

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Approved Minutes: Advisory Council Regular Meeting – July 13, 2005

CALL TO ORDER

Opening Comments: Chairperson Zamora called the meeting to order at 10:13 a.m.

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

Absent: Sam Altshuler, P.E., Louise Bedsworth, Ph.D., William Hanna.

PUBLIC COMMENT PERIOD: There were no public comments.

CONSENT CALENDAR:

1. **Approval of Minutes of March 9 and May 11, 2005.** Mr. Glueck moved approval of the March 9 minutes; seconded by Mr. Torreano; carried unanimously. Mr. Glueck moved approval of the May 11 minutes; seconded by Ms. Bailey; carried unanimously.

PRESENTATION:

2. **Mobile Source Incentive Program.** Juan Ortellado, Grants Manager, Planning Division, stated that on-road motor vehicles are the most significant sources of ozone precursors and particulate matter (PM) in the San Francisco Bay Area. The Bay Area's Clean Air Plan contains transportation control measures that aim to reduce vehicle miles traveled and vehicle trips, as well as mobile source measures which encourage the retirement of older, more polluting vehicles. The Transportation Fund for Clean Air (TFCA) is the largest and best known grant program in the District. Since 1992, it has imposed a \$4 fee for vehicle registration. To date the District has allocated \$300 million to over 1,600 projects. The additional \$2 vehicle registration surcharge approved recently by the state Legislature is not allocated to the TFCA but instead to the Mobile Source Incentive Fund.

Of the TFCA's \$21 million, 60% will be allocated to the "regional fund" and 40% to the "program manager" fund. Only public entities, or private entities that provide essential public services, are eligible for TFCA funds. The Regional Fund allocates money based on a competitive process which evaluates, ranks and scores projects. A cost-effectiveness threshold of \$90,000 per ton of pollutant is required to be eligible for funding. The Program manager funds are allocated by the Congestion Management Agencies in each county, and public agencies can apply within their counties. The amount of available funds varies in each county. Program managers adopt their own criteria for evaluating projects. The District's Governing Board must approve the projects proposed in Program Manager Expenditure Plans. These are due for submittal to the District by the end of April. The Regional and Program Manager fund is audited once every two years.

Programs funded by the TFCA include several programs:

- The *Vehicle Incentive Program*, which began in FY 1999-2000, aims to streamline the process for awarding incentives to public agencies to obtain alternative fuel light-duty vehicles. The fund contains \$500,000 per year.
- The *Vehicle Buy-Back Program* provides \$650 per vehicle (usually 1985 or older), which must be roadworthy and registered as operable for three months prior to being scrapped.
- The *Solid Waste Collection Vehicle Incentive Program* is not permanent, but is presently open to public and private fleets and applies only to particulate matter reduction. It offers incentives to solid waste vehicle operators to purchase new natural gas vehicles or retrofit diesel filters that reduce NOx. For this purpose, \$1.5 million in TFCA funds, and \$2 million in Congestion Management Air Quality funds, have been made available.
- The state's *Carl Moyer Program* was created in 1998 and seeks to achieve near term NOx reductions from heavy-duty diesels. Its eligibility criteria now include particulate matter (PM) reductions and its cost-effectiveness threshold is \$13,600 per ton. It is jointly administered by CARB and the air districts, and both public and private entities may apply for funding. In the upcoming funding cycles \$2.5 million are available. To date, 80 projects have been funded. Recent legislation ensured a 10-year funding source for the program.
- The *Lower Emission School Bus* program funds new, cleaner school buses to replace existing diesel buses. Funding for this program derives primarily from the State of California, although some TFCA funds have been used for this program as well.
- The *Mobile Source Incentive Fund* was created by AB 923 and authorized an additional \$2 surcharge per vehicle registration. Funding collection began this April. The \$11 million that will be allocated through the District will be allocated to four specific project types: Carl Moyer program-like projects, lower emission school buses, accelerated vehicle retirement or repair programs, and agricultural projects. Both private and public entities will be eligible for funding.

