



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

**ADVISORY COUNCIL  
REGULAR MEETING & RETREAT  
AND  
MEETING OF THE PUBLIC HEALTH COMMITTEE  
MEETING OF THE AIR QUALITY PLANNING COMMITTEE  
MEETING OF THE TECHNICAL COMMITTEE**

**WEDNESDAY  
JANUARY 11, 2006  
10:00 A.M.**

**SEVENTH FLOOR BOARD ROOM  
939 ELLIS STREET  
SAN FRANCISCO, CA. 94109**

**AGENDA**

**CALL TO ORDER**

Opening Comments

Kraig Kurucz, Chairperson

Roll Call

Clerk

Introduction of New Advisory Council Member

Kraig Kurucz, Chairperson

**PUBLIC COMMENT PERIOD**

*Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3. The public has the opportunity to speak on any agenda item. All agendas for Advisory Council meetings and Committee meetings are posted at the District, 939 Ellis Street, San Francisco, at least 72 hours before a meeting. At the beginning of the meeting, an opportunity is also provided for the public to speak on any subject within the Council's or Committee's purview. Speakers are limited to five minutes each.*

**CONSENT CALENDAR**

1. Approval of Minutes of November 9, 2005

**COMMITTEE REPORTS**

2. Executive Committee Meeting of January 11, 2005

Kraig Kurucz

## **RETREAT FORMAT**

### 3. Mission of the Advisory Council

#### A. Role of the Advisory Council

Kraig Kurucz

1. California Health & Safety Code
2. Bay Area AQMD Administrative Code
3. The Council and the Public Working Together
  - *Joint Paper by Deputy APCO Peter Hess and former Advisory Council Chair and former California Air Resources Board member John Lagarias*
4. Advisory Council Code of Conduct

#### B. Staff Expectations for the Advisory Council

Jack P. Broadbent

#### C. Brown Act Refresher

Brian C. Bunger

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

Jack P. Broadbent

### 5. Convene to Working Lunch for Meetings and Discussion Sessions of the Public Health Committee, Air Quality Planning Committee and Technical Committee

*The Council will participate in a working lunch/Standing Committee format in which each Committee will separately meet to discuss and give priority to the study topics discussed by the Executive Committee, District staff and the Council members. The Committees will also establish a meeting schedule for the year.*

### 6. Reconvene to Full Council Format for Follow-up on Committee Discussion Sessions

*The Advisory Council will reconvene to receive the reports of the Standing Committees on their study topic priorities and meeting schedule, and to conduct any further round table discussion concerning them.*

## **COMMENDATION/PROCLAMATION**

### 7. Recognition of Outgoing Chairperson Zamora

Kraig Kurucz

## **OTHER BUSINESS**

### 8. Council Member Comments/Other Business

*Council or staff members on their own initiative, or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on their own activities, provide a reference to staff about factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda.*

9. Time and Place of Next Meeting

*10:00 a.m., Wednesday, March 8, 2006, 939 Ellis Street, San Francisco, California 94109.*

10. Adjournment

BZ:jc

**CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET SF, CA 94109**

**(415) 749-4965**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given in a timely manner, so that arrangements can be made accordingly.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109**  
**(415) 771-6000**

**CLERK OF THE BOARDS OFFICE:**  
**MONTHLY CALENDAR OF DISTRICT MEETINGS**

**JANUARY 2006**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> ( <i>Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month</i> )	Wednesday	4	9:45 a.m.	Board Room
<b>Board of Directors Legislative Committee</b> ( <i>At the Call of the Chair</i> )	Monday	9	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>CANCELED</b>				
<b>Advisory Council Executive Committee</b>	Wednesday	11	9:00 a.m.	Room 716
<b>Advisory Council Regular Meeting and Retreat</b>	Wednesday	11	10:00 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> ( <i>Meets 2<sup>nd</sup> Thursday each Month</i> )	Thursday	12	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Regular Board Meeting &amp; Retreat</b> ( <i>Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month</i> )	Wednesday	18	9:00 a.m.	Waterfront Plaza Hotel Regatta Room Jack London Square Ten Washington Street Oakland, CA 94607
<b>Joint Policy Committee</b>	Friday	20	10:00 a.m. – Noon	MetroCenter Auditorium 101 8 <sup>th</sup> Street Oakland, CA 94607
<b>Board of Directors Public Outreach Committee</b> ( <i>Meets 4<sup>th</sup> Monday every other Month</i> )	Monday	23	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> ( <i>Meets 4<sup>th</sup> Wednesday each Month</i> )	Wednesday	25	9:45 a.m.	4 <sup>th</sup> Floor Conf. Room

