

# **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Approved Minutes: Advisory Council Regular Meeting and Retreat– January 12, 2005

## **CALL TO ORDER**

Opening Comments: Chairperson Zamora called the meeting to order at 10:00 a.m.

Roll Call: Present: Brian Zamora, Chair, Cassandra Adams, Sam Altshuler, P.E., Diane Bailey, Elinor Blake, Bob Bornstein, Ph.D., Jeffrey Bramlett, Harold M. Brazil, Irvin Dawid, Emily Drennen, Fred Glueck, William Hanna, Stan Hayes, John Holtzclaw, Ph.D., Kraig Kurucz, Ph.D., Norman Lapera, Kevin Shanahan, Jr., Victor Torreano, Linda Weiner.

Absent: Louise Bedsworth, Ph.D.

**PUBLIC COMMENT PERIOD:** There were no public comments.

## **CONSENT CALENDAR:**

1. **Approval of Minutes of November 10, 2004.** Mr. Glueck requested that “If implemented” be inserted prior to “the program” on paragraph two on page six. Mr. Torreano moved approval of the minutes as corrected; seconded by Mr. Glueck; carried unanimously.

## **RETREAT FORMAT:**

### **2. Mission of the Advisory Council**

#### **A. Role of the Advisory Council.** Chairperson Zamora:

- reviewed California Health & Safety Code Section 40260, the District’s Administrative Code Division I - Operating Policies and Procedures, and “The Advisory Council and Public Agency Working Together” – a paper jointly authored in 1990 by District Deputy APCO Peter Hess and former Advisory Council member John Lagarias. He noted these provide a statutory and administrative base for the Council, along with a fine historical overview of the Council. Last year the Council adopted a process for tracking its recommendations, and this year the process will be made more routine and possibly part of each Regular meeting agenda packet.
- stated the Council Executive Committee will build infrastructure on the role of the Council, update the Council’s By-Laws, develop a fresh mission statement for the Council as well as a Code of Conduct for Advisory Council members which takes into account that the Council speaks as a single body in proffering advice to the staff and/or Board. The Deputy Clerk will research whether other air district have comparable codes for their Advisory Council.
- Chairperson Zamora welcomed new Advisory Council member Cassandra Adams who was recently appointed by the Board of Directors to the Architect category on the Council.

**B. Expectations for the Advisory Council.** Jack Broadbent, Executive Officer/APCO, stated that the governing Board values the Council's role in providing input and advice, and the District staff perceives the Council as a body of experts that researches issues and provides input to staff. There are key issues related to ozone attainment, the new standards for particulate matter (PM), toxic air contaminants and the Community Air Risk Evaluation (CARE) program that will assess localized exposures and guide the allocation of Carl Moyer funds. Climate change and indoor air quality issues are also on the near horizon for Council analysis. Staff sees the Council as advising on broad issues and not the District's day-to-day operations. With regard to the role of the Council, the relationship of individual Council members to staff and the Board, and a possible Code of Conduct for the Council, staff is available to work with the Council members in these areas.

**C. Brown Act Refresher.** Brian Bunger, District Counsel, stated that the Brown Act requires that the meetings of the Advisory Council, governing Board and Hearing Board be open to the public. In order to conduct business, agendas must be posted so that the public can view them; and decision making must occur in an open forum. Agenda packet materials and copies of presentations must be available at the meetings. Sign-in sheets may be provided to the public, but signing them is not mandatory. While the Council does not have the ability to meet in Closed Session, the governing Board does so that it may discuss litigation, personnel issues national security matters.

The Brown Act also prohibits conducting serial meetings in which members individually reach agreement in turn outside a formal meeting context. While a member of the public that is on the agenda as a guest speaker may participate fully in the discussion of the presentation, members of the public who address a specific agenda item are limited to filling out a speaker card and address the Council for a limited period of time. Thereafter their participation in discussion should be limited either to answering clarifying questions or providing brief comments.

The Brown Act also requires that agendas be posted a minimum of 72 hours prior to a meeting. The District posts agendas on the front door of the building, in the first and seventh floor lobbies, and on the Internet. Issues not on the agenda may not be discussed, except to provide direction to staff, agendize an item for a future meeting, or direct specific research. There are narrow exceptions for "emergency items" —such as a work stoppage, a crippling disaster, or other public health events—but these require a determination that an emergency exists. A majority of the Council must decide an emergency exists and two-thirds of the Council must vote to put it on the agenda. If two-thirds of the Council is not present, then the vote must be unanimous among those present. The emergency issue must also have come to the District's attention after the agenda was posted.

