

## Comments and Responses on Public Review Draft 2005 Ozone Strategy

### WRITTEN COMMENTS RECEIVED

<u>#</u>	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
1	Cost Effectiveness Estimates (Table 16)	<p><b>William J. Quinn / CCEEB</b> (letter November 7, 2005): Table 16 provides cost effectiveness calculations for each proposed control measure. Through meetings with District staff, CCEEB has learned that many of these cost effectiveness estimates were based largely on data provided by other air districts. Because of the potential difference in emissions baselines, calculation methods or design features between facilities, CCEEB suggests the addition of clarifying language to the Ozone Strategy to make it clear that the District will be performing its own cost effectiveness analysis before advancing each control measure to rule making.</p>	<p>During the rule development process, District staff will carefully analyze cost-effectiveness in more detail than is possible for a control measure. The District will also prepare a cost effectiveness determination as required by state law. Appendix B of the 2005 Ozone Strategy has been revised to include additional language stating that the proposed control measures appear to be technically feasible, cost effective and able to produce at least a de minimis amount of emissions reductions based on available data but that additional information about Bay Area sources and conditions developed or presented during the formal rulemaking process could alter any of the above preliminary findings.</p>
2	Emissions Inventory – Oil Refineries External Combustion line item	<p><b>Tery Lizarraga / Chevron</b> (email October 17, 2005): Consider revision to the Emissions Inventory line item, “Combustion – Stationary Sources; Oil Refineries External Combustion” or else explain the increase in NOx emission between this source category in the 2001 Ozone Attainment Plan and the Draft 2005 Ozone Strategy for 2003 and 2005 analysis years, respectively.</p>	<p>In the Bay Area 2001 Ozone Attainment Plan, 8.6 tons/day of NOx emissions was forecasted for year 2003 for the Refineries External Combustion category (which covers primarily boilers, steam generators, and process heaters). This number was estimated based on a 1999 year inventory and took into account District Regulation 9, Rule 10. Staff estimated that the rule would significantly reduce NOx emissions (overall 72%) between 2000</p>

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3	Integrate Potential PM Reductions	<p><b>Adrienne Bloch / CBE</b> (letter November 9, 2005):  The Ozone Strategy should consider PM impacts as well as the ozone impacts when adopting control measures, particularly for emissions from cooling towers, boilers, stationary internal combustion engines, and alternative diesel fuels. Failure to</p>	<p>and 2003.</p> <p>The inventory in the Draft 2005 Ozone Strategy was based on a 2002 inventory and our records showed 2002 emissions at 18.85 tons/day NOx. From this data, staff assumed that all emission reductions from Regulation 9, Rule 10 had occurred prior to 2002.</p> <p>However, further review of current 2004 data indicates that emissions are being further reduced from 2002 levels. District Engineering Division staff made changes to emission factors for the oil refineries external combustion categories. Some of the changes were based on CEM data obtained during 2004. Current 2004 NOx estimates are now estimated at about 14 tons/day.</p> <p>Therefore, the 2005 Ozone Strategy's inventory for the Refineries External Combustion category has been revised to show NOx emissions (tons/day) as follows:</p> <table data-bbox="1289 1079 1808 1144"> <thead> <tr> <th><u>2000</u></th> <th><u>2003</u></th> <th><u>2005</u></th> <th><u>2010</u></th> <th><u>2020</u></th> </tr> </thead> <tbody> <tr> <td>24.4</td> <td>16.5</td> <td>14.0</td> <td>14.8</td> <td>16.3</td> </tr> </tbody> </table> <p>While the 2005 Ozone Strategy is intended to reduce ozone precursor emissions and does not, therefore, specifically address PM, many of the proposed control measures are expected have the additional benefit of helping to reduce overall PM and diesel PM emissions. PM and PM benefits of</p>	<u>2000</u>	<u>2003</u>	<u>2005</u>	<u>2010</u>	<u>2020</u>	24.4	16.5	14.0	14.8	16.3
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		<p>analyze such sources for potential measures to reduce smog and PM may lead to a biased control analysis.</p>	<p>ozone measures are discussed in the Other Issues Section 3 entitled "Fine Particulate Matter." This section includes a discussion of the PM benefits of NOx reductions from stationary and mobile sources.</p>
		<p>Also, any modeling should consider possible PM reductions because this most comprehensively addresses the impacts of ozone and is the most cost-effective approach since the Air District is charged with regulating both PM and ozone.</p>	<p>Two of the further study measures in the 2005 Ozone Strategy (FS 3 Commercial Charbroilers and FS 15 Stationary Internal Combustion Engines) were included in the District's PM Implementation Schedule which was adopted on November 16, 2005.</p>
			<p>Several stationary source control measures in the ozone strategy will also reduce PM emissions. The flare control measure (SS-6 Flares, Regulation 12, Rule 12 adopted on July 20, 2005) will result in decreased PM emissions from a reduction in incineration. The control measures aimed at combustion processes (boilers, large water heaters and stationary gas turbines) primarily reduce NOx emissions. NOx emissions from stationary (and vehicular) source fuel combustion are precursors to nitrates, which comprise a significant portion of ambient PM2.5. Therefore, these NOx measures will also lead to a reduction in PM.</p>
			<p>All of the mobile source measures will help reduce PM emissions, with the diesel equipment idling model ordinance measure (MS-1) and the low-emission vehicle incentives measure (MS-3) helping to reduce diesel PM in particular. All of the transportation control measures, by reducing vehicle trips and vehicle miles traveled will have the</p>

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			<p>additional benefit of reducing PM emissions from fossil fuel combustion and re-entrained road dust.</p> <p>Moreover, the fact that the ozone strategy does not specifically address PM does not mean that the Air District is not taking steps to address particulate matter pollution. SB 656, (stats. 2003. ch.738), authored by Senator Byron Sher, requires ARB, in consultation with local air districts, to develop and adopt a list of the most readily available, feasible, and cost-effective control measures that could be employed by ARB and the air districts to reduce PM10 and PM2.5. The goal of SB 656 is to ensure progress toward attainment of State and federal PM10 and PM2.5 standards. The list of control measures is to be based on rules, regulations, and programs existing in California as of January 1, 2004 to reduce emissions from new, modified, or existing stationary, area, and mobile sources. ARB approved the list of control measures in November 2004. The bill requires air districts to review the ARB list and develop implementation schedules for feasible control measures appropriate for the respective air basins based on the nature and severity of local PM conditions. The implementation schedules are to be developed by prioritizing adoption and implementation based on the effect each control measure will have on public health, air quality, emission reductions, as well as each control measure's feasibility, cost-effectiveness, and appropriateness for the respective region. The District evaluated the ARB</p>