**FEBRUARY 2006**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> ( <i>Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month</i> )	Wednesday	1	9:45 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> ( <i>Meets 2<sup>nd</sup> Thursday each Month</i> )	Thursday	9	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> ( <i>Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month</i> )	Wednesday	15	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> ( <i>Meets 4<sup>th</sup> Wednesday each Month</i> )	Wednesday	22	9:45 a.m.	4 <sup>th</sup> Floor Conf. Room

## MARCH 2006

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> ( <i>Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month</i> )	Wednesday	1	9:45 a.m.	Board Room
<b>Advisory Council Executive Committee</b>	Wednesday	8	9:00 a.m.	Room 716
<b>Advisory Council Regular Meeting</b>	Wednesday	8	10:00 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> ( <i>Meets 2<sup>nd</sup> Thursday each Month</i> )	Thursday	9	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> ( <i>Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month</i> )	Wednesday	15	9:45 a.m.	Board Room
<b>Joint Policy Committee</b>	Friday	17	10:00 a.m. – Noon	MetroCenter Auditorium 101 8 <sup>th</sup> Street Oakland, CA 94607
<b>Board of Directors Stationary Source Committee</b> ( <i>Meets 4<sup>th</sup> Monday of each Quarter</i> )	Monday	27	9:30 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> ( <i>Meets 4th Wednesday each Month</i> )	Wednesday	29	9:45 a.m.	4th Floor Conf. Room

JC  
1/5/06 (2:23 p.m.)  
P/Library/Calendar/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Draft Minutes: Advisory Council Regular Meeting – November 9, 2005

**CALL TO ORDER**

Opening Comments: Chairperson Zamora called the meeting to order at 10:05 a.m.

Roll Call: Present: Brian Zamora, Chair, Sam Altshuler, P.E., Louise Bedsworth, Ph.D., Ken Blonski, Jeffrey Bramlett, Harold M. Brazil, Irvin Dawid, Emily Drennen, Fred Glueck, Stan Hayes, John Holtzclaw, Ph.D., Kraig Kurucz.

Absent: Cassandra Adams, Diane Bailey, Bob Bornstein, Ph.D., William Hanna, Kevin Shanahan, Victor Torreano, Linda Weiner.

Introduction of New Advisory Council Member: Chairperson Zamora introduced Ken Blonski, the new Advisory Council member in the “Regional Park District” category.

**PUBLIC COMMENT PERIOD:** Chairperson Zamora introduced Marland Townsend, Chairperson of the District’s Board of Directors. Mr. Townsend thanked the Council for its advice to the District staff and Governing Board. He noted that he will be leaving political office in February of 2006 and stated that working at the District has been a memorable experience. In reply to questions, Mr. Townsend stated:

- a) the information contained in the Council’s minutes is important to the Board, and the process by which the Board receives and reviews Council minutes is currently under review.
- b) the Council’s recent recommendation on climate change was the driving force behind the Governing Board’s adoption of a resolution on this matter.
- c) the Council’s expertise is best applied to broad policy subject areas rather than to internal District processes.

**CONSENT CALENDAR:**

1. **Approval of Minutes of September 14, 2005.** Dr. Bedsworth requested that on page three, item (a) the phrase “on that day” be added to the end of the sentence. Mr. Dawid moved approval of the minutes as corrected; seconded by Dr. Holtzclaw; carried unanimously.

**ADOPTION OF CODE OF CONDUCT FOR ADVISORY COUNCIL:**

2. **Code of Conduct.** Chairperson Zamora briefly reviewed the proposed Code of Conduct, noting it was edited through the course of several Council Executive Committee meetings held this year, and highlighted the sections and key areas of background. In discussion, Mr. Dawid inquired if Councilmembers can speak for themselves at a Board meeting by noting that they are members of the Advisory Council but are not speaking on behalf of the Council. Chairperson Zamora stated that stating an association with the Council is not advisable because it infers the Council’s sanction of a given view. It is preferable instead to note one’s professional affiliation in speaking to the Board.

Dr. Holtzclaw suggested that the articles in the Code be renumbered sequentially. Mr. Altshuler requested that his personal information on the membership roster be inaccessible to an Internet search engine. Dr. Bedsworth requested that presentations given to the Council be identified at the meeting at which they are given as being either in the public domain or proprietary. Mr. Altshuler moved adoption of the Code of Conduct, as modified; seconded by Mr. Glueck; carried unanimously.

