

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

APPROVED MINUTES

Advisory Council Regular Meeting
10:00 a.m., Wednesday, September 8, 2004

CALL TO ORDER 10:09 a.m.

Opening Comments Chairperson Blake.

Roll Call Present: Elinor Blake, Chairperson, Sam Altshuler, P.E., Diane Bailey, Robert Bornstein, Ph.D., Louise Bedsworth, Ph.D., Jeffrey Bramlett, Harold Brazil, Irvin Dawid, Fred Glueck, Stan Hayes, John Holtzclaw, Ph.D., Kraig Kurucz, Kevin Shanahan, Victor Torreano, Linda Weiner, Brian Zamora.
Absent: Sanjiv Bhandari, Emily Drennen, William Hanna, Norman A. Lopera, Jr.,

PUBLIC COMMENT PERIOD There were no public comments.

CONSENT CALENDAR

1. Approval of Minutes of July 14, 2004. Ms. Bailey requested that she be listed as absent on page one under “Roll Call.” Mr. Altshuler stated that he would like to work with the Deputy Clerk to reword the text of the reference to a “little smog factory” under Item No. 1, and he moved approval of the minutes as amended; seconded by Mr. Bramlett; carried, with Mr. Hayes abstaining.

COMMITTEE REPORTS

2. Report of the Air Quality Planning Committee (AQPC) Meeting of August 3, 2004. Mr. Kurucz presented the AQPC’s recommendations on the District’s Ozone Control Strategy (OCS). These affirm the staff’s selection of appropriate control measures, urge the inclusion of a future study measure on alternative fuels, and suggest that the Council explore implementation of Transportation Control Measure (TCM) No. 15 regarding growth and transit planning. The Committee also encourages Council members to attend the District’s community meetings on the OCS. At the next Committee meeting, two guest speakers will provide presentations on alternate fuels. Chairperson Blake stated that, per direction from the Council’s Executive Committee this morning, the recommendations from the AQPC and Technical Committee on the OCS will be merged into one document. Mr. Hayes urged inserting the word “that” prior to Item Nos. 1 and 2. Dr. Bornstein added that a comma should be inserted prior to “which” in paragraph one. Chairperson Blake called for a voice vote on the AQPC recommendations and they carried unanimously by acclamation, as amended.

3. Report of the Technical Committee Meeting of August 4, 2004. Dr. Bedsworth stated that the Technical Committee also reviewed the OCS and made several findings and recommendations.

Dr. Bedsworth suggested changing “increase” to “increased” in the next to last line on page one. Mr. Hayes proposed that in the second sentence of the first bullet under “Control Measures” that the second sentence be replaced with “The relative magnitudes and health implications of these increases and decreases are not yet clear and await the completion of our modeling efforts.” Mr. Dawid suggested referencing TCM No. 15 at the end of the third bullet under No. 2 of “Recommendations for Further Study.” Chairperson Blake suggested adding “including but not limited to TCM 15”. Mr. Altshuler suggested adding a fourth bullet under No. 2 to read “impacts of alternative fuel use.” Mr. Kendall suggested adding the phrase “for VOC and NOx” under the first bullet of “Control Measures,” after “control measures” in line one. Dr. Bornstein noted that there are a few typos he would identify for correction to the Deputy Clerk. Chairperson Blake called for a vote on the amended recommendations, and they carried unanimously by acclamation.

- 4. Report of the Public Health Committee Meeting of August 9, 2004.** Ms. Weiner reported that the Committee reviewed the issue of the District’s role in indoor air quality (IAQ) and adopted recommendations urging that multi-agency public meetings on IAQ be held in the Bay Area and that the District sponsor a scholarship for graduate student study of the issues. The Committee reviewed a recent California Air Resources Board (CARB) draft IAQ report as well as minutes of Dr. Jed Waldman’s presentation on IAQ to the Advisory Council on May 12, 2004. Jack Broadbent, Executive Officer/APCO, noted that while the District lacks authority to establish ambient IAQ standards, there is an exchange between indoor and outdoor air that requires further exploration from a regulatory viewpoint. There was brief discussion on the extent to which people may receive their highest exposure to ozone in indoor environments, or whether, due to surface area, indoor concentrations of ozone might ultimately prove to be comparatively low.