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			list of control measures, analyzed Bay Area PM sources, and approved an implementation schedule in November 2005.
4	Apply the Precautionary Principle to Evaluating Control Measures	<p><b>Adrienne Bloch / CBE</b> (letter November 9, 2005): The factors stated as control measure evaluation criteria weigh cost and the economic cost to industry, but do not consider the benefits of any proposed measure to the communities who suffer adverse health impacts from the current operations.</p> <p>A precautionary approach is necessary to recognize that low income communities and communities of color face higher exposures to air pollution because of proximity to stationary &amp; mobile sources, increased sensitivity to those sources due to constant high exposure, and because many pollutants concentrate locally. The factors considered include “concerns of community members” but that is only relevant to the extent that the community members are fully informed and actually involved in the planning process. A precautionary approach must be included in the Ozone Strategy to ensure that these facts are taken into account when evaluating a control measure.</p>	As discussed in Section 3 of the 2005 Ozone Strategy in “Local Benefits,” the local benefits of ozone control measures are an important consideration in the control measure evaluation process. Most of the proposed stationary, mobile and transportation measures are expected to have local benefits in addition to contributing to lower ozone levels. In addition, as described in the Ozone Strategy, the District has initiated the Community Air Risk Evaluation (CARE) program (also discussed in Section 3 of the 2005 Ozone Strategy) to identify parts of the region most impacted by toxic air contaminants and to develop risk reduction programs.
5	Reanalyze Projected Emissions To Reflect Economic Changes and Meteorology	<p><b>Adrienne Bloch / CBE</b> (letter November 9, 2005): The Ozone Strategy projects that future emissions of ozone precursors – reactive organic gases and nitrogen oxides – will be considerably lower than the past inventory. This conclusion seems based on the decline seen starting in 2001. As CBE has</p>	The District has developed the emissions inventory for the Ozone Strategy with the best available data. The CCAA does not require the Air District to analyze economics or meteorology in the 2005 Ozone Strategy, as the Strategy relies upon an all feasible measures approach to reducing ozone. It

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6	Include Specific Enforcement Mechanisms for Diesel Idling Rules	<p>explained in earlier comments, the District uses changes rooted in the serious economic downturn seen in the Bay Area and favorable meteorological conditions to justify less aggressive and effective regulations. The final Plan should reassess its estimates of future emissions on more realistic projections.</p> <p><b>Adrienne Bloch / CBE</b> (letter November 9, 2005): CBE appreciates that CARB and the District are taking diesel idling seriously. Over the past couple of years, CARB has adopted diesel idling rules for school buses, trucks, and for Port areas. The Air District has supported community members and organizations in educating truck drivers and residents about the harms of diesel idling and of the new rules. Nevertheless, CBE still believes that the enforcement mechanisms for these rules are currently inadequate. CBE strongly encourages the Plan to include a specific vision for enforcing idling rules through citizen enforcement or other specific local enforcement so that reductions may actually be achieved.</p>	<p>is not accurately described as less aggressive and effective.</p> <p>Please see response to Comment 39.</p> <p>The District's intent with MS 1 Diesel Equipment Idling Ordinance is to target emissions from diesel equipment that are currently not included in the ARB regulation, such as lighter duty trucks and off-road equipment. The District is currently in the process of developing a sample idling ordinance and the public will have an opportunity to comment at public workshops. MS 1 will also address enforcement issues.</p>
7	Developer-based Trip Reduction Ordinances	<p><b>Hillary P. Heard / Contra Costa County</b> (letter November 22, 2005):</p> <p>The Air District should examine the ability of Developer-based trip reduction ordinances to mitigate the secondary environmental effects of land use and development. If analysis shows such ordinances can be effective, they should be included in the Draft Ozone Strategy.</p>	<p>TCM 15 includes the following text which responds to the commenter's suggestion: "Cities and counties are encouraged to require developer-based trip reduction programs." This text was previously added during the preparation of the 2005 Ozone Strategy in response to this commenter's April 2004 letter.</p>

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8	HOV Occupancy Requirements in TCM 8	<p><b>Hillary P. Heard / Contra Costa County</b> (letter November 22, 2005):  The Air District should evaluate the potential to increase the ability of TCM 8 (Construct Carpool / Express Bus Lanes of Freeways) to mitigate additional environmental effects by changing the existing and proposed High Occupancy Vehicle (HOV) facilities to have a standard occupancy requirement, on both the Bay Area Bridges and the roadways. Currently the standards vary, which may discourage some motorists from using these facilities to their full potential.</p>	<p>TCM 8 includes a statement that the Bay Area should consider moving toward a consistent region-wide set of operation hours for HOV lanes, which would correspond to the current maximum spread of 5am to 10am and 3pm to 7pm. An encouragement of consistency of vehicle occupancy requirements would generally be air quality beneficial if consistent occupancy requirements were made higher than existing requirements (such as 2+ to 3+). TCM 8 includes a statement that “an increase in vehicle occupancy from 2+ to 3+ would normally be considered after other feasible corridor management strategies (Express Bus, expanded CHP enforcement, ramp metering, etc.) have been deployed.”</p>
9	Sewer Gas/Particle Emissions Through Building Plumbing Vents	<p><b>Jack G. Ohringer</b> (letter September 20, 2005):  Suggests District consider a “normally closed vent system” that addresses sewer gas/particle emissions for building plumbing vents.</p>	<p>Staff has considered this measure and found it to have low effectiveness for reducing ozone. Sewer gas has few constituents that are ozone precursors, but may cause health effects in unusual cases due to ammonia or hydrogen sulfide concentrations. Staff also determined that the measure was not feasible for reasons of safety. Trapping methane, a constituent of sewer gas, in vent lines may create an explosive hazard.</p>
10	Review CEQA Documents for Local Developments	<p><b>Tiffany Schauer / Our Children’s Earth</b> (letter November 9, 2005):  The District has acknowledged its responsibility to reduce VMT growth in the Ozone Strategy. In order to be more proactive, the District should commit to the review of CEQA documents for local</p>	<p>As part of our partnership with Bay Area cities and counties, District staff assist lead agencies with CEQA in the following ways:</p> <ul style="list-style-type: none"> <li>• Review and comment on CEQA documents for major projects and plans.</li> </ul>

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		developments so that they comply TCM policies.	<ul style="list-style-type: none"> <li>• Provide a guidance document on best practices for assessing and mitigating air quality impacts.</li> <li>• Answer questions via telephone and email from planners, consultants and the public about all aspects of air quality analysis of the environmental review process under CEQA.</li> <li>• Encourage the incorporation of air quality policies and programs into local projects and plans through comment letters, phone calls and email.</li> </ul>
11	Improve Public Process	<p><b>Tiffany Schauer / Our Children's Earth</b> (letter November 9, 2005):          Improve public outreach process so that communities most affected by air pollution can be represented and actually participate in person in the process. There needs to be a dialogue between workshop participants and presenters for the purpose of finding common ground about what constitutes a "feasible measure" to address air pollution.</p>	<p>District comment letters to lead agencies encourage local jurisdictions to implement policies and programs included in our TCMs, particularly smart growth policies found in TCM 15 where appropriate.</p> <p>TCM 15 has been amended to provide the above information about the District's existing CEQA assistance.</p> <p>The District's public involvement program for the 2005 Ozone Strategy has been extensive. It has included a variety of outreach techniques, including public presentations, technical work group meetings, community meetings, community training sessions prior to community meetings, email notices, and an ozone planning website. These strategies reflect the District's broad community outreach program to achieve the following goals:</p> <ul style="list-style-type: none"> <li>• Include all the diverse stakeholders in the planning process (industry, community groups,</li> </ul>



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12	SS 6 Flares	<p><b>Brigette Tollstrup / Sacramento Metropolitan AQMD</b> (letter November 7, 2005):  Both Santa Barbara and San Joaquin air district rules require ground-level enclosed flares to meet NOx and VOC standards and incorporate the operating/design requirements of NSPS (40 CFR 60.18) as well as an opacity limit of Ringelmann 1. If not already included, the Bay Area refinery flare measure should include these additional restrictions and limits.</p>	<p>environmental groups, local governments, neighboring air districts, and concerned citizens)</p> <ul style="list-style-type: none"> <li>• Address stakeholder needs, issues and concerns</li> <li>• Provide timely and accurate information</li> <li>• Enhance communication between the Air District and all of the stakeholders</li> <li>• Build understanding and support for ozone planning and related air quality programs and projects</li> </ul> <p>The District will continue to evaluate our public involvement processes, and revise them as necessary to assure they are as effective as possible.</p> <p>The District adopted Regulation 12, Rule 12 in July 2005 to reduce flaring from emergency service flares at petroleum refineries. These elevated, high-pressure, open-air flares are much different from the enclosed, ground-level low-pressure flares in oil-field and landfill service in Santa Barbara and San Joaquin. Emergency service flares in the Bay Area have always been subject to a Ringelmann 1 limitation. However, NOx and VOC limitations are neither feasible nor measurable for these flares. Instead, Regulation 12, Rule 12 requires Bay Area refineries to prepare Flare Minimization Plans unique to each facility to reduce flaring emissions.</p>
13	Refinery Fugitive Emissions	<p><b>Brigette Tollstrup / Sacramento Metropolitan AQMD</b> (letter November 7, 2005):</p>	Comment noted.