### **AIR DISTRICT OVERVIEW:**

**3. Report of the Executive Officer/APCO.** Jack P. Broadbent, Executive Officer/Air Pollution Control Officer (EO/APCO) stated that this year's ozone season has registered no excesses of the national 1-hour standard; one excess of the national 8-hour standard; nine excesses of the state 1-hour standard; and eight excesses of the state 8-hour standard. The proportion of exceedances in other major California air basins is similar, though the numbers are different in each basin. The dialogue between the District and its neighboring air districts continues on the issue of pollutant transport.

In reply to questions, Mr. Broadbent stated that, regarding the District's Spare the Air program, an increase of about 7% in ridership was measured on the one Spare the Air day called during this ozone season. The District has proposed that the funds allocated for free transit on Spare the Air days this summer, but not yet allocated, be encumbered to the next ozone season. The governing board of the Metropolitan Transportation Commission (MTC) will consider this proposal in the near future. Mr. Dawid requested that Houston be included in charts comparing ozone excesses in other California air districts. Ms. Drennen recommended that the free transit be extended to the morning and evening commutes. Jean Roggenkamp, Deputy APCO, replied that this is also under discussion. Mr. Broadbent added that the 2005 Ozone Strategy will be presented to the Governing Board for adoption on December 21, 2005. The remaining rules in the 2001 Ozone Plan—on marine loading operations and pressure relief devices—will be heard by the Governing Board later this month.

Regarding particulate matter (PM), Mr. Broadbent stated that the District is concerned about potential increases in wood smoke in light of recent petroleum fuel cost increases. Ms. Roggenkamp noted that PM derives from on-and off-road vehicles and equipment, wood burning, power plants, industrial facilities and fugitive dust, as well as from secondary formation from precursor pollutants. Adverse PM health effects include aggravated asthma, coughing and painful breathing, decreased lung function, chronic bronchitis, and aggravated cardiac symptoms. The District has attained the national but not the state PM<sub>10</sub> and PM<sub>2.5</sub> standards. The highest PM levels are recorded in the winter due to temperature inversions, ammonium nitrate and emissions from wood burning. Major sources of PM in the Bay Area include mobile sources, wood burning, power plants, industrial facilities, and fugitive dust.

District PM reduction activities include Regulation 5 – Open Burning; Regulation 6 – Particulate Matter and Visible Emissions, Regulations 8, 9 and 12 on Volatile Organic Compounds (VOCs), Nitrogen Oxide (NO<sub>x</sub>), and Sulfur Oxide, respectively. Mobile Source Incentive programs include Carl Moyer, Transportation Fund for Clean Air (TFCA), Vehicle Incentive Program, Vehicle Buy-Back program, Low Emission School Bus, and Solid Waste Collection Vehicles.

Other PM reduction efforts include wood burning mitigation with the Spare the Air Tonight program, a model wood burning ordinance, and various incentives to replace high polluting wood burning appliances. The Community Air Risk Evaluation (CARE) program addresses on a region-wide basis the concentration of toxic air contaminant in an effort to identify areas of high concentrations, as well as to mitigate diesel PM and develop emission reduction strategies.

New PM control measures are being proposed by the District. These arise out of SB 656 which directs the California Air Resources Board (CARB) to assemble a list of PM control measures in the state, and then to direct each air district in the state to review the list, identify the measures not implemented or planned to be implemented and then consider a PM regulatory implementation schedule. The District will also lower the threshold for calling a Spare the Air Tonight advisory. The District will also work closely with cities and counties on the model wood smoke ordinance, as well as sponsor radio and television ads, op-ed pieces and promotional events. A pilot project to collect data on PM levels in areas where wood burning is likely to accumulate will take place this year. District staff will utilize hand held monitors for this purpose. The District will also analyze PM filters to identify PM sources and enhance the District's understanding of the PM problem. A wood burning survey will also be conducted this winter in order to improve the accuracy of the emissions inventory. Although residential fires for heating and cooking are exempt from regulation, inspectors can respond to complaints by providing educational materials to both to complainants and neighbors.

Mr. Broadbent encouraged the Council to consider the foregoing subject area at the January 2006 Retreat. Mr. Glueck suggested providing incentives for wood burning mitigation, such as free transit passes, particularly with the recent increases in gasoline prices. Mr. Altshuler noted that in the last six months parking spaces at BART have increased and seating on BART trains decreased, suggesting impacts from petroleum fuel cost increases have indicators in the public transit sector. Mr. Dawid stated that he would forward to the Council some newspaper articles that address this issue.