The Council's standing committees are subject to the Brown Act. Ad hoc committees formed for special purposes—such as the Applicant Selection Working Group—are exempted from it. Advisory Council members may share information by e-mail or regular mail so long as it is not part of a decision-making process or amounts to an exchange of issues on an agenda item.

### **3. Round Table Discussion with District's Management on Key Issues Facing the District and Assignments Proposed by District Staff**

Mr. Broadbent presented his January 11, 2005 memorandum entitled "Potential Candidate Assignments from the Executive Officer/APCO" which set forth five areas of study for the Advisory Council as recommended by District staff, as follows:

- A) **Indoor Air Pollution** - While the Air District does not have direct authority, 50% of indoor air pollution originates outdoors, and from an exposure perspective, people are indoors 80-90% of the time. The Executive Officer/APCO is requesting the Advisory Council to explore the possible roles for the District regarding indoor air pollution. – Suggested Committee lead: Public Health.
- B) **Climate Change and Green House Gases** – With the action last year by the California Air Resources Board, the issue of what the Air District can be doing in regard to Global Warming is appropriate for the Advisory Council to review. The Executive Officer/APCO is requesting that the Advisory Council review how the Air District could position itself, under existing authority, to address Greenhouse Gases and Global Warming Issues. - Suggested Committee leads: Technical and/or Air Quality Planning.
- C) **Continued Clean-Up of Existing Diesel Sources** – There is expanded funding for Carl Moyer and other grant programs, this coupled with diminishing emission returns from replacement of conventional technologies with alternative technologies because new conventional technologies (vehicles, engines, etc.) are becoming much cleaner and are changing the cost effectiveness of existing grant programs. The Executive Officer/APCO is requesting that the Advisory Council review the incentive based clean-up programs and recommend areas where the program could be expanded and/or focused on more cost effective options. – Suggested Committee leads, Technical and/or Air Quality Planning.
- D) **Hydrogen Highway Blueprint** – The State has will soon unveil the Hydrogen Highway Blueprint as a road map to the future. The Executive Officer/APCO requests that the Advisory Council explore the Hydrogen Highway Blue Print and advise how the District can partner with the State in the endeavor. – Suggested Committee lead: Air Quality Planning.
- E) **Community Air Risk Evaluation (CARE) Program** – The District has embarked upon a multi-year Community Air Risk Evaluation program. The Executive Officer/APCO requests that the Advisory Council track the progress of the program and provide input as appropriate. – Suggested Committee leads: Public Health and Technical.

Noting that District programs and future challenges have been reviewed by staff and were discussed at a Board retreat last year and at an All-Hands meeting with staff this year, Mr. Broadbent stated:

- a) The District will continue to closely monitor the state budget situation for future fiscal years.
- b) The continuing transition of the District’s computer system from the older Databank program to newer systems is the major expenditure apart from personnel costs, and will focus on integrating the production processes in the Enforcement and Engineering Divisions.
- c) The Cost Recovery Study is underway will address the District’s permit fee structure. The Governor signed key legislative initiatives last year that will fund the District’s grant program well into the future and transmit \$20 million annually to the District for allocation to various emission reduction programs, most of which will deal with heavy-duty diesel. The larger air districts that do not meet attainment receive more funds than those air districts that do, thereby penalizing the latter. The District is working with other air districts and will introduce legislation to correct this disparate treatment in funding allocation.
- d) The District is creating an advisory committee for the CARE program that will have broad representation from diverse groups.

- e) The District has been asked to participate in a state initiative on the use of hydrogen as a fuel for mobile sources. Staff requests the Council's input on the kind and extent of participation in such an effort.
- f) Over 40 public meetings have been held on the 2005 Ozone Strategy, which contains 38 control measures. The document is under public comment and represents a blueprint for future rule-making. An important element concerns pollutant transport to downwind districts. The District is in the process of developing control measures for fine particulate matter.
- g) Last year the Council began its investigation into the field indoor air quality management, and this should be continued this year as part of a continuing policy dialogue at the District. The Council last year recommended the District hire an indoor air quality intern. What is the District's role in this field, and how can District programs be integrated with indoor air quality? What would a District indoor air quality program look like? Mr. Broadbent opined that counties are in a better position than the District to promulgate standards for indoor air quality. Nevertheless, the public does not perceive a distinction between air quality management outside or inside the home. There are growing concerns over Bay Area asthma rates and particularly in the Bayview Hunters Point area. This represents a challenge for the District.
- h) There are some areas of investigation underway at the District into further rule-making concerning refinery operations, including a flare control rule.
- i) There are continuing efforts at the state level to clean up diesel engines, especially in construction equipment and off-road applications. There is an ongoing debate in California to require operators of diesel equipment to buy or purchase the cleanest vehicle available. Fleet rules have been adopted in the South Coast AQMD. Can this be expanded to other air districts? Some concern has also been raised in the meetings of the Board Mobile Source Committee about how to further encourage, or require, school bus operators to clean up school bus fleets.
- j) Given the adoption of the Pavley bill establishing carbon dioxide (CO<sub>2</sub>) emission standards, the District needs to play a role in the issue of climate change. Increasing global temperatures are also linked with ozone exceedances. As temperatures rise the potential increases to erode progress in reducing ozone excesses. Staff requests that the Council study and offer advice on how the District should move forward in this area.

