

Bay Area Air Quality Management District  
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## **APPROVED MINUTES**

Advisory Council Regular Meeting  
Monday, April 3, 2017

*Note: An audio recording of the meeting is available on the website of the  
Bay Area Air Quality Management District at  
<http://www.baaqmd.gov/about-the-air-district/advisory-council/agendasreports>*

### **1. CALL TO ORDER**

Advisory Council (Council) Chair, Stan Hayes, called the meeting to order at 10:06 a.m.

#### **Roll Call:**

Present: Council Chair Stan Hayes and Vice Chair Michael Kleinman; and Members: Professor Severin Borenstein, Dr. Robert Harley, Dr. Tim Lipman, and Dr. Jane Long.

Absent: Member Tam Doduc.

Also Present: Cupertino Councilman Rod Sinks, Board of Directors (Board) Liaison.

### **2. APPROVAL OF THE MINUTES OF FEBRUARY 6, 2017**

#### Council Comments:

Chair Hayes made the following comments about the minutes of February 2017: the “Welcome” item should refer to staff’s welcome, and not the Chairperson’s welcome; public comments on non-agenda matters are to be heard during the item called “Public Comments on Non-Agenda Matters”, and public comments on agenda matters are to be heard during the item called “Public Comments on Agenda Matters”; and the Council prefers a summary of what the Council discussed during individual items, especially in matters that lack a written report.

#### Council Action:

Chair Hayes moved that the approval of the minutes of February 6, 2017 be postponed until the revisions are made. The Council agreed by consensus.

### **3. WELCOME**

Jack Broadbent, Executive Officer/Air Pollution Control Officer, announced that the District published a press release regarding its concern about the Executive Order that rolled back some

of the proposals relative to the Obama Administration's Clean Power Plan. Mr. Broadbent said that the press release would be sent to the Council Members as well.

At this time, Chair Hayes asked Ex-Officio Board Liaison, Rod Sinks, if he would like to make any comments on behalf of the Board. Director Sinks reported that the Board has been in discussions regarding Draft Rules 12-16, 11-18, and 13-1, and hearing the public's opinion as well, and thanked the Council for its findings and deliberations, as the Board will soon be considering these rules for adoption. Mr. Broadbent echoed Director Sinks' appreciation of the Council's work regarding rules currently under development.

#### **4. PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

#### **5. PRESENTATION ON REGULATION 11, RULE 18: REDUCTION OF RISK FROM AIR TOXIC EMISSIONS AT EXISTING FACILITIES; REGULATION 12, RULE 16: PETROLEUM REFINING FACILITY-WIDE EMISSIONS LIMITS; AND REGULATION 13, RULE 1: REFINERY CARBON INTENSITY CAP**

Eric Stevenson, Director of Meteorology, Measurement, and Rules, gave the staff presentation *Rule Development Update - Regulation 11, Rule 18; Regulation 12, Rule 16; and Regulation 13, Rule 1*, including: overview; Bay Area emissions: criteria air pollutants, toxic air contaminants, and greenhouse gases (GHG); refinery strategy progress and summary; Draft Rule 11-18 background, purpose, basics, and reducing health risks; Draft Rule 12-16 basics and potential issues; Draft Rule 13-1 purpose and first rule of combustion strategy; schedule; next steps, and summary..

#### Council Comments Regarding Draft Rule 11-18:

The Council and staff discussed how Diesel Particulate Matter (PM) accounts for the vast majority of cancer risk from toxic air contaminant emissions in the Bay Area, the District's lack of authority over establishing standards for and regulation of mobile sources of air pollution, the District's current grant programs regarding mobile sources, enforcement of the California Air Resources Board's (CARB) mobile source regulation that the District is allowed to carry out, and whether those are stringent enough, and possible indirect source authority in the future; whether a gross overstatement of activity in the (on and off-road) construction sector may be contributing to the high cancer risk from construction equipment emissions; how facilities would be affected as the cancer risk action level is decreased to from 100 in a million to 10 in a million; ancillary benefits that the District believes will result from Draft Rule 11-18; future regulation pertaining to gas storage; and the fact that several of the slides display emissions and risk level data from 2014 (a year in which CARB began retrofitting on-road trucks) which may not be indicative of forward-looking regulatory activity.