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		SMAQMD supports the Bay Area District's effort to evaluate and propose enhancing the inspection/detection monitoring requirements for refinery fugitive emissions through SS 10 Pressure Relief Devices and Blowdown Systems and FS 12 Valves and Flanges.	
14	Agricultural Engines	<b>Brigette Tollstrup / Sacramento Metropolitan AQMD</b> (letter November 7, 2005): The commenter suggests that FS 15 Stationary Internal Combustion Engines include the investigation of an accurate inventory of agricultural pumps in the Bay Area.	Part of the ARB inventory includes emissions from agricultural pumps. District staff believes that those emissions estimates may be more representative of some of the large farming operations in the Central Valley than in the Bay Area. The District is currently reviewing the inventory for agricultural sources as part of the implementation of SB 700 (stats. 2003, ch. 479). The analysis of FS 15 will include development of an inventory of and potential emissions reductions from agricultural pumps as well as other IC engines.
15	Indirect Source Mitigation Program	<b>Brigette Tollstrup / Sacramento Metropolitan AQMD</b> (letter November 7, 2005): Suggest that the BAAQMD join with the SMAQMD and SJVUAPCD in developing Indirect Source Rules and to help evaluate rule proposals on this control method.	The Bay Area will closely monitor the SJVUAPCD's progress on implementing an indirect source rule and plans to evaluate the feasibility of such a rule for the Bay Area. FS 18 Indirect Source Mitigation Program was amended to also mention SMAQMD's recent efforts to develop a CEQA mitigation fee program related to construction impacts.
16	Measures Proposed for Deletion – Improved Residential Water Heater Rule	<b>Jack Witthaus / City of Sunnyvale</b> (letter October 10, 2005): Consider state-level legislative advocacy to implement an achievable statewide regulation on residential water heaters.	A previous residential water heater control measure has been proposed for deletion because it is a technology-forcing standard that is not feasible at this time. New measures SS 12 and SS 13 both propose additional controls on other water heaters

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17	Funding and Emissions Reductions from Incentive Programs (Table 8)	<p><b>Jack Witthaus / City of Sunnyvale</b> (letter October 10, 2005): The inclusion of this table is inappropriate because it draws unnecessary attention to the cost effectiveness of these programs and could undermine the intent of the TFCA program.</p>	<p>and boilers. District staff agree with the commenter's suggestion that regulation on residential water heaters may be useful at the state government level but do not believe it is necessary or appropriate to include a commitment to advocate for legislative change as part of the strategy which focuses on inclusion of all feasible measures.</p> <p>The California Clean Air Act (CCAA) requires that the District include information on the cost-effectiveness of control measures included in each triennial plan. That information is provided in Table 16 of the Ozone Strategy. It is a District policy that all TFCA-funded projects demonstrate an overall cost-effectiveness of \$90,000 per ton or better. However, Table 8 is not intended to reflect cost-effectiveness but rather to summarize District grant programs and illustrate the many air quality beneficial grants and programs that the Air District has funded over this three year period.</p>
18	Feasibility of Estimating Emissions Reductions from Implemented TCMs	<p><b>Jack Witthaus / City of Sunnyvale</b> (letter October 10, 2005): Consider including an estimation of emissions reductions from implemented TCMs (if feasible).</p>	<p>An accurate calculation of emissions reductions from TCMs is very difficult. Many TCM elements have synergistic relationships making individual emissions reductions calculations challenging. In addition, many of the TCMs from the 2000 Clean Air Plan are on-going, so many of the emissions reductions will be realized over the life of individual projects, and it would be difficult to aggregate them in any meaningful way and, therefore, possibly misleading. The State does not require the District to include a report of emissions reductions achieved</p>

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19	Congestion Management Program Deficiency Plans	<p><b>Jack Witthaus / City of Sunnyvale</b> (letter October 10, 2005):  District should review adopted congestion management program deficiency plans, adopted by CMAs, to identify additional implemented TCM's.</p>	<p>from TCM implementation for a strategy that relies on the adoption of all feasible measures as allowed under the CCAA. Therefore, in triennial plan updates and annual reports to ARB, the District and MTC have reported on implementation milestones.</p> <p>This has been done. MTC assists the District in reporting the status of implementing adopted TCMs from earlier plans. MTC staff use a number of different sources for determining TCM implementation status. MTC staff is aware of the projects included in CMA adopted congestion management program deficiency plans. Information on TCM implementation efforts on pages 38-42 are highlights of significant implementation efforts during the triennial period.</p>
20	Hybrid Railroad Locomotives	<p><b>Jack Witthaus / City of Sunnyvale</b> (letter October 10, 2005):  “Green Goat” hybrid railroad locomotives should be considered by ARB and other regulatory agencies. Are incentives for such technology included in ARB’s Off Road Mobile Sources Emissions Reductions Program?</p>	<p>The “Green Goat” technology mentioned by the commenter refers to battery-powered switcher engines that operate in rail yards, sorting out rail cars from inbound trains and assembling outbound trains. At this time, the purchase and deployment of such technology is eligible for District grant funding through either the Carl Moyer program or a new District grant program funded through an additional \$2 surcharge on motor vehicle registration; although, to date, there has not been an application for such a Bay Area project submitted.</p> <p>The District also participates in the EPA Regions 9 &amp;10 West Coast Diesel Collaborative. This</p>

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21	ARB Railroad MOU	Jack Witthaus / City of Sunnyvale (letter October	<p>collaborative is working to identify additional resources to reduce diesel PM, and hybrid locomotive switcher engines may be eligible for such incentive funds.</p> <p>Regulation of emissions of air pollutants from locomotives is primarily the responsibility of the federal government; under the federal Clean Air Act, states and their political subdivisions are preempted from establishing emissions standards for these sources. Because of these limitations, ARB has been working on reducing emissions from locomotives through an incentive/voluntary approach and through fuel standards applicable to intrastate locomotives.</p> <p>On November 18, 2004, ARB approved new requirements for fuel used in intrastate diesel-electric locomotives. Beginning January 1, 2007, diesel fuel sold for use in these locomotives must meet the specifications of CARB diesel fuel. Intrastate (diesel-electric) locomotives are defined as those locomotives that operate and fuel primarily (at or greater than 90% of annual fuel consumption, mileage, and/or hours of operation) within the boundaries of the state of California. Diesel-electric locomotives use electric power provided by a diesel engine that drives a generator or alternator; the electric power produced then drives the wheels using electric motors.</p> <p>The final version of the 2005 Ozone Strategy</p>