Chairperson Blake called for public comment and the following individuals came forward:

Jim Hussey
Marina Mechanical
San Leandro, California

noted that “unintended pressurization” in buildings due to leaking duct work, failed cabling seals and cavities in walls can impact IAQ through pressure differential between interior and exterior of the building. He presented the November 2002 magazine of the *American Society of Heating, Refrigerating and Air-Conditioning Engineers* featuring several topical articles on IAQ, and offered to share the research and experience of his industry on IAQ with the Advisory Council.

Patrick Pico
Sheetmetal Workers Local 104
San Jose, California

stated that his union sponsored courses for 6,000 journeypersons that install, service and maintain HVAC systems. He presented the “Final Report of the National Center for Energy Management and Building Technologies Task 2: Under Floor Air Distribution (UFAD) – Results of Seminars,” dated January 2004 – July 2004, and offered to work further with the Council regarding IAQ.

Mr. Dawid inquired about regulatory authority over indoor air quality in apartment complexes. Dr. Bornstein noted that in some buildings at San Jose State University that house science departments, the effluent from chemistry laboratory hoods returned into the building through the intake vents.

Staff complaints were filed with the Occupational Safety & Health Administration. Mr. Shanahan observed that emergency standby generators are often installed next to air intake systems. The Council members noted that these remarks illustrate the importance of reviewing the IAQ issue and the various types of exchange between indoor and outdoor air. Mr. Kurucz observed that it is unclear how the District should intercede in this field if it is primarily an architectural issue. Chairperson Blake replied that this is why it would be helpful and informative to hold workshops with other agencies and explore the various jurisdictional issues, as the Committee recommends.

Chairperson Blake called for a vote on the recommendation and it carried unanimously by acclamation.

OTHER BUSINESS

5. Report of the Executive Officer/APCO. Mr. Broadbent:

- encouraged the Council members to participate in the community outreach meetings on the District's OCS. The Community Air Risk Evaluation (CARE) program, which the Council has reviewed, will also be presented in these community meetings.
- stated that a rule on wastewater operations at refineries will be presented to the Board on September 15, 2004 in a public hearing.
- reported that today is a Spare the Air day, the fourth of this season and the second day on which free commute will be offered as part of the Spare the Air program. Data from a survey of over 500 people revealed that 9% avoided a trip and 7% curtailed other pollution generating activities due to the Spare the Air program. The free bus service in the Livermore/Amador Valley indicated an 8% increase in ridership. There is a segment of the Bay Area population that, if provided with transportation choices, will take actions to help the environment.

In reply to Council member questions, Mr. Broadbent stated:

- The recently signed state budget entails a 10% rather than 25% reduction in property tax revenues to the District. The District should be able to manage this shortfall with salary savings from unfilled positions and adjustments in operating program allocations. The District will face the same 10% loss in property tax revenues next fiscal year.
- Free transit on Spare the Air days is provided throughout the Bay Area despite the fact that some areas within the region have greater ozone problems than others. The air from Millbrae during the morning commute transports intra-basin to form ozone in the East Bay; therefore, transportation behavior throughout the region is interconnected. This approach features an episodic type of control measure that is tailored toward the summer ozone season with stagnant wind patterns. The cost-effectiveness criteria may differ from other control measures with year-round applications, and its success depends on the cooperation of Bay Area citizens.

6. Resolution Concerning Aspects of the California Performance Review (CPR) Commission of Relevance to Air Quality. Mr. Dawid presented his "Draft Resolution by the Advisory Council of the Bay Area Air Quality Management District to Retain Independence of California Air Resources Board" dated August 19, 2004. The CPR proposes to replace CARB with a department under the Cal-Environmental Protection Agency (Cal-EPA) Department of Environment. Chairperson Blake noted that this resolution, if passed, will be presented to the Board's Legislative Committee.

Mr. Hayes suggested that the memorandum reflect that the position of support for CARB should be from the District's governing board. Chairperson Blake indicated that in the resolution the "Therefore" clause could be changed to reflect "recommends that the Board of Directors..." In discussion, many Council members proffered support for retaining CARB's independence. Messrs. Altshuler and Glueck suggested that the Council instead resolve to support whatever staff position is adopted, rather than adopt a separate resolution on this issue. Mr. Hayes proposed the following language to replace the final paragraph of the text: "And whereas, the Advisory Council resolves that we believe it to be in the best interest of the air districts and all the people in the Bay Area and throughout California that the CARB remain an independent board. Therefore, we recommend that the Board consider adopting a motion of support for the continuation of the CARB as an independent board."

