

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, November 12, 2003

- 1. Call to Order – Roll Call.** 9:10 a.m. Quorum Present: William Hanna, Chairperson, Elinor Blake, Robert Harley, Ph.D., Kraig Kurucz, Brian Zamora. Also present: Sam Altshuler, P.E.
- 2. Public Comment Period.** None.
- 3. Approval of Minutes of July 9, 2003.** Mr. Zamora moved adoption of the minutes; seconded by Dr. Harley; carried unanimously.
- 4. Standing Committee Chair Reports on Committee Work Plans and Recommendations.** Mr. Kurucz stated that the Air Quality Planning Committee (AQPC) met on September 30, 2003 and received two presentations. The first was an update from Networkcar on the use of remote sensing technology in high use vehicles such as taxicabs. The second was provided by the staff of the Metropolitan Transportation Commission (MTC) on its Long-Range Transportation Plan.

Dr. Harley stated that after five meetings on the subject, the Technical Committee will present recommendations on refinery flaring at the Council meeting today. The Committee will meet in December 2003 to receive a staff presentation on fine particulate and ozone trends in the Bay Area.

Mr. Zamora stated the Public Health Committee is reviewing optical monitoring technology at refinery fence lines. At its October 2003 meeting, staff from the ConocoPhillips refinery in Rodeo and the Western States Petroleum Association (WSPA) presented industry perspectives. Industry has greater confidence in data from ground level monitors than from optical monitors. It also considers the latter to be expensive and lacking in any statutory mandate. The Committee will develop recommendations on this technology from a public health perspective at its next meeting.

- 5. Discussion and Adoption of Recommendation of a Slate of Officers for 2004.** Chairperson Hanna stated that, by past practice, Vice-Chairperson Blake would be nominated for Chairperson, and Secretary Zamora for Vice-Chairperson. Noting that the nominee for Secretary is drawn from Standing Committee Chairs, he inquired of Mr. Kurucz if he would accept nomination as Council Secretary. Mr. Kurucz replied affirmatively. Ms. Blake moved the Committee endorse the aforementioned slate of officers for 2004; seconded by Dr. Harley; carried unanimously.
- 6. Discussion of January 14, 2004 Retreat and Regular Meeting.** Ms. Blake indicated that she is considering holding this meeting off-site and is exploring sites that are free and BART accessible. She added that she is considering inviting a keynote speaker. The Council's task will be to discuss the key air quality issues facing the District and to develop a work plan for the year.

Peter Hess, Deputy Air Pollution Control Officer, stated that the Council has done a fine job in reviewing key issues and developing sound recommendations. Staff is pleased with the collaborative process that it has with the Council. He distributed a document entitled, "Candidate Assignments for the Advisory Council," containing seven topics for possible review by the Council:

1. Review the control measures for volatile organic compounds (VOCs), nitric oxide (NO_x) and particulate matter (PM) in the South Coast AQMD attainment plan recently approved by the Air Resources Board (ARB); make recommendations to the Air Pollution Control Officer (APCO) for implementing them in the Bay Area.
2. Review and provide comments to the APCO on the draft Bay Area AQMD State and Federal Air Quality Attainment and Maintenance Plans. Continue participation on the Modeling Advisory Committee and the Ozone Working Group.
3. Review and provide comments to the APCO on the ARB mobile source emission calculation models.
4. Review and provide comments to the APCO on the impact of State policy to reduce both VOC and NO_x from mobile and stationary sources as aggressively as possible on attainment of the National Ozone standards in coastal areas and in all California air basins.
5. Review and provide comments to the APCO on the Toxic New Source Review (NSR) Rule amendments.
6. Review and provide comments to the APCO on the draft California Environmental Protection Agency (Cal-EPA)/ARB Environmental Justice implementation protocols.
7. Review and provide comments to the APCO on the impact of daylight savings times on peak 1-hour and 8-hour ozone concentrations.

In discussion of these topics, Ms. Blake inquired as to the "cumulative risk" issue that is under discussion at the state level. William C. Norton, Executive Officer/APCO noted that this would be included in No. 6, to which the "precautionary principle" issue should be added. Mr. Hess noted that staff and guest speakers could address specific aspects of the topics at the Retreat and suggest ways to review them. Dr. Harley requested that Executive Management and the Division Directors attend the Retreat and participate in the Committee breakout sessions.