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		<p>10, 2005):            Consider additional discussion of ARB's MOU with Union Pacific and Burlington Northern Railroads and the potential reduction of locomotive emissions in the Bay Area.</p>	<p>includes additional discussion of the MOU. The MOU process occurred concurrent with the release of the public review draft of the document in September 2005. ARB's Railroad MOU provides a path to real, near-term reductions of diesel particulates and other air pollutants from locomotives operating within the District and statewide. The District is participating with ARB in implementing the MOU, and anticipates conducting a series of community outreach meetings in the Bay Area in early 2006.</p>
22	<p>WTA Ferry Service Expansion to Moffett Field</p>	<p><b>Jack Witthaus / City of Sunnyvale</b> (letter October 10, 2005):            TCM 7 should be revised to include the future study of ferry service expansion to Moffett Field in Phase 2.</p>	<p>The WTA's Final Implementation and Operations Plan includes a reference to future study of ferry service post-2006 to Moffett Field. Consequently, "Future study of ferry service expansion to Moffett Field" has been added to TCM 7.</p>
23	<p>"Best Practices" for Land Use and Transportation Integration</p>	<p><b>Jack Witthaus / City of Sunnyvale</b> (letter October 10, 2005):            TCM 15 should be revised to encourage efforts to adopt "best practices" for land use and transportation integration, such as the VTA's Community Design and Transportation Program.</p>	<p>The District, MTC and ABAG are aware of the VTA's Community Design and Transportation Program and agree that it is a helpful tool for promoting land use and transportation integration in Santa Clara County. Many of the program items listed in TCM 15 either explicitly or implicitly include the encouragement of best practices. TCM 15 has been amended to include the following: "The Air District, MTC and ABAG will consult with and provide technical assistance to local jurisdictions interested in pursuing smart growth strategies, including highlighting best practices from throughout the Bay Area and other parts of the</p>

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24	Goods Movement	<p><b>Jack Witthaus / City of Sunnyvale</b> (letter October 10, 2005):  Consider the addition of a TCM related to goods movement that would encourage the use of the cleanest modes of transport for goods, or efficient transfer of goods at ports and airports, and other intermodal facilities.</p>	<p>country.” In addition, under the promotion of innovative parking strategies, the regional agencies will maintain examples of best practices and innovative parking strategies as part of a technical assistance program to local agencies.</p> <p>Several of the proposed Ozone Strategy control measures are related to goods movement, District staff does not believe there is a need to include an entirely separate TCM for this same purpose. Those related control measures include MS 1 Diesel Equipment Idling Ordinance, MS 3 Low-Emission Vehicle Incentives, and FS 17 Mitigation Fee Program for Federal Sources. FS 17, in particular, is relevant to the Goods Movement and has been amended to reflect the District’s and MTC’s involvement in the Goods Movement planning process. A major goal is to ensure adequate funding to accelerate the reduction of impacts from ships, trains, trucks and other diesel equipment used in the handling and movement of freight. In addition to these control measures and further study measure, the District’s Community Air Risk Evaluation (CARE) Program has implications for goods movement.</p> <p>In 2004, MTC completed a Regional Goods Movement Study for the San Francisco Bay Area which generated key information that will: 1) help MTC allocate transportation funds for transportation infrastructure; 2) provide local decision-makers with economic impact information for planning economic</p>

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25	California 8-hour Ozone Standard Missing from Executive Summary	<p><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005):</p> <p>The Executive Summary should note that the California 8-hour ozone standard is applicable to the Bay Area. The region's historical data indicates the Bay Area will be classified as a nonattainment area for the 8-hour ozone standard, necessitating additional emissions reductions. In order to be the comprehensive document it purports to be, the Executive Summary of the 2005 Ozone Strategy should reference the existence of the 8-hour</p>	<p>development strategies or making infrastructure, zoning and other land-use decisions affecting this industry; and 3) prepare a common freight platform for MTC and its partners for federal advocacy and regional planning efforts.</p> <p>Currently, ARB staff are developing a new emission reduction plan for goods movement, focusing on ports, rail yards, and major transportation corridors. This effort is the next step in implementing the Goods Movement Action Plan developed by the California Business, Transportation and Housing Agency and the California Environmental Protection Agency. The emission reduction plan will also be an essential component of California's effort to meet new federal air quality standards for ozone and fine particulate matter (PM2.5). The 2005 Ozone Strategy has been amended to include reference to the Statewide Goods Movement Action Plan in both the main document and in FS 17.</p> <p>These topics are discussed in the 2005 Ozone Strategy. They are not mentioned in the Executive Summary because this document is the Bay Area's strategy for compliance with the State 1-hour ozone standard. Emission reductions resulting from Ozone Strategy control measures will make progress towards attaining the State 8-hour ozone standard.</p> <p>The California 8-hour ozone standard will not be in effect until 2006. ARB has not yet development</p>



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26	Contingency Measures Are Lacking	<p>California ambient air quality standard and the need for substantial further emissions reductions to achieve attainment. Similarly, toxics and the federal 8-hour ozone standard should also be referenced for comprehensiveness.</p> <p><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005): The 2005 Ozone Strategy lacks contingency measures required by the California Clean Air Act. Health and Safety Code § 40915.</p>	<p>planning requirements or guidance for the State 8-hour ozone standard, but ARB staff expects to do so prior to the next plan update.</p> <p>The requirement to include contingency measures is fundamentally inconsistent with the use of the “all feasible measures” alternative authorized under Health and Safety Code § 40914(b) and used by the District in preparing the 2005 Ozone Strategy. A contingency measure has to be feasible to be a meaningful contingency measure, but all feasible measures have been included in the strategy; therefore, there are no measures available to serve this purpose. We also note that contingency measures are required under § 40915 for implementation upon a finding by the State board that the District is failing to achieve interim goals or maintain adequate progress toward attainment. Neither of those situations is applicable to implementation of an “all feasible measures” plan.</p> <p>While different from contingency measures, further study measures can be considered potential additional measures which rely upon further investigation. Further study measures are measures for which insufficient information was available during the development of the control strategy to allow the agencies to commit to them as control measures. A measure may be proposed for further study because of a lack of emissions data</p>

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27	Lack of Complete Explanation of how “All Feasible Measures” Standard Has Been Achieved for TCMs	<p><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005):</p> <p>The District has failed to provide a complete explanation of how the California Clean Air Act All Feasible Measures standard has been achieved for transportation control measures (TCMs). While the 2005 Ozone Strategy references the regulatory definition of All Feasible Measures, 17 CCR 70600, et seq., the document does not detail the basis for its failure to include additional TCMs in the control strategy. Each TCM that was rejected should be listed and an explanation of the factors and weighting employed by the District and MTC that led to the rejection of each such measure.</p> <p>It is very difficult to understand what aspects of each TCM are existing and what elements are new.</p>	<p>on the source targeted, because the cost effectiveness of control may be questionable, or because technology to control the source may not have been adequately demonstrated. The 2005 Ozone Strategy commits the District to continue to evaluate the further study measures. However, the Ozone Strategy does not commit the District to continue evaluation of a measure if it is determined to be technically infeasible, not cost-effective, or inappropriate for any other reason, nor is the District committing, as part of the Strategy, to move forward with further study measure(s) deemed feasible as a result of the study unless and until the District specifically commits to the measure(s).</p> <p>Transportation Control Measures (TCMs) have been extensively analyzed as part of past planning activities associated with state and federal plans. As part of this 2005 Ozone Strategy effort, the District and MTC not only solicited suggestions of potential measures from agency staffs and the public, but also set-up a review, screening and evaluation process for existing and new TCMs. While the titles for the Ozone Strategy TCMs are similar to those included in the 2000 Clean Air Plan, all of the TCMs have been thoroughly reviewed, revised and updated. The 2005 Ozone Strategy TCMs include a very broad range of transportation measures including transit, bicycle, pedestrian, ridesharing, public education, demonstration projects, pricing and land use measures.</p>