Mr. Altshuler encouraged the District to take the lead on reviewing the health effects of ammonium nitrate, as there is little or no literature in this field. Mr. Broadbent responded that ammonium nitrate is a pervasive problem chiefly in the Central Valley. Mr. Dawid inquired if there were consequences for air districts that fail to attain the national PM standards. Ms. Roggenkamp responded that the same penalties would apply to an air district that fails to attain the national ozone standard.

Chairperson Zamora suggested that the District consider partnering with communities wishing to self-police emissions from wood burning. He offered to look into obtaining county funding to assist with such a project. Mr. Broadbent added that a similar idea has been proposed by groups in Marin and Sonoma counties, in which community members would go to the door of a residence and place a hanger on the door knob with data on the health effects of wood smoke. Chairperson Zamora opined that the pressure of neighborhood groups can prove to be stronger than a regulation. Ms. Roggenkamp added that staff is developing protocols for inspectors investigating wood burning complaints as part of the District's wintertime pilot program on wood smoke abatement.

Mr. Broadbent noted that the District is celebrating its 50<sup>th</sup> anniversary year, and held a symposium in the summer. On November 10, a dinner celebrating the District's 50 years of success will be held in the East Bay for employees, Board, Advisory Council and Hearing Board members.

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

- 4. Joint Technical & Air Quality Planning Committee Meeting of October 12, 2005.** Dr. Holtzclaw stated that the two Committees received presentations on the Community Air Risk Evaluation (CARE) program regarding the first application of emission inventory data to a gridded map of the counties in the District's jurisdiction. Further refinement of the data will take place in order to obtain a more accurate picture of areas of exposure to toxic air contaminants. Mr. Hayes noted that 2x2 kilometer resolution can be potentially too coarse for evaluating facility concentrations, and that the chrome speciation issue deserves more attention as most chrome is trivalent rather than hexavalent.



5. **Public Health Committee Meeting of October 24, 2005.** There was no report.
6. **Executive Committee Meeting of November 9, 2005.** Chairperson Zamora noted that this morning the Committee met and unanimously proposed the following slate of Officers for the Advisory Council Officers in 2006: Kraig Kurucz – Chairperson; Fred Glueck – Vice-Chairperson; Louise Bedsworth, Ph.D. – Secretary. Dr. Holtzclaw moved adoption of the slate of Officers, as proposed; seconded by Mr. Hayes; carried unanimously.

### **OTHER BUSINESS**

7. **Report of Advisory Council Chair.** Chairperson Zamora stated that at the October 19, 2005 Regular Meeting of the Board, “Regional Park District” category member Ken Blonski was appointed to the Council. At the October 12, 2005 meeting of the Board of Directors Executive Committee, the Council’s report on Indoor Air Quality was favorably received and will be forwarded to the Board’s Public Outreach Committee. The Board was also interested in the Council’s work on its Code of Conduct. Interviews for the “Public Health Agency” vacancy on the Council will take place on November 17<sup>th</sup>. An additional vacancy in the “Transportation” category has been created by Kevin Shanahan who has indicated he intends to resign but will remain on the Council until his successor is appointed.
8. **Council Member Comments/Other Business.** The Council members thanked Chairperson Zamora for his leadership of the Council in 2005. Mr. Broadbent expressed his concurrence on behalf of staff.  
  
Mr. Hayes announced that a speciality conference on global warming will be held at the San Francisco Sheraton Hotel from March 7-9, 2006. The District will be a co-sponsor for this event.
9. **Time and Place of Next Meeting.** 10:00 a.m., Wednesday, January 11, 2006, 939 Ellis Street, San Francisco, CA 94109.
10. **Adjournment.** The meeting was adjourned at 11:46 a.m.