#### Council Comments Regarding Draft Rule 13-1:

The Council and staff discussed the assigning of GHG numbers to power that would be purchased, in concert with CARB's efforts; how the proposed carbon intensity would not include GHGs emitted at the point of extraction, nor the transportation of crude; how the proposed rule would allow refineries to operate within their current crude slate windows in order to minimize

leakage; the proposed required implementation of energy efficiency projects with simple payback of ten years or less, why the District chose that payback threshold, and which party would calculate payback deadlines; whether the District's attempt to implement direct GHG policies on local communities would derail CARB's efforts on what is actually a global issue, and the District's objective of addressing the public's concern about GHG emissions and providing a stopgap between what the District believes will hold refineries to their current product and crude slate levels, until CARB implements its revised Scoping Plan; how the District feels Draft Rule 13-1 would complement CARB's revised Scoping Plan; the fact that, because GHGs are global pollutants, there are no benefits to the Bay Area by reducing GHG emissions in the Bay Area if leakage occurs, and the District's desire to nonetheless implement the regulation and establish climate leadership; the argument that efforts on this rule diverts staff's attention from regulating local pollutants; a direct regulatory measure in CARB's revised Scoping Plan to achieve a 20% reduction from the refinery sector statewide; the comparison of Bay Area refinery production rates and subsequent GHG emissions with those in refineries outside the Bay Area; how big a region should be before GHG regulation can be implemented without the fear of leakage, and the feasibility of collaborating with other California Air Districts in order to form more widely-enforced regulations; the need for a consumption-side inventory, versus a production-side inventory, in order to make a difference in GHG emission reductions; how each refinery would have a different carbon intensity based on its current operations; and concern by the environmental justice community of local pollution, but not of global climate change.

#### Council's Consensus on Draft Rules

- 11-18: The Council supports this Draft Rule. Toxics and criteria pollutants are best addressed directly through existing programs rather than indirectly as co-benefits of greenhouse gas regulations.
- 13-1: The Council felt that it did not have enough information to form an opinion about this Draft Rule at this time. Staff (and CARB) are to bring it back to the Council prior to consideration of its adoption.
- 12-16: The Council opposes this Draft Rule because it feels that the cap is unlikely to be effective in addressing climate change or improvements the air in refinery communities, and will be subject to leakage.

#### Council Action:

None; receive and file.

The Council recessed at 11:51 a.m. and resumed at 12:45 p.m.

## **6. ADVISORY COUNCIL NEXT AREA OF FOCUS**

Mr. Broadbent introduced this item by describing the District's areas of regulatory focus since its inception in 1955, and how the foci evolved over time. These included reducing emissions that contribute to regional air contaminants (ozone, PM, volatile organic compounds [VOC], and NOx); establishing a climate program; supporting local government monitoring efforts and implementing CARB regulations as part of a partnership arrangement with the State; wood smoke regulation; characterizing local concentrations of toxic air contaminants; and developing an understanding of toxic air contaminants regarding criteria contaminants. Mr. Broadbent stated that the District's objective of understanding local impacts at a community-based level and accordingly targeting its grants produced the District's Community Air Risk Evaluation (CARE)

program, which was the topic of the presentation. Mr. Broadbent emphasized that the CARE program represents the important work that the District is doing to characterize and address disproportionately impacted communities in and around the Bay Area, and asked the Council to provide direction to staff, as this is a broad topic and would take many months to properly deliberate. Mr. Broadbent introduced Henry Hilken, Director of Planning and Climate Protection, who gave the staff presentation *Advisory Council Next Area of Focus*, including: CARE program introduction and background; Bay Area air quality is improving; overall air pollution down, but higher risks in some communities; CARE program goals; CARE builds upon traditional air quality attainment programs; community engagement integral to CARE program; air pollution and health records mapped to zip code areas; map areas with highest air pollution health impacts; Bay Area communities most impacted by air pollution; framework for reducing community health impacts (RECEPTORS were mentioned by staff here); partnered with San Francisco City Planning and the Department of Public Health on Community Risk Reduction Plan; new methods needed for community - scale air pollution management; and more information.