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28	Indirect Source Review	<p data-bbox="583 743 1192 808"><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005):</p> <p data-bbox="583 815 1264 1214">The 2005 Ozone Strategy repeats previous plans in making passing mention of indirect source review. While this recital has been included in every known Bay Area state plan since 1991, no such rules or program has ever been adopted. The California Clean Air Act mandates the inclusion of indirect source controls. Health and Safety Code § 40716 directs that “a District may adopt and implement regulations to accomplish . . . indirect . . . sources of air pollution” while § 40918(a)(4) directs that state plans shall contain “[p]rovisions to develop . . . indirect source control programs.”</p> <p data-bbox="583 1247 1243 1377">Despite this mandate, the District has never adopted an indirect source review program or rule. The 2005 Ozone Strategy must terminate this pattern of delay and contain specific steps to</p>	<p data-bbox="1285 311 1969 711">The TCM evaluation process was discussed at length through the Ozone Working Group. Refer to memos and reports on the TCM Review Process, Screening of TCMs, Control Measure Evaluation Criteria – Transportation Control Measures, TCM Workshop Memo, Preliminary Stationary/Mobile/Other Control Measure Evaluations, and other related reports discussed at the Ozone Working Group meetings on May 14, 2003, August 5, 2003, October 28, 2003, January 6, 2004, January 20, 2004, March 23, 2004, May 20, 2004, September 28, 2004.</p> <p data-bbox="1285 743 1969 1247">State law does authorize the District to adopt and implement regulations to reduce or mitigate emissions from indirect sources of air pollution without infringing on the traditional authority of cities and counties to plan or control land use. (Health &amp; Safety. Code § 40716. Further, areas with moderate or worse ozone pollution, including the Bay Area, are directed to include “<i>provisions to develop</i> . . . indirect source control programs.” (Emphasis added.) But these two statutes – one authorizing adoption and implementation of an indirect source rule and the other requiring the District to make provision to develop an indirect source program, do not amount to a “mandate” to adopt an indirect source rule.</p> <p data-bbox="1285 1279 1969 1377">The District currently implements various programs to reduce emissions from indirect sources, including: review and comment on CEQA</p>

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29	2005 Ozone Strategy Should Include Results of Modeling to Show Effect of Emissions Reductions Realized	<p><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005):</p> <p>In addition, the legislature anticipated CAPs would routinely include models (ARB to develop “methods for the validation of air quality models,” Health and Safety Code § 40916(b)) as part of attainment planning. The District has acknowledged it has developed a model capable of demonstrating the effects of emissions reductions upon ambient air quality, and in so doing, must now utilize that tool, least the resources used in its development be</p>	<p>documents; promotion of air quality elements in local general plans; Transportation Fund for Clean Air grants for bicycle facilities, traffic calming, transit, shuttles and other projects; cooperation with other regional agencies and stakeholder groups in the Smart Growth Strategy/Regional Livability Footprint project.</p> <p>The District will continue to evaluate ways to enhance these programs and further reduce emissions from indirect sources. The primary goal of such programs would be to encourage land use development projects located and designed in such a way as to reduce vehicle use.</p> <p>The District will continue to monitor the progress of SJVUAPCD and SMAQMD with implementing indirect source rules and fees in order to evaluate the feasibility of such a rule for the Bay Area through FS 18 Indirect Source Mitigation Program.</p> <p>The CCAA does contemplate the use of models to assess improvements in air quality as part of the ongoing effort to attain and maintain the state ambient air quality standards as part of the triennial plan updates. However, as the District is currently pursuing an “all feasible measures” planning effort, modeling to demonstrate the effect of emissions reductions is not necessary or required. ARB has confirmed that modeling is not required for such plans.</p>

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		<p>squandered and to help advance future attainment planning processes, including the two upcoming 8-hour plans.</p>	<p>As stated in the 2005 Ozone Strategy, the District has been modeling two ozone episodes as part of the Central California Ozone Study. The original purpose of that modeling was to demonstrate attainment for the federal 1-hour standard. Because the EPA revoked the 1-hour standard in June 2005, such modeling is no longer necessary. The episodes that the model was being developed to simulate would not be representative for the State 1-hour standard and therefore could not be used to demonstrate attainment of the State 1-hour standard or to estimate carrying capacities. No air district in California or the ARB has conducted modeling studies for the State 1-hour standard.</p>
30	<p>1991 Clean Air Plan Does Not Contain An Estimation of Emission Reductions Necessary for Attainment</p>	<p><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005): The District claims that since it followed a process that it asserts complied with the mandated Health and Safety Code § 40233 process in 1991, it may choose to ignore these requirements in the 2005 Ozone Strategy. In fact, the 1991 Clean Air Plan</p>	<p>The modeling work to date will not be “squandered.” Bay Area District modeling staff is working intensely with staff at ARB and Northern California air districts to develop modeling for attainment demonstration SIPs for the Sacramento and San Joaquin federal non-attainment areas for the national 8-hour ozone standard. This work includes analysis of transport between the Bay Area and other Northern California districts.</p> <p>In 1988, Assembly Bill 3971 (stats. 1988, ch. 1569, §2), was enacted, adding section 40233 to the Health and Safety Code. Section 40233 directed the Bay Area District to estimate the quantity of emissions reductions from transportation sources necessary to attain and maintain state and federal ambient air quality standards. This task was to be</p>

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	<p>makes no express reference to Health and Safety Code § 40233, and includes no estimation of the emissions reductions necessary for attainment. The 1991 Clean Air Plan does contain a robust list of TCMs, and for that reason alone stands as a positive example of what the District has done in the past. As demonstrated by the text at page 21 of the 1991 Clean Air Plan, the emissions reductions calculations in that plan were calculated by estimating the potential emissions reductions associated with the TCMs, then totaling them, and were not the product of a District estimate followed by MTC's development of a transportation source plan.</p> <p>Even had the 1991 Clean Air Plan adequately addressed Health and Safety Code § 40233's transportation source plan process, that alone does not exempt the District from § 40233 compliance for the next 15 years.</p>		<p>completed by June 30, 1989.</p> <p>In June of 1989, in compliance with § 40233, the District estimated the level of emissions reductions from transportation sources necessary to attain and maintain state and federal standards. On the basis of information available at that time, the District estimated that a reduction of 25 tons per day of hydrocarbons was necessary for this purpose. This was the amount of emissions reductions that, together with anticipated reductions from State, federal and other District regulations and programs would provide for attainment of the state one-hour ozone standard. The target represented a reduction from TCMs of 35 percent of the projected 1997 mobile source emissions inventory. (Bay Area '91 Clean Air Plan (CAP), Issue Paper #1, June, 1989; see also BAAQMD Staff Report: Transportation Control Measures Plan, September 19, 1990, Transmittal Memorandum, p.2; and BAAQMD Staff Report: Final Transportation Control Measures Plan, January 16, 1991, p. 1.)</p> <p>During the development of the 1991 Clean Air Plan, the District worked closely with MTC to develop a TCM plan to achieve the targeted emission reductions. The TCMs included in the 1991 Clean Air Plan, when implemented, were expected to achieve the emissions reductions target. (Bay Area 1991 Clean Air Plan, Vol. 1, p. 21.)</p> <p>In June of 1991, the District and MTC submitted a</p>