James N. Corazza  
Deputy Clerk of the Boards

## HEALTH AND SAFETY CODE

### *Article 4 – Advisory Council* (Article 4 added by Stats. 1975, Ch. 957)

#### H&S 40260 Definition of Council

40260 ~ As used in this article, “council” means the Bay Area Air Quality Management Advisory council. (*Amended by Stats. 1978, Ch. 1025*)

#### H&S 40261 Council to Consult with Board

40261 ~ There is continues in existence the Bay Area Air Quality Management Council, which was formerly known as the Bay Area Air Pollution Control Advisory Council, Which council is appointed by the bay district board, to advise and consult with the bay district board and the bay district air pollution control officer in effectuating the purposes of this division. Any reference to the Bay Area Air Pollution Control Advisory Council shall be deemed to be a reference to the Bay Area Air Quality Management Council. (*Amended by Stats. 1978, Ch. 1025*)

#### H&S 40262 Council Membership

40262 ~ The council shall consist of the chairman of the bay district board, who shall serve as an ex officio member, and 20 members who preferably are skilled and experienced in the field of air pollution, including at least three representatives of public health agencies, at least four representatives of private organizations active in conservation or protection of the environment within the bay district, and at least one representative of colleges or universities in the state and at least one representative of each of the following groups within the bay district: regional park district, park and recreation commissions or equivalent agencies of any city, public mas transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor.

To the extent that suitable persons cannot be found for each of the specified categories, council members may be appointed from the general public. (*Added by Stats. 1975, Ch. 957*)

#### H&S 40263 Term of Office

40263 ~ Each council member shall hold office for a term of two years and until the appointment and qualification of his successor. (*Added by Stats. 1975, Ch. 957*)

#### H&S 40264 Removal of Council Member

40264 ~ Any member of the council may be removed at any time by the majority vote of the bay district board. (*Added by Stats. 1975, Ch. 957*)

## ADMINISTRATIVE CODE

### SECTION 7           ADVISORY COUNCIL

#### 7.1    ACTIVITIES OF COUNCIL

The Advisory Council shall meet at such times and occasions as the Advisory Council, itself, shall determine. The Advisory Council shall make recommendations and reports to the Board of Directors on such matters as the Council determines to be advisable and in such manner and form as the Council determines advisable. The Advisory Council shall consider and report to the Board on specific matters which may be referred to the Council by the Board of directors or by the Executive Committee. The members of the Advisory Council are selected because of their eminence in their professions and fields of endeavor and as representatives of interest groups in the community. The Advisory Council shall consider for the Board of Directors matters which come before the Council to arrive at the best advice upon which the Council may agree, which advice may include the technical, social, economic, environmental and fiscal aspects of such issues.

#### 7.2    TERM OF OFFICE

The terms of office for members of the Advisory council are fixed by Health and Safety Code Section 40263.

#### 7.3    LIMITS ON TERM OF OFFICE

Effective with appointments for terms on the Advisory Council commencing on January 1, 1992, and thereafter, it is the policy of the Board of Directors that members with twelve (12) consecutive years of membership on the council not be re-appointed to the Council, except that such members who were serving on the Council on the date of adoption of this policy may be appointed to one additional term. A member not re-appointed because of having served twelve (12) consecutive years on the Council shall again be eligible for appointment after an absence of two years from the Council.

#### 7.4    EXPENSE REIMBURSEMENT

Members of the Advisory Council shall be reimbursed for actual and necessary expenses incurred by them in attending meetings of the Advisory Council and meetings and public hearings conducted by the Board of Directors. Mileage, tolls, parking fees, meals and other incidental expenses will be allowed at the same rate as is allowed to Directors provided that receipts are presented pursuant to Section II-5.6.

#### 7.5    OTHER EXPENSES

Other expenses may be allowed after prior specific approval of a majority of the Executive Committee or the Board.

#### 7.6    CLERK CERTIFICATION OF ATTENDANCE AND EXPENSES

The Clerk of the Boards shall certify to the Director of Administrative Services the attendance and the expense reports of members of the Advisory Council.

## **THE PUBLIC ADVISORY COUNCIL AND THE REGULATORY AGENCY WORKING TOGETHER**

J. S. LAGARIAS, \*LAGARIAS ASSOCIATES INC., MORAGA, CA  
&  
PETER F. HESS, DEPUTY AIR POLLUTION CONTROL OFFICER  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT, SAN FRANCISCO, CA  
June 1990

### **SUMMARY**

THE ROLE OF THE ADVISORY COUNCIL TO THE SAN FRANCISCO-BAY AREA AIR POLLUTION CONTROL AGENCY HAS CHANGED OVER THE YEARS. THIS PAPER EXPLORES THE EVOLVING ROLE OF THE ADVISORY COUNCIL FROM 1955 TO THE PRESENT. THE PAPER ALSO DESCRIBES THE WORKSHOP PROCESS FOR DEVELOPING REGULATIONS IN CALIFORNIA.