In reply to questions, District staff replied as follows:

- The South Coast AQMD also splits Regional and Program Manager funds, although the formula is different from the District's. The \$2 per vehicle surcharge from the Mobile Source Incentive Fund is not split like the TFCA funds are. (Jean Roggenkamp, Deputy Air Pollution Control Officer)
- Of the 400,000 pre-1985 vehicles driven in the Bay Area, approximately 25,000 have been replaced. Regarding buses, 800 new buses have been purchased, 160 retrofitted and 30 received new engines. Brochures for the TFCA program were just recently distributed. (Ortellado)
- For the Carl Moyer Program and Lower Emission School Bus program, state guidelines require that 50% of the funds be used for projects in areas greater exposure to air pollution. (Ortellado)
- For the buy-back program for light duty vehicles, there are very specific requirements, including a survey for each person who sells the vehicle to the program. (Ortellado)
- Traffic counts are used to assess the cost-effectiveness of pedestrian and bike projects. (Ortellado)

- Staff has published in its annual report and uploaded to its website information on tons of specific pollutants that are saved and the percentage reduction of total emissions of a given pollutant. The conclusion is that ozone precursors and PM are being significantly reduced. (Roggenkamp)
- Although Carl Moyer funds are not being allocated to a MUNI diesel-hybrid electric buses, there is the potential for Moyer funds to be spend on transit operator projects. (Ortellado)
- The state's vehicle buy-back program will purchase a non-operating vehicle, and pay \$1,000 per vehicle, whereas the District's program will scrap only operable vehicles and pay \$650 for each. The District tracks legislation that concerns vehicle registration fees, even if the purpose of such fees is to be dedicated to projects with criteria that differ from those in the TFCA. (Roggenkamp)

PRESENTATION:

3. Report of the Executive Officer/APCO. Jack P. Broadbent, Executive Officer/Air Pollution Control Officer (APCO), stated:

- a) The District has adopted a new fee schedule that will shore up anticipated shortfalls identified in the Cost Recovery Study. The loss of \$1.6 million in county property tax revenues will continue this year, and retirement costs and medical insurance expenses will also be increased this year.
- b) A major effort to update the District's production system in permitting and enforcement activities is now in the design phase and will cost several million dollars to implement.
- c) There are pending discussions with EPA on the matter of approving Title V permit applications. The issues under review concern monitoring and reporting requirements.
- d) The District is looking to replace the radio system for its inspection.
- e) The penalties accrued under the compliance and enforcement system have netted significant revenues and collected \$1 million beyond the \$1.7 million anticipated in the previous budget.
- f) Efforts are underway to enhance the District's monitoring system, particularly under the CARE program and the Biowatch program.
- g) Enhanced public outreach is taking place this year regarding the Spare the Air Program with five days of free transit to be provided on Spare the Air days.
- h) To celebrate its 50th anniversary, the District held a Symposium in San Francisco last month. It featured former San Francisco Mayor Willie Brown, Professor Steven Schneider of Stanford University, former District Governing Board member Sunne Wright McPeak who is now a member of the Governor's Office, and former EPA Administrator Christine Todd-Whitman.
- i) The District's CARE is moving forward. Two meetings of its advisory group having been held.
- j) EPA revoked the 1-hour ozone standard on June 15 of this year.
- k) On July 20, the District's Board of Directors will hold a public hearing regarding the adoption of a refinery flare control rule. This follows the refinery flare monitoring rule which was implemented a few years ago and is the first of its kind in the country.
- l) The Council's resolution on climate change was adopted by the Board and was featured at the Symposium. A series of resolutions endorsing this approach were presented at the Symposium. The Board is interested in the Council's views and this showed excellent cooperation between the Council and the Board. The six-hour Symposium was filmed and is being edited for a DVD.

In reply to Mr. Torreano, Mr. Broadbent stated that the flare control rule was contained as a “further study measure” in the 2001 Ozone Plan, and the Council provided initial review through its initial review of measures contained in the Plan. As part of the rule-making process, staff has sought public input through the workshop process. Peter Hess, Deputy Air Pollution Control Officer, added that for the last 25 years staff has ceased placing regulations in front of the Advisory Council for review, and that it is important to meet statutory deadlines in the rule-making process. Gary Kendall, Technical Division Director, noted that staff did take the results of the flare monitoring rule before the Technical Committee and the Council and part of its inquiry with the Advisory Council was whether or not rule-making could be justified.