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			<p>joint report to the Legislature regarding steps taken to comply with AB 3971. (Letter from Lawrence Dahms, Executive Officer, MTC, and Milton Feldstein, Air Pollution Control Officer, BAAQMD, to the Honorable Willie L. Brown, Jr., Speaker, California State Assembly, dated June 12, 1991.) The report included both the District's target for emissions reductions from TCMs and a description of the steps taken to develop the transportation control measures to meet that emissions reduction target.</p> <p>The emissions reduction target was used to guide the process of developing the TCMs detailed in the report to the Legislature and various technical memos prepared in conjunction with the development of the 1991 CAP. And, as the commenter notes, the 1991 CAP contained a robust list of TCMs intended to achieve the emissions reductions target. In fact, the emissions reductions from TCMs included in the 1991 CAP exceeded the target, ameliorating to some extent concerns about the considerable uncertainties attendant to the quantification of emissions reductions to be realized from TCMs. (Bay Area 1991 Clean Air Plan, Vol. 1, pp. 21 – 23.)</p> <p>Since that time, the District and MTC have continued to strengthen and refine the TCMs and emissions reductions estimates for these complex measures. The target established in 1989 and first reflected in the 1991 CAP continues to drive this</p>

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31	Need for Updating the Transportation Source Plan per Health and Safety Code § 40233 and 40717	<p><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005):  The District advances an irrational and arbitrary interpretation of the requirements of Health and Safety Code § 40233 and 40717 that overtly defeats the Act's purposes and is injurious to public health. Health and Safety Code § 40233 references the need for updating the transportation source plan in coordination with each triennial update, since the updates are clearly part of the District's periodic revisions of emissions reductions necessary for attainment.</p> <p>The District claims Health and Safety Code § 40233 is discretionary, but this is correct only if the District is free to ignore the duty to achieve prompt attainment. The California Clean Air Act contains numerous other references to the purposes of District state plans, which include: "Districts shall endeavor to achieve and maintain state ambient air quality standards . . . by the earliest practicable</p>	<p>ongoing improvement effort; consequently, the District has not determined that the emissions reduction target has needed to be revised since that time. (Letter from Jack P. Broadbent, Executive Officer/APCO, Bay Area Air Quality Management District, to Steve Heminger, Executive Director, Metropolitan Transportation Commission, dated April 12, 2004.)</p> <p>See also response to Comment 31.</p> <p>Health and Safety Code § 40233 directs the District to estimate the emissions reductions from transportation sources necessary to attain and maintain state and federal air quality standards. The District completed this task in 1989. See response to Comment 30.</p> <p>Section 40233 further provides that "as the bay district periodically revises its estimate of the emissions reductions from transportation sources necessary to attain state and federal ambient air standards . . . the plan for transportation control measures shall also be revised, adopted, and enforced according to the procedure established [for adopting and enforcing the initial estimate]." The commenter reads this provision as a directive to revise the estimate as a part of the triennial update required under Health and Safety Code § 40924. That reading of the statute is incorrect. The purpose of the quoted language is to set out the process for revising the estimate of emission</p>



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		<p>date.” “[P]riority should be placed upon expeditious progress toward the goal of healthful air.” Health and Safety Code § 40910.</p>	<p>reductions needed from transportation sources when the District determines that such a change is necessary and to require the revision of the transportation control plan whenever the District revises the estimate; it does not require that the estimate be revised on a certain time line. This is a decision left to the District based on a determination of the appropriate allocation of responsibility for emissions reductions necessary to attain and maintain air quality standards.</p> <p>This determination is quite complex and involves consideration of many factors. The District must take into account the relative contributions of a wide range of source categories, including traditional stationary sources both large and small and less discrete source categories such as area, indirect and transportation sources, as well as source categories controlled at the State and federal level. The District must consider the emission reduction potential of these source categories and explore the means by which the needed emissions reductions can be most effectively achieved. In carrying out this complex task the District must consider a myriad of factors including the availability of technologically feasible and cost-effective control measures. Additional concerns – quite apt in regards to transportation control measures – include such considerations as whether and to what extent emissions reductions from a source category can be quantified and assured.</p>

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			<p>In this context, it is not surprising that the District's ability to quantify and, therefore, its willingness to rely prospectively on emissions reductions from a complex source category such as transportation sources will have a significant impact on the level of emission reductions formally attributed to the category in a planning context. Moreover, under a planning regime that requires the adoption of all feasible measures on an expeditious schedule, the need to revise the estimate of emission reductions from this source category will not arise often.</p>
			<p>Unless and until the District determines that the estimate of emission reductions from transportation sources must be revised in order to attain and maintain state and federal ambient air quality standards, the District has no duty to revise the estimate. The District has not made such a determination in preparing the 2005 Ozone Strategy.</p>
			<p>While the 2005 Ozone Strategy does not set a revised emission reduction target for transportation sources, the TCMs intended to achieve that target have by no means remained static. During preparation of the 2005 Ozone Strategy, the District and MTC reviewed all of the TCMs in detail and augmented them substantially. The TCMs in the 2005 Ozone Strategy are among the most comprehensive of any air quality plan in California.</p>

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32	Health and Safety Code § 40233	<p><b>Marc Chytilo / on behalf of TRANSDEF</b> (letter November 9, 2005):</p> <p>Health and Safety Code § 40233 requires estimates of emissions necessary from transportation sources to achieve attainment. The District and its partner agencies have engaged in a pattern and practice of avoiding compliance with the substantive and procedural requirements of Health and Safety Code § 40233 from the first Clean Air Plan under the California Clean Air Act to the current 2005 Ozone Strategy.</p>	<p>The District and MTC have complied with the requirements of § 40233. See responses to Comments 30 and 31.</p>
33	Failure to Meet CCAA Mandated Triennial Update	<p><b>Marc Chytilo / on behalf of TRANSDEF</b> (letter November 9, 2005):</p> <p>The District has failed to meet the California Clean Air Act's mandated triennial update requirement. The most recent Bay Area Clean Air Plan was adopted in 2000, and no plan was prepared in 2003 or 2004. The 2005 Ozone Strategy should explain the reasons for this lapse, and include measures to remediate any harm to the public and restore all lost progress towards air quality improvement that may be reasonably attributed to this failure. At a minimum, all reporting in the 2005 Ozone Strategy should include the period up to 2004, and not stop at 2002 (eg, VMT, population exposures, etc.).</p>	<p>The 2005 Ozone Strategy describes how the San Francisco Bay Area will make progress toward the State one-hour ozone standard as expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. At the beginning of this ozone planning process, the Ozone Strategy was also intended to address requirements related to the national one-hour ozone standard; however with the revocation of the national one-hour standard in June 2005, the District has decided to move forward with this Strategy solely as a state triennial update as required by the CCAA.</p> <p>Because the triennial update was not submitted in the regular 3 year cycle does not mean that rule development and mobile source and TCM implementation has not occurred, however. To the contrary, the District and MTC have continued to move forward with rule development, mobile source</p>