### **INTRODUCTION**

In 1955, the State of California created regional air pollution control districts around local political boundaries and natural air shed basins. The San Francisco Bay Area Air Quality Management District (BAAQMD) covers nine counties having a population of roughly 6 million people. To direct its activities, the district established a Board of Directors composed of 20 elected officials, including county supervisors, city mayors, and other council members. The State also established a Citizens' Advisory Council to advise each Board and agency staff. The Bay Area District's 20-member Advisory Council was to be drawn from community interest groups including medical, transportation, industry, environmental conservation and labor. It was directed to address issues that affect the objectives of the air pollution control district.

One of the first tasks which the Advisory Council addressed was to develop and write regulations for the District. This action was particularly appropriate as the agency staff was small and somewhat inexperienced. A typical result was the first regulation to control odor sources where enforcement involved both subjective and/or analytical analysis of the odors. This ordinance, developed over fifteen years ago, has worked effectively and was recently identified as the most practical survey of odor regulations in the United States.

With the 1970 passage of the Clean Air Act in the United States, a new regulatory agency, the Environmental Protection Agency (EPA), having extraordinary powers, was created to control what was originally perceived to be an urban air pollution problem. While roughly 100 million automobiles and trucks were known to be major sources of gaseous emissions, stationary sources with tall stacks were the visible signs of man-made pollution, and received the most attention. Regulatory agencies at the federal, state and local levels all were charged with bringing these sources of pollution under control.

*\*Mr. Lagarias is a former member of the California Air Resources Board and the Advisory Council.*

With the zeal of evangelists charged with a mission to save the world, agency staffs rushed pell-mell into their jobs using such innovative concepts as "technology forcing" (requiring new controls to be created where none existed) and "command and control" (where the regulatory agency unilaterally decided on the appropriate pollution solution) regardless of the consequences to the regulated.

The 1970 U.S. federal legislation mandated that each of the 50 states was to meet air quality standards by 1982 for five criteria pollutants, particulate, sulfur dioxide, nitrogen oxides, carbon monoxide and ozone (hydrocarbons). Where needed, new and technology forcing regulations were to be utilized to enable the states to achieve the standards under State Implementation Plans (SIPs). Each state was also subsequently required to prepare programs to prevent significant deterioration (PSD) of air quality already better than the federal standards, particularly in rural areas. Still later, PSD regulations to prevent deterioration of air quality were also adopted for urban areas.

As the Clean Air Act required each state develop its own plan to meet the air quality standards set by the Federal Government, the state of California began to develop a number of "model" regulations both on an industry by industry basis and also on a pollutant by pollutant basis. This "model regulation" approach did not work too well because the state attempted to develop the regulations essentially through unilateral action without receiving real input from the affected organizations.

California, recognizing that the goals of a single purpose agency could be in conflict with other public and agency goals, such as those involving the rights of ownership, social and health issues and economic considerations, attempted to balance the goals of a regulatory agency and the needs of other segments of the economy through the public involvement process.

While the Advisory Council represented a broad spectrum of the public, other special interest groups such as trade associations, environmental groups, and public interest organizations also have had extensive involvement in regulatory actions, especially in lobbying efforts. This paper discusses some of the experiences in California, particularly in the Bay Area Air Quality Management District in establishing how the interests of the public and those of an agency have been addressed and changed over the years.

From 1956 until 1980, the Advisory Council began writing regulations using a scissors and paste method. That is, regulations that had been adopted in other areas, like, say, Florida or New York State were copied, modified slightly to give them a West Coast flavor and then proposed for the District. Where there were no regulations in existence to copy, the Council created new ones. In the late 1970's, the federal government also began the development of New Source Performance Standards and to identify proposed regulations on an industry by industry basis.

In 1981 the Advisory Council, after reviewing the accumulation of several years of sometimes confusing and often conflicting regulations, began to recodify and upgrade the regulations and reporting requirements. This task proved to be extremely time consuming and reactive rather than proactive. It did allow an opportunity for groups or industries affected by the regulations to identify inequities, however, and often resulted in substantial simplifications or clarifications to the regulations.

The 1977 Clean Air Act Amendments Act set forth a mechanism which eventually moved the development of rules from an Advisory Council to the District Staff. Section 172 of the Act required that States which failed to meet federal Ambient Air Quality Standards to develop attainment plans including a commitment to adopt rules which identified, as a minimum, Reasonably Available Control Technology (RACT). The Act also dictated an expeditious rulemaking effort for attainment of the air quality standards. To assist the States, the Environmental Protection Agency (EPA) developed a series of Control Technique Guideline (CTG) rules which reflected RACT. Some twenty-three CTG rules were to be adopted by each state within one year after they were promulgated.

