Council activities to the Board of Directors.

7. **Time and Place of Next Meeting.** 9:00 a.m., Wednesday, March 12, 2003, 939 Ellis Street, San Francisco, California 94109.
8. **Adjournment.** 10:02 a.m.

Respectfully submitted by

James N. Corazza
Deputy Clerk of the Boards