In reply to Dr. Bornstein, Mr. Broadbent stated that the District’s role in emergency response is as a secondary response support to primary responders—chiefly in providing technical support—which is fairly typical of most air pollution control agencies. Mr. Hess added that the District also has cooperative arrangements with Lawrence Livermore Laboratory for catastrophic situations. Chairperson Zamora stated the best approach is preventative. Dr. Bornstein observed that, at this writing, Lawrence Livermore Laboratory does not have the latest generation of models to evaluate plume dispersal in street canyons. Instead, all of its plume modeling focuses on rooftops. The newer models are becoming available, although the District does not engage in that scale of modeling. Mr. Broadbent added that the Federal Emergency Management Agency (FEMA) will take the lead in the event of a catastrophic release. It has some complex instructions in such a scenario and the District is a part of that if there is such a release.

Mr. Dawid stated that at the Symposium, Ms. McPeak had requested the District become involved in a comprehensive study that assesses whether ambient concentrations of pollution over a long period of time can be correlated with data in the cancer registry. Mr. Broadbent stated that the CARE program is heading in this direction in some of its approaches to evaluating areas with higher exposure to pollution. Ms. Bailey added that for cancer risk maps, the California Air Resources Board (CARB) has them and she could provide Advisory Council members with the website.

COMMITTEE REPORTS AND RECOMMENDATIONS

- 4. Joint Technical & Air Quality Planning Committee Meeting of June 8, 2005.** Dr. Holtzclaw stated that the Committees discussed staff reports on climate change, the CARE program and the Governor’s hydrogen highway blueprint. Recommendations may be forthcoming on these topics.
- 5. Public Health Committee Meeting of June 13, 2005.** Mr. Torreano stated that the Committee reviewed previous minutes of meetings at which indoor air quality (IAQ) was discussed. It is in the process of adding further recommendations to those adopted by the Council last year on IAQ. Dr. Bornstein suggested the Committee hear from Dr. Wayne Ott as he is a major expert in the IAQ field.
- 6. Executive Committee Meeting of July 13, 2005.** Chairperson Zamora stated the Committee met this morning to further review the proposed Code of Conduct, which will be presented for review by the full Council at its November Regular meeting. At the September Regular meeting, the Council will receive a presentation on public health from Dr. Richard Jackson.

OTHER BUSINESS

- 7. Approval of Revised Advisory Council By-Laws.** Chairperson Zamora stated the Executive Committee has been updating the Council’s By-Laws over its last several meetings, and the final draft of them is contained in the Agenda Packet.

Ms. Drennen requested that the gender-specific language in Article IV under Vice-Chair (“in ‘his’ absence” and “at ‘his’ request”) and in Article VI (“when ‘he’ attends Committee meetings”) be modified in such a way that it is not gender-specific. Dr. Holtzclaw moved adoption of the By-Laws with Ms. Drennen’s amendment; seconded by Mr. Hayes; carried unanimously. Dr. Bornstein requested that, in terms of typesetting, “ex officio” and “Robert’s Rules of Order” be italicized in the text, and the word “Second” revised to “second” where it refers to the Council’s meeting schedule.

- 8. Report of Advisory Council Chair.** Chairperson Zamora thanked Mr. Hayes for his presentation to the Board Executive Committee on climate change. He also announced that Mr. Lopera has resigned from the “Regional Park District” category, and inquired as to the status of the application process. The Deputy Clerk responded that the application period began June 15 and will end on July 15. The California Park and Recreation Service kindly provided 88 mailing labels for purposes of conducting a comprehensive, targeted mailing to park districts and agencies in the nine Bay Area counties.
- 9. Council Member Comments/Other Business.** Mr. Dawid raised a concern over the proliferation of diesel and hybrid automobiles. Chairperson Zamora suggested he start the discussion of the subject in the Air Quality Planning Committee. Ms. Bailey urged the District to consider other benchmarks for mobile source emission reduction programs beyond cost effectiveness, such as sensitive receptors that include school children and the elderly. School buses were separated from receipt of Carl Moyer funds as they could not successfully compete for Moyer funds on cost-effectiveness criteria alone. Also, two workshops on diesel emissions will be held in August. Lastly, a study was released today in Seattle that quantifies the economic costs of health impacts related to environmental pollution.
- 10. Time and Place of Next Meeting.** 10:00 a.m., Wednesday, September 14, 2005, 939 Ellis Street, San Francisco, CA 94109.
- 11. Adjournment.** The meeting was adjourned at 11:52 p.m.

James N. Corazza

James N. Corazza
Deputy Clerk of the Boards