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34	Ozone Strategy Provides No Projected Future Attainment Date	<p><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005):</p> <p>The California Clean Air Act requires each area to attain by the earliest practicable date. Since 1991, the District has failed to develop a plan that achieves attainment, and the region routinely violates the California ambient air quality standard for ozone. The 2005 Ozone Strategy continues the trend by providing no projected future attainment date, or even an estimation of the emissions reductions necessary to get there. The District has chosen to rely on a weakness in the California Clean Air Act (as compared to the federal Clean Air Act) to the detriment of the residents of the Bay Area. This demonstrates both an important gap in the CCAA necessitating amendment, as well as a lack of commitment on the District's part to demonstrate to Bay Area residents that it is addressing air quality problems with the appropriate levels of commitment and resources. Attainment modeling to date indicates that substantial additional emissions reductions are needed for attainment of the 1-hour state ozone standard, notwithstanding the emissions reductions likely to be required to meet the 8-hour state ozone standard.</p>	<p>incentive programs, TCM implementation and other program implementation activities. The District has worked closely with ARB throughout the planning process, seeking their input on the Draft Ozone Strategy and keeping them apprised of control measure implementation.</p> <p>The District agrees that additional emissions reductions are needed to attain the State one-hour ozone standard. Indeed, the District is pursuing an attainment strategy that requires implementation of "all feasible measures" to meet this need. This means that the District has included in the plan every feasible control measure with an expeditious adoption schedule. This is specifically authorized under the CCAA (§40914(b)) and is used by all districts that have planning obligations under the act.</p> <p>A plan that includes all feasible measures on an expeditious adoption schedule is not only legally sufficient, it represents the maximum level of public health protection possible and ensures that the Bay Area will attain the one-hour ozone standard by the earliest practicable date.</p>

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35	District Has Ozone Modeling Capabilities	<p data-bbox="585 342 1192 402"><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005):</p> <p data-bbox="585 410 1251 672">The 2005 Ozone Strategy states that the District has prepared and calibrated its attainment demonstration model, and the Modeling Group reports that projections of various percentage emissions reductions have been run. Thus it is clear that the District has modeling capability, but is unwilling to use it for any purpose in the 2005 Ozone Strategy.</p> <p data-bbox="585 711 1262 1378">As noted supra, TRANSDEF believes that the District has a duty under Health and Safety Code § 40233 to make the best estimates of the emissions reductions necessary for attainment, even though the confidence may be less than a federal attainment demonstration. The District has an obligation to achieve attainment “by the earliest practicable date.” In the absence of a modeled attainment demonstration, the District is incapable of identifying the magnitude of emissions reductions necessary for attainment. Even a less accurate attainment demonstration would inform decision-makers and the public of the magnitude of emissions reductions necessary for attainment. The District will approach the need to reduce emissions by 50% differently from approaching a 15% necessary emissions reductions to achieve attainment. In the absence of even a qualitative estimate of necessary emissions reductions, the effectiveness of this plan is impossible to judge.</p>	Please see response to Comment 29.

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36	Increased NOx Emissions from Marine Vessels Should Be Reflected in the Emissions Inventory	<p>As with several other elements of the 2005 Ozone Strategy, the District defers addressing challenging issues by falling back on past practices of avoidance and deferral. Prior Clean Air Plans also recited the challenges of modeling and the expectation that the next Clean Air Plan would require attainment demonstration modeling. But so long as the State does not mandate it, the Bay Area District appears content to avoid such modeling, even when it is technically feasible.</p> <p><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005):  The District's emissions inventory should be amended to quantify and reflect the increasing contribution of NOx emissions from marine shipping in waters off the coast of California. In other coastal California air districts, projected future coastal marine shipping threatens future air quality improvements. See, for example, the Santa Barbara County 2004 Clean Air Plan at <a href="http://www2.sbcapcd.org/sbc/cap04.htm">http://www2.sbcapcd.org/sbc/cap04.htm</a>. The Bay Area's ports contribute to these emissions, and must quantify the current and future emissions from this source category, including controls that may be exercised during port stops that could benefit other areas, such as making available clean fuels, requiring offsets, incentivizing air pollution control technology upgrades, etc.</p>	<p>Currently the District's emissions inventory accounts for ship activities within three miles from the Golden Gate Bridge. ARB is currently developing a statewide emission estimating methodology for ocean-going vessels (OGVs) operating in California coastal waters and California ports and inland waterways. The ARB emissions inventory will include all OGV emissions occurring within 100 nautical miles of the California coastline. The 100 nautical mile boundary is generally consistent with the California Coastal Waters (CCW) boundary except along the south central coast (Ventura and Santa Barbara Counties) where the CCW boundary is approximately 30 nautical miles offshore. The District will update the inventory when finalized data is available from ARB. The 2005 Ozone Strategy inventory Table 1 includes a footnote with the above information.</p> <p>The District, in conjunction with other coastal air</p>

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<b>37</b>	Cost-Effectiveness Analysis of TCMs Inadequate	<p><b>Marc Chytilo</b> / on behalf of <b>TRANSDEF</b> (letter November 9, 2005):</p> <p>The California Clean Air Act mandates ranking measures by cost effectiveness and consideration of those costs in developing the adoption and implementation schedule. Although the 2005 Ozone Strategy makes a generalized assessment of this factor for TCMs, the analysis omits valuation of pricing strategies, which are expected to have high cost effectiveness. The analysis should be further expanded to evaluate the relative cost effectiveness of the individual projects within the TCM. The District has chosen to lump categories of projects and programs into aggregate TCMs, however this masks a comparison of the cost effectiveness of individual measures which would be useful (and required) information for decision-makers and the public.</p>	<p>districts, local ports, and state and federal agencies, is participating in demonstration projects to test emission reduction technology on an ocean-going vessel and local harbor craft. The Port of San Francisco is currently offering incentives for cruise ships to utilize low sulfur marine fuel while in port and is considering the use of shoreside power as part of a new cruise ship terminal. We also anticipate increased use of clean fuels and other emission reduction technologies at local ports in response to ARB regulations on marine auxiliary engines, harbor craft and off-road container-handling equipment.</p> <p>The 2005 Ozone Strategy uses the best information available and appropriate techniques to assess cost effectiveness as required by Health and Safety Code § 40922. The approach to calculating TCM cost effectiveness was to analyze examples of measures that would be implemented under the various TCMs and their cost effectiveness, not provide a cost-effectiveness number for the TCM as a whole. The broad range of TCMs in the Ozone Strategy have complex, synergistic effects that make it very difficult to precisely quantify specific cost-effectiveness figures for each of the TCMs. Instead, an estimate was made for representative projects within each of the TCMs. While the use of cost-effectiveness estimates for individual projects may not be the ideal approach to assessing the cost effectiveness of a rule or program, in some instances – and most TCMs fall into this category –</p>

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38	Ozone Strategy Fails To Reduce the Region's Growth in VMT	<p>For example, TCM 4, improve regional rail service, includes some projects that are highly cost effective, and some that are not. Health and Safety Code § 40922 requires a detailed assessment and consideration of several factors in scheduling adoption and implementation. The 2005 Ozone Strategy should provide a project-specific level of analysis within each TCM that includes numerous projects involving capital construction funding.</p> <p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  We see that the District is still unwilling to create a comprehensive strategy to reduce the region's growth in vehicle miles traveled ("VMT"), despite the 29% increase projected between 2000 and 2020. The Strategy clearly recognizes the significance of this increase: "These traffic management strategies are critical since the projected growth in vehicle miles of travel will significantly exceed the expected growth in regional road capacity." (p. D-33). Yet the Strategy fails to set VMT growth reduction as a critical goal.</p>	<p>the complexities of calculating the cost effectiveness of a measure requires the use of an alternative approach.</p> <p>The 2005 Ozone Strategy is a comprehensive document describing the Bay Area's strategy for compliance with State one-hour ozone standard planning requirements. It is an air quality document, not a transportation plan. The District and MTC understand that reducing VMT can help to reduce emission from motor vehicles, as indicated by the menu of TCMs included in the Ozone Strategy. The TCMs in the Ozone Strategy – and more broadly, the smart growth efforts of ABAG, MTC and the District – are intended to reduce historic VMT growth.</p>
39	Adequacy of District Efforts	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  TRANSDEF remains unconvinced that recent low ozone levels have anything to do with the programs of the respective agencies. The Plan is devoid of anything tying its air quality efforts back to results in the real world. Please note that Figure 7 shows that</p>	<p>The information and data provided in Tables 2 through 5 and Figures 6 &amp; 7 in the 2005 Ozone Strategy demonstrate real improvements in Bay Area air quality since 1985, which track reductions in the District's emission inventory during the same period of time. The District believes this demonstrates that District rules and programs,</p>