The 1980 air quality goals were substantially but incompletely met in the Bay Area. To achieve the air quality criteria standards by 1987 (a new target year goal), the existing District program had to be expanded. Major pollutant sources in the District were identified. The degree of pollutant reduction which would be required, as well as the control technology strategies available and the potential that new regulations would have to meet the federal standards was assessed. The staff prepared a District Plan and then reviewed its proposed strategy with the Advisory Council and the District Board of Directors for practicality and cost effectiveness.

## **WORKSHOPS**

The District Plan required the staff develop a process which expedited the adoption of 23 proposed rules. This process for developing rules was centered around using workshops. Prior to having the workshop process the Advisory Council had assumed the responsibility for rule development because its diverse membership provided a sounding board for the appropriateness of new rules. With the requirement for more restrictive federal regulation requirements, however, the Advisory Council, with its volunteer membership organization, could not meet the mandated rule development and adoption schedule. When it became evident that the Advisory Council was not able to develop and review the great number of rules necessary to reach attainment, the District implemented the workshop process.

## **WORKSHOP PROCESS**

The workshop process is essentially a communicative tool between the District Staff and those affected by the proposed rule.

The workshop process involved:

- 1) Development of a draft rule,
- 2) Explanation of the rule requirements to affected organizations, and
- 3) Public input and review to consider the impact of the proposed rules.

Background technical documents were typically provided by the federal regulatory agency, by independent private contractor/consultants, or by the district staff. The technical documents contained suggested control strategies, cost-effectiveness criteria, associated environmental benefits/detriments and suggested regulatory language. Based on this information, the district staff drafted a proposed rule. The proposed rule was first reviewed within the agency to ascertain if there were problems or ambiguities prior to discussions with those parties likely to be affected by the rule.

Following the preparation of a proposed rule, the difficult part of the workshop process took place involving the explanation of the rule's requirements . It was critical that all affected parties be given an opportunity to participate in the workshop. All known affected parties were contacted and invited to the workshop meetings. The District staff tried to present a uniform, consistent interpretation of the requirements of the rule including how compliance to the proposed rule would be demonstrated, testing procedures to be used and administrative requirements. At the workshop, the staff would explain the requirements of the rule to the affected industry. Questions regarding requirements were addressed immediately and if any of the requirements of the rule were found to be unclear, they were resolved prior to ending the workshop process.

The workshop process format required receiving input from affected persons and addressing the specific localized concerns. The regulatory agency tried to make rules non-burdensome without relaxing the effectiveness of the control requirements. This approach sometimes result in proposing a rule with an extended schedule for achieving compliance and in some instances, with limited exemptions for a hardship cases. The regulatory agency worked with industry and public special interest group concerns in order to have an effective rule. If an industry, for example, was unable to attain the required emission reductions in the stipulated time period, to ignore this issue prior to the promulgation of the rule was to hide one's head in the sand. An exchange of ideas as to how and to what degree of control could be achieved required a fine balancing of stringency and reasonableness.

The workshops resulted in an exchange of ideas on how to best control stationary source emissions. The District staff had to develop a good working knowledge of the affected area and to weed out possible mischaracterizations. The District staff had to be able to listen and have consideration for the issues that would arise from adopting the proposed rule. Openness to accepting new ideas and approaches was a prerequisite to developing effective new rules. The staff tried to minimize the hardships of a rule while not compromising on the degree of emission reductions required.

The workshop process has been quite successful in strengthening rules and in identifying possible problem areas. Problems that could occur as a result of the proposed rules were identified in the workshop process and resolved prior to promulgation. For example, the District staff was able to lower the general exemption of industries to a rule for emissions from coating miscellaneous metal parts from 1000 to 20 gallons per year. During the workshops for this rule it was evident that a general 1000 gallon per year exemption was too broad. Industries identified certain specific coating operations which could not comply. The coating rule was amended to exempt specific operations for which no complying coating was available while simultaneously increasing rule stringency by making more operations subject to the rule. This strengthening of the rule could not have been accomplished without the exchange of ideas at the workshop.

The success of the workshop process can be shown by Bay Area District workshop experience. In the ten years since the inception of the workshop process, the district has adopted or amended more than eighty new rules and regulations. Workshop processed rules have ultimately shown total emission reductions of more than 300 tons per year.