Dr. Bedsworth noted that in some of the small bullet points there are some minor factual matters that required fixing, such as the fact that the Smog Check program is not solely under CARB's jurisdiction but is under the Bureau of Automotive Repair (BAR). Chairperson Blake stated these minor edits/changes can be made without changing the substantive thrust of the recommendation.

Dr. Bornstein stated that he favors the resolution but feels insufficient time has been given to discuss all the issues. He moved that it be tabled; seconded by Mr. Altshuler. The motion failed 6-9 by a show of hands with the following vote:

Ayes: Altshuler, Bramlett, Bornstein, Glueck, Kurucz, Shanahan

Noes: Bailey, Blake, Bedsworth, Brazil, Dawid, Holtzclaw, Torreano, Weiner, Zamora

In reply to a question by Dr. Bornstein, Chairperson Blake clarified that the Board's Legislative Committee is expected to meet on this issue in October; hence, an interest in the Council addressing the issue at today's meeting.

Chairperson Blake called for a vote on the resolution, as amended by Mr. Hayes, and it carried 13-2 by a show of hands:

Ayes: Altshuler, Bailey, Blake, Bornstein, Bedsworth, Brazil, Dawid, Holtzclaw, Kurucz, Shanahan, Torreano, Weiner, Zamora.

Noes: Bramlett, Glueck.

Chairperson Blake called attention to another aspect of the CPR recommendations and presented her draft memorandum of September 8 entitled "Resolution by the Advisory Council to support streamlined permitting that incorporates public participation and protection of the public's health." Noting that she would not call for a Council vote on the text due to time constraints, for the Council's information she said the text states that the Council takes note of the CPR section entitled "RES14 Streamline Permitting to Reduce Petroleum Infrastructure Bottlenecks" and reaffirms the Council's support for an efficient permitting process that incorporates meaningful public participation and public health protection as a principal goal. She added that she would append another clause to read "and recommends engagement by the District in any policy-making activities that may occur based on this section."

Ms. Bailey responded that she opposes RES14 because it would curtail public comment in permitting and sacrifice public health and the environment for less expensive gasoline. Allowing oil

company consultants to give advice to permit reviewers is also problematic. Chairperson Blake suggested the Council wait to receive a report on the discussion of this matter by the Board Legislative Committee before pursuing this further.

- 7. Air & Waste Management Association (A&WMA) Annual Exhibition & Meeting.** Mr. Kurucz noted that a study was introduced concerning the Forest Park area of Portland where organic pollutants were speciated and traced from downtown back to their source. The study was well-done and reasonably priced at \$40,000 over a two-month period. This type of approach might be considered in the Council's approach to the issue of optical fence line monitoring at refineries. Also, the issue of replacing airport construction and diesel equipment was evaluated, along with a study of the impacts of reducing the speed limit for trucks from 65 to 55mph. Mr. Kurucz suggested the papers are worth studying and could provide guidance on Council work plan topics. Mr. Altshuler added that the keynote address was on sustainability, while last year it concerned the sequestration of CO₂. The scope of focus of A&WMA appears to be expanding.

- 8. Report of Advisory Council Chair.** Chairperson Blake stated that the Executive Committee noted that the Council has completed almost all of its work plan topics adopted for this year and is now beginning to review the long-term issues. The next Committee meetings may contain an item in which Council members may reflect on how to improve offering the Council's expertise to the staff and Board. Staff will be asked for comments on this as well. She inquired of Council members as to their attendance at the upcoming OCS community meetings. The following was indicated:
 - Richmond – September 23: Blake, Brazil
 - Petaluma – September 22: Hanna
 - Richmond – September 9: Blake, Brazil
 - San Jose – September 29: Dawid, Zamora, Kurucz, Torreano
 - Oakland – September 30: Kurucz, Bedsworth, Bailey, Bedsworth, Brazil
 - San Francisco – October 13: Weiner, Bramlett, Holtzclaw, Shanahan, Hayes
 - Livermore – October 14: Altshuler, Glueck
 - Martinez – October 21: Altshuler, Blake, Brazil

- 9. Council Member Comments/Other Business.** Ms. Bailey noted that on October 14, 2004 CARB will sponsor a study session on its air quality/land-use handbook. On September 9, 2004 the National Resources Defense Council will issue a report on cleaning up pollution at port facilities.

- 10. Time and Place of Next Meeting.** 10:00 a.m., Wednesday, November 10, 2004, 939 Ellis Street, San Francisco, CA 94109.

- 11. Adjournment.** The meeting was adjourned at 12:25 p.m.

James N. Corazza
Deputy Clerk of the Boards