Mr. Kurucz stated that the AQPC completed review of its work plan topics earlier than expected. The Committee met for many consecutive months to develop its Smog Check II recommendations and would like an update on their implementation. Ms. Blake suggested that in mid-2004 the Council's Executive Committee evaluate the progress made on the standing Committee work plans, since efficiency is unpredictable. Dr. Harley added that the Council may also serve as an early warning system for issues that are not yet, but likely to be, on the regulatory calendar.

Mr. Norton, stated that Topics 1 and 2 have the highest priority. The ARB is recommending the District be declared in attainment for the one-hour federal ozone standard. It is unclear whether the District must submit an Attainment or Maintenance Plan after the Notice of Attainment is filed by the EPA. However, additional pollution control measures will be necessary in either scenario. Jack Broadbent, newly appointed Executive Officer/APCO, added that the 30-day comment period on this Federal Register notice concludes at the end of November 2003. The EPA will very likely finalize its federal recommendations at the end of this year.

Mr. Norton observed that for the federal one-hour ozone standard for the last three years, the District had one year with no exceedances, another with two and the third with one. Therefore, there can be no exceedances next year if this attainment record is to be sustained. The District's air quality plans must also address pollutant transport to adjacent air basins. This issue should be included in No. 2. The due date for review of Nos. 1 and 2 is mid-year 2004. Mr. Kurucz stated the AQPC has a role to play in reviewing Nos. 1-6. Dr. Harley stated the Technical Committee has a role in reviewing Nos. 1-5, but if a cumulative risk model is developed next year, the Committee can review it under No. 6.

Ms. Blake noted that it would be helpful to have a due date for completing review of each topic. Mr. Kurucz observed that these topics are broad and may contain certain portions with a higher priority than others. Dr. Harley added that since the Plans identified in the topics are probably voluminous, the Committees should focus on the specific areas in these Plans that are either controversial or contain uncertainties in data. Mr. Altshuler suggested that the Council review secondary formation of PM_{2.5} from nitrate. Mr. Kurucz suggested that the Council review the implementation of the Smog Check II program, including the efficacy of the diagnostic equipment and the cost of the test. Mr. Norton urged the Council to invite a speaker from the Bureau of Automotive Repair (BAR) to address these issues. Chairperson Hanna stated that the topics suggested by staff and the Committee members would be further discussed at the Council Retreat.

Mr. Kurucz inquired about the role of the Council in reviewing the District's legislative agenda. He noted that the AQPC has reviewed certain bills and could act as a screening committee for review of legislation. Ms. Blake stated the Council would benefit from having a perspective on the legislative context in which the District is operating. The Committee members requested that staff apprise the Council of the bills that it is tracking and report on them as they move toward the point of passage. They also requested that executive staff ask the Board Legislative Committee if there are specific areas in which it wishes to receive Council input on pending legislation.

Mr. Norton replied that he would so inquire and invited the Committee members to attend the Legislative Committee meeting scheduled for Monday, November 17, 2003. He suggested that in the future a legislative report be added to the Council's Regular meeting agenda. Ms. Blake replied that an attachment of key bills for information would suffice, and if review of an important bill arises, it could be assigned to a Committee. Mr. Norton indicated staff would forward to the Council the Legislative Committee's agendas, reports and official actions, and also summarize its actions at the Council Regular meeting. If the Legislative Committee seeks input from the Council on a specific bill, a Council Committee could review it with the District's Legislative Analyst.

7. **Committee Member Comments/Other Business.** Ms. Blake thanked Mr. Norton for his fine work during the interim period that he has worked at the District as Executive Officer and Air Pollution Control Officer. Mr. Norton replied that he has greatly enjoyed his work with the Air District staff and has found the Advisory Council to be both supportive and helpful.
8. **Time and Place of Next Meeting.** At the call of the Chair.
9. **Adjournment.** 9:57 a.m.

James N. Corazza
Deputy Clerk of the Boards