## **FUTURE PLANS**

This success of the workshop process has enabled the Advisory Council to move from developing regulations to identifying areas of concern in the regulatory, political and public arena. With its multi-discipline membership, the citizens' advisory group has considered the need for more or for fewer regulations and the elimination of redundant or out of date regulations. It has recognized that other single purpose agencies such as water quality, transportation, planning commissions, solid waste, etc. are charged with addressing their specific areas. Their charges often overlap or may be in conflict with the charges of the Air Pollution Control agency. The Advisory Council tries to determine how the functions and interests of the air pollution regulatory agency can be integrated with those of other agencies.

One project in the Bay Area District involved the development of an integrated environmental management plan (IEMP) wherein in one region all land, air and waterborne emissions and their interrelationships were considered together to determine whether one emission problem is being solved at the expense of creating another.

Existing data have been gathered and a report written. The project developed a database of possible toxic contaminants, existing emissions and the pathways that these emissions may take. The assessments identify the pathways that go beyond considering only air emissions but ultimately involve social impacts, possible land use planning legislative authority, and financial needs.

Regulatory agencies are currently charged only with identifying those factors that will meet their regulatory responsibilities. By working together, the public advisory groups and the regulatory agencies develop strategies for achieving identified air quality goals and effective implementation plans consistent with the desires of society.

Advisory Councils, reflecting public concerns, address increasingly more complex issues such as regional planning, toxic air contaminants and indoor air pollution issues. In the latter case, solutions may require changes in materials of construction, building practices or ventilation modifications. Jurisdictional responsibility for the control of indoor air pollution may turn out to be more difficult than controlling simple criteria air pollutants.

In summary, the role of the Advisory Councils has changed over the years, but in working together with the regulatory agency staffs, the common goal of achieving a cleaner air environment is being addressed effectively.



BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Kurucz and Members of the Advisory Council  
From: Jack Broadbent, Executive Officer/Air Pollution Control Officer  
Date: January 5, 2006  
Re: 2006 Candidate Assignments to the Advisory Council

RECOMMENDED ACTION

During the retreat, the Advisory Council is requested to review the following topics, assign to the appropriate committees and to establish a work plan to accomplish the tasks.

- 1) Community Air Risk Evaluation Program – The District is entering the second year of the multi-year community air risk evaluation program. The Executive Officer/APCO is requesting the Advisory Council track the progress of program and to provide input as appropriate. – (Suggested Committees, Public Health and Technical Committees.)
  
- 2) Climate Change and Green House Gases – Last year the California Air Resources Board and the Air District took steps to initiate a program to address Global Warming. The Executive Officer/APCO is requesting the Advisory Council review and recommend the next steps the District should take to address Greenhouse Gases and Global Warming in coordination with initiatives under way by the California Air Resources Board. (Suggested Committees, Planning and Technical Committees.)
  
- 3) Particulate Matter Control – The EPA has recently proposed revised federal ambient air quality standards for PM<sub>2.5</sub> and PM<sub>10</sub>. The District has also prepared a control program to move closer to the attainment State particulate matter Ambient Air Quality Standard. The Executive Officer/APCO is requesting the Advisory Council track the progress of this program and provide input as appropriate. (Suggested Committee involvement, Planning, Public Health and Technical Committees.)

- 4) Wood Burning Control Strategies – Numerous years ago the Advisory Council was a leader in formulating the model District wood burning ordinance. This ordinance has made progress in reducing emissions from wood burning devices in the District. The Executive Officer/APCO is now requesting the Advisory Council continue this work by reviewing and recommending the available emission control option(s) best suited to the District to further control the emissions from wood burning devices. (Suggested Committees, Planning and Public Health Committees.)
  
- 5) Asthma & Indoor Air Quality – Last year the Advisory Council recommended that the District proceed with an indoor air quality program and made recommendations for next steps. Numerous reports link asthma with poor indoor air quality. The Executive Officer/APCO is requesting the Advisory Council review and suggest possible options where the District can best interface with the County and City Health Officers relative to indoor air quality and asthma. (Suggested Committee, Public Health Committee.)

## BACKGROUND

The California Health and Safety Code §40261 specifies that the Advisory Council, as one of its duties, is to advise and consult with the Air pollution Control Officer. The items listed above are those which the Air Pollution Control Officer requests advice from the Advisory Council.

## DISCUSSION

Members of Air District senior management will participate at the discussions of the Committees during the Advisory Council retreat to discuss the assignments and answer questions of Council members.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO