

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, March 10, 2004

- 1. Call to Order – Roll Call.** 9:12 a.m. Quorum Present: Elinor Blake, Chairperson, Louise Bedsworth, Ph.D., Harold Brazil, William Hanna, Linda Weiner, Brian Zamora. Absent: Kraig Kurucz.
- 2. Public Comment Period.** None.
- 3. Approval of Minutes of November 12, 2003.** Mr. Hanna moved approval of the minutes; seconded by Ms. Weiner; carried unanimously.
- 4. Standing Committee Chair Reports on Committee Work Plans.** Ms. Weiner stated that the Public Health Committee met on February 23 and received presentations on cumulative risk assessment and the precautionary principle from Amy Cohen and Ken Kloc of the Golden Gate School of Law Environmental Justice Clinic (ELJC), and Cindy Tuck of the California Council on Environmental and Economic Balance (CCEEB). The issues discussed included proposals that the District conduct cumulative rather than incremental risk assessment, lower the threshold of acceptance of risk, shift the burden of proof regarding health protection from the public to the facility requesting the permit, and the resulting impacts on business and the economy.

District staff also recently met with the community members regarding conducting a pilot study to gather air quality data within a neighborhood in the Bay Area that is considered to have a high cumulative risk. The Committee will provide comments on these issues to the staff and Board within the next few months. Other issues on the Committee's work plan this year include a response to the update of the Ozone Attainment Plan (OAP), the completion of recommendations on optical fence line monitoring at Bay Area refineries, and a review of indoor air quality issues.

Mr. Hess noted that the District's proposed Toxics New Source Review (TNSR) rule has been workshopped and is now in the public comment phase. The rule will be presented to the Board in the late summer after the California Environmental Quality Act (CEQA) review process has been completed. Comments from the Council on the TNSR program would be timely received by July. At a future meeting, staff would like to present to the Committee for its review a comprehensive air toxics plan, which staff is presently reviewing for both scope and cost considerations.

Dr. Bedsworth stated that the Technical Committee is presently reviewing the update to the OAP and received a presentation from staff in February regarding its review of control measures in the attainment plans of South Coast and San Joaquin Valley air districts for possible inclusion in the District's strategies. If the Environmental Protection Agency Region IX finds the last three years' of monitoring data to constitute an attainment record, a maintenance plan will instead be required.

The Committee will meet jointly with the Air Quality Planning Committee on April 6 to review the pending OAP update in light of further staff review of control measures proposed for inclusion in it. The Committee will review current mobile source emission modeling at its June meeting. The Committee's review of NOx emission reduction strategies in the District will take place in August when the modeling for the ozone attainment plan has been completed. Mr. Hess noted that the mobile source emission inventory may be underestimated by a factor of three, and the Committee's choice to review this subject is timely. Dr. Bedsworth added that estimates in the model of the total number of T1 and T2 passenger vehicles in the state may also be underestimated. Mr. Hess requested Dr. Bedsworth to attend meetings of the Modeling Advisory Committee. The District is encouraging the California Air Resources Board to review and correct the mobile source inventory.

Mr. Hess noted that in July and September the Council can deliberate on its recommendations on the District's ozone strategies, which will be presented to the Board for adoption in October. The ozone strategies will collectively address the one-hour federal and one-hour state standards, and provide the basis for the first step of filing for attainment of the federal eight-hour standard.

Mr. Brazil stated the Air Quality Planning Committee met on February 24 to receive and discuss a staff presentation on pending control measure review. The Committee members offered a number of suggestions concerning transportation control measures, funding criteria for pedestrian and bicycle facilities and projects, the identification of passenger vehicle emissions, the impact of vehicular speed on vehicle emission generation and the impacts of strategies to reduce volatile organic compound emissions from architectural coating operations. The Committee will meet jointly with the Technical Committee in April to discuss the staff's review of control measures for inclusion in the District's ozone strategies. The Committee will devote the first half of the year to reviewing the ozone strategies for the state and federal plans, and proceed thereafter to other topics on its work plan. Mr. Hess noted that after mid-year the staff can give a presentation to the Committee on the status of the state's vehicle Inspection & Maintenance (I&M) program and other mobile source emission reduction programs with which the District is associated.

Ms. Weiner requested that the list of Council work plan topics be amended by adding a topic discussed at the January 14 Retreat regarding the identification of communities that are disproportionately impacted by air pollution. Public Health Committee member Diane Bailey has recently published a paper on construction sites and air pollution at marine port facilities.

- 5. Discussion of Follow-up on Council Recommendations.** Chairperson Blake noted that members of the Council have inquired about what happens over time to recommendations that the Council has adopted and forwarded. The Deputy Clerk reviewed his proposal for tracking Council recommendations from Committee to the Council, and then to the Board and/or staff. Mr. Hanna suggested using folders identified by a numbering system for recommendations with the year in which the topic began to be studied, i.e., 04-1. The file could include a timeline identifying when the topic was reviewed in Committee, when it emerged out of a Committee to the Council, and then from the Council to the Board, staff and/or elsewhere. All the relevant information would be included in the folder, such as minutes, and dates of when it was adopted, subsequently forwarded, etc. Chairperson Blake noted the Council also has a template for issuing its reports from Council Committee to the Council, and then to the Board. It includes a citation of background information considered, but this does not include whether the recommendations that go to the Board or staff are accepted and then further transmitted. Ms. Weiner observed that tracking Council recommendations would further assist the Council in evaluating how the advisory process works.

Chairperson Blake opined that the record-keeping now in place might be sufficient but may need an additional component in which items recommended to staff and the Board could be flagged. Mr. Hanna observed that the Council's records end with a presentation to the Board, and it would be worthwhile to find out how the recommendation was received, if it was acted on, and why or why not. Mr. Hess noted that some of the Council's recommendations from last year on vehicle I&M required legislation, while others were referred to the I&M Review Committee, which has not recently been convened. Chairperson Blake indicated that such information is precisely the kind of feedback the Council is seeking. She noted that there is a consensus on the Committee as to the need for a tracking process and that she would work further with the Deputy Clerk on it.

- 6. Discussion of Scheduling a Tour of the District Facility for New Council Members.** Chairperson Blake noted that on March 29, 2004 the Board Executive Committee would consider the recommendation from the Advisory Council's Applicant Selection Working Group regarding an appointment to the Architect category on the Council. If approved, this recommendation will be presented to the Board for approval on April 7. She requested the Deputy Clerk to contact the four newest members of the Advisory Council, and the new appointee, to arrange for a tour of the District facility. Mr. Hanna stated this most recent round of application screening and subsequent interviews was one of the best he had experienced as a member of the Applicant Selection Working Group given the consistently high caliber of the candidates. The targeted transmittal of the advertisement soliciting applications to Bay Area architectural networks by the Clerk's Office produced an outstanding group of candidates.
- 7. Committee Member Comments/Other Business.** There was none.
- 8. Time and Place of Next Meeting.** 9:00 a.m., Wednesday, May 12, 2004, 939 Ellis Street, San Francisco, California 9419.
- 9. Adjournment.** 9:58 a.m.

James N. Corazza
Deputy Clerk of the Boards