#### Council Comments:

The Council and staff discussed the difficulty of modeling the synergy of multiple existing co-pollutants; the progression and limits of technical advances in air quality monitoring; the conflict between transit-oriented development and refraining from building near sources of air pollution; the variations of exposure that can exist within a CARE community; the elements of the District's update of the CARE program, which will use a base year 2015 inventory; how to define "clean air" and protect disproportionately impacted communities from cumulative, regional emissions, while taking into account how to balance the health impacts, risk, and concentrations of multiple air pollutants; possible medical institutions and public agencies that could provide the District with appropriate health statistics and modeling techniques; comparative risk, and how to minimize risk; the need for public education on how to reduce health impacts and distinguish short-term health effects, risks, and benefits from long-term ones; risk perception and public "dread" factors; the request for a presentation on whether local GHG emissions could be reduced by containing methane produced by organic decomposition; the suggestion of expanding CARE's criteria to include non-cancer health effects (such as heart attacks and strokes); the need to make better use of underutilized sites (exposure zones) and the District's guidance document that promotes healthy infill development, called *Planning Healthy Places*; how the District responds to, and the District's role regarding acute air pollution-related incidents, and the types of alerting systems that are in place for refinery-adjacent communities; the Council's request that the District's Clean Air Plan be brought back for discussion, focusing on the feasibility of a zero-emissions electricity system versus 100% renewable electricity; UC Berkeley's continuing research on relative levels of diesel truck emissions resulting from the implementation of CARB's Truck and Bus Regulation, which requires trucks and buses to either upgrade their engines to newer models or replace their filters according to their weight; the District's ozone attainment strategies and how they related to nitrogen oxide (NO<sub>x</sub>) and VOC reductions; the feasibility of exceeding national PM and ozone standards as preventative measures; how District fees, pertaining to PM and ozone, are structured; and the need for the generation of revenue that can be used to help disadvantaged communities.

#### Council Action:

None; receive and file.

## **OTHER BUSINESS**

### **7. CHAIRPERSON'S REPORT**

Chair Hayes announced that Council Members who wish to attend the 110<sup>th</sup> Annual Air and Waste Management Association Conference on June 5 should alert District staff for registration. He mentioned District staff that will be making presentations and noteworthy conference sessions.

### **8. PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

### **9. COUNCIL MEMBER COMMENTS / OTHER BUSINESS**

Council Member Harley gave an update on the research that his UC Berkeley team has been conducting regarding the on-road measurement of emissions from heavy-duty diesel trucks, the impacts of fleet turnover, and CARB's drayage truck regulation.

Director Sinks announced that Silicon Valley Clean Energy will be celebrating its service launch today (April 3, 2017.)

### **10. TIME AND PLACE OF NEXT MEETING**

Chair Hayes asked District staff what the anticipated months of future meetings (in 2017) would be, and staff preferred July and October. The next meeting was tentatively scheduled for July 17. Ex Officio Board Member Sinks said that if the Board considers the adoption of Draft Rule 11-18 before July, he would like the Advisory Council to confirm the Council's position on the rule prior to that July Board meeting. Upon hearing this request, the Council Members present supported Draft Rule 11-18.

### **11. ADJOURNMENT**

The meeting adjourned at 2:32 p.m.

*/s/ Marcy Hiratzka*  
Marcy Hiratzka  
Clerk of the Boards