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

- Urban heat island mitigation strategies can play a part in the effort to reduce temperatures in urban settings, thereby helping to reduce the rate of ozone exceedances as well. Energy conservation will not only reduce global warming but also emissions of nitrogen oxide (NO<sub>x</sub>).
- The list of proposed candidate assignments for the Council does not contain the 2005 Ozone Strategy as the Council offered advice on that last year. Staff will nevertheless provide updates as necessary as the document goes through public and environmental review.
- Regarding a schedule for topic review, comments on the CARE program and diesel clean-up are on-going, while climate change issues would be desirable in the first-half of the year.
- The EPA may replace the 1-hour ozone standard with an eight-hour standard. Staff will keep the Council informed as to the disposition of the former.
- The District is not a "first responder" in episodic release events, and does not perform plume modeling in real-time.

4. **Convene to Working Lunch for Meetings and Discussion Sessions of the Public Health Committee, Air Quality Planning Committee and Technical Committee.** The Council convened into Standing Committee format at 11:55 a.m.
5. **Reconvene to Full Council Format for Follow-up on Committee Discussion Sessions.** The full Advisory Council reconvened at 1:04 p.m. The Standing Committees reported out as follows.

Air Quality Planning Committee. Dr. Holtzclaw stated that climate change, diesel clean-up and the hydrogen highway blueprint would constitute the Committee's work plan. The state is expected to issue a draft plan on the hydrogen highway blueprint this month. The Committee could schedule a guest speaker from the state to provide a presentation on it. The AQPC will coordinate with the Technical Committee on the other two candidate assignments. AQPC meetings will convene in the mornings of February 9, April 13, June 8, August 10, October 12 and December 12.

Technical Committee. Mr. Hayes stated that the CARE program will be the first priority, climate change the second, followed by diesel clean-up, the transition to the eight-hour ozone standard and the problem of inter-basin ozone transport. The Committee will also examine if there is a technical nexus between ozone concentrations and greenhouse gas emissions, both in stationary source emissions and fuel choices. The Committee will initially want to receive a staff presentation on the current status of the CARE program. It will also discuss climate change and where it can weigh in on the issue and identify practical and attainable goals by the first part of the year. Subsequently, the Committee will invite a guest speaker to talk about key aspects of greenhouse gas and climate change problems. Speakers may be invited from the California Climate Action Network—which is a voluntary registry for greenhouse gases—as well as Stanford University, which sponsors a major greenhouse gas climate change program. The Committee also believes that diesel clean-up and the CARE program are inter-related in several respects. The Committee's first meeting will be held in early February.

Public Health Committee. Mr. Torreano stated the Committee will meet at 1:30 p.m. every third Monday of the even numbered months, except for February, as follows: February 15, April 18, June 20, August 15, October 17 and December 19. The Committee will address indoor air quality and assess the scope of the issue and different agency jurisdictions at the municipal, county, state and federal level. It may also sponsor a stakeholders' forum for the discussion of indoor air quality issues. The Committee will review the dynamics of community outreach associated with indoor air quality, and will also address the CARE program and review any policies coming out of that program.

#### **COMMENDATION/PROCLMATION:**

6. **Recognition of Outgoing Chairperson Elinor Blake.** Chairperson Zamora stated that Ms. Blake set a robust agenda for the Council last year and accomplished everything on it. Toward the end of her term as Chair, she also asked the Council members to evaluate the accomplishments for the year.

#### **OTHER BUSINESS:**

7. **Council Member Comments/Other Business.** Mr. Dawid commended staff for including the Joint Policy Committee on the Monthly Calendar of District Meetings. Mr. Broadbent noted that the Governor has expressed interest in seeing former District Board member Sunne Wright McPeak participate on the Joint Policy Committee. Messrs. Shanahan and Zamora thanked the management and Clerk's Office staff for their professionalism and support of the Council over the years.

**8. Time and Place of Next Meeting.** 10:00 a.m., Wednesday, March 9, 2005, 939 Ellis Street, San Francisco, CA 94109.

**9. Adjournment.** The meeting was adjourned at 1:30 p.m.

*James N. Corazza*

James N. Corazza  
Deputy Clerk of the Boards