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40	Public Outreach Efforts	<p>the population exposed to unhealthy levels of ozone actually increased between the plateau periods of 1990-1994 and 1998-2000! One possible interpretation of these data is that the District's efforts are not keeping up with increases in emissions. Nothing in the Plan demonstrates that recent low ozone levels are anything but the result of favorable meteorology (cool summers) coupled with an economic slowdown caused by recession that has reduced VMT, traffic congestion and industrial emissions.</p> <p>We think the District should prove that recent low ozone levels are the result of its regulatory efforts, and not simply a replay of the pseudo-attainment years of the 1990s. This could involve cranking up the new photochemical model or simply comparing ozone levels for years of similar meteorology and economic activity, as a cross-check of the reasonableness of the emissions inventories for the respective years.</p>	<p>together with regional, State and federal programs that reduce emissions from mobile and other statewide sources, are responsible for the positive effect on regional air quality over this period. The number of days of exceedances of the State ozone standard, the expected peak day concentrations and population-weighted exposure have declined substantially since 1988. Exactly how much of this improvement can be attributed to the District, State and federal rules and programs adopted and implemented during this period and how much is the result of changes in meteorology or changes in one or more of the numerous variables that affect ozone formation and air quality is not easy to discern. The stability of atmospheric conditions, solar radiation, strength and direction of winds, localized and regional topography, and the vertical mixing depth of the atmosphere play a significant part in the formation of ozone.</p>
		<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  The District still has not learned to conduct public outreach. TRANSDEF had a representative at almost all the community outreach meetings of 2004 and 2005. Almost all the attendees were representatives of organizations already known to the District, who were already participating in the public involvement process. Very few residents of</p>	<p>The District's public involvement program for the Draft Ozone Strategy has been extensive, and District staff believe the 2005 Ozone Strategy has been greatly improved because of public comments received through the public outreach process. Beginning in the Spring of 2003, the outreach process has included a variety of outreach techniques, including public presentations, technical work group meetings, community</p>

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41	Ozone Working Group	<p>the local communities actually showed up. The District's process failed to actually involve local community members.</p> <p>Other agencies, such as MTC, have been able to partner with local organizations to bring in local people of color and low-income people to get their input. At least part of that success comes from ensuring that the attendees get paid for their time. Until the District reorganizes how it reaches out for public input, it is obvious from the record that the input it does receive will not include the voices of these impacted communities.</p>	<p>meetings, email notices, and an ozone planning website. In addition, in 2003 and 2004 the District conducted community training sessions prior to the community meeting. These efforts reflect the District's broad community outreach program to achieve the following goals:</p> <ul style="list-style-type: none"> <li>• Include all the diverse stakeholders in the planning process (industry, community groups, environmental groups, local governments, neighboring air districts, and concerned citizens)</li> <li>• Address stakeholder needs, issues and concerns</li> <li>• Provide timely and accurate information</li> <li>• Enhance communication between the District and all of the stakeholders</li> <li>• Build understanding and support for ozone planning and related air quality programs and projects</li> </ul>
		<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):</p> <p>The Ozone Working Group, while superficially a top-of-the-line facilitated stakeholder process, was in reality a slightly updated version of the same-old same-old. "Announce and Defend" has evolved to "Listen, Announce and Defend." It was an agency information dissemination process coupled with a one-way information collection process, functioning the same as previous plan's workshops.</p> <p>The OWG never actually became a Working Group.</p>	<p>During 2003-2005, the District, in cooperation with MTC and ABAG, convened a technical group called the Ozone Working Group (OWG) to help develop the Draft Ozone Strategy for the Bay Area. The OWG was a sincere effort to involve the public in the ozone planning process. All OWG meetings were open to the public and many different stakeholder groups and individuals participated.</p> <p>Throughout the Ozone Strategy development process, ten OWG meetings were held. At these meetings, staff presented updates on various</p>

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		<p>The whole point of a stakeholder process is to help a divided group achieve a tolerable agreement on a difficult but important decision. For the OWG, the issue was the extent to which the District's would go to reduce emissions. Because District Staff was unwilling to engage in dialogue about this key point of contention, no Working and no agreement took place. Instead of collaborating on the basis of shared goals, Staff shut out the public from the very heart of the Plan process: the determination of control measure feasibility--determining how far to push to achieve air quality and health benefits. Instead of acting as a neutral party to help staff and attendees find common ground, the facilitator merely called on people in turn, as an appendage of the District. Neither he nor Staff demonstrated any understanding of the significant differences between a stakeholder process and a conventional agency-led input session.</p> <p>For the past 3 Plans, TRANSDEF has submitted detailed control measure proposals. The OWG had been touted as a forum for a back-and-forth dialogue on proposals such as ours, but never worked that way in reality. Our proposals disappeared into a black hole, never to return, except for a few elements which showed up in TCMs. We were never offered a dialogue about the inner workings of feasibility determinations: the weighting of the various criteria and the constraints within which the District works. Above and beyond the loss of innovative ideas, such behavior sends a</p>	<p>aspects of the planning process, answered questions, and solicited discussion and public comment. Background material, agendas and meeting handouts were available at the meetings and beforehand on the District website. At least half of the meetings were devoted to discussions of control measure screening, evaluation and development. There was even an additional January 2004 OWG meeting held in order to finish earlier discussion of control measure evaluations. All comments and questions at OWG meetings were recorded and meeting notes with responses were distributed at subsequent OWG meetings. Numerous comments from OWG meetings were incorporated into the 2005 Ozone Strategy.</p>

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		<p>strong message that the District does not collaborate with clean air activists, that it views them with suspicion, and would rather be left alone to go about its business.</p>	
		<p>Staff exhibited a bunker mentality in seemingly not being able to talk about what they were directed to do by Senior Management and the Board. That kind of secretive agency culture leads directly to frustration, conflict and eventually to litigation. TRANSDEF found little positive about the Ozone Working Group format. More could have been accomplished if we simply had been invited to Ellis Street.</p>	
42	<p>Adopt a Legislative Program to Support the Rescission of SB 437</p>	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  The fourth paragraph of TCM 1 (p. D-3) offers excellent reasons for the feasibility of employer-based trip reduction programs. With the higher levels of congestion found on the roads today, mandatory trip reduction ordinances would offer enhanced benefits to the region, both in air quality and congestion mitigation. The justification of such a program would be even stronger than when it was first adopted. To receive the full benefits of what is likely to be the most effective TCM in the Plan, the District should adopt as part of this TCM a legislative program supporting the rescission of SB 437. The fact that the Legislature revoked the District's authority to mandate such a program was not a criticism of the program's air quality benefits.</p>	<p>Whether or not the commenter is correct about the Legislature's continued acceptance of the air quality benefits of mandatory employer-based trip reduction programs, the legislation created a clear and present barrier to such mandates. If the opportunity were to arise, the District would consider supporting efforts to rescind SB 437. Unless and until SB 437 is rescinded, the District and MTC support a wide range of trip reduction activities, including the Regional Rideshare Program, county and city-level programs, programs at schools and universities, programs at transportation management associations and business groups, and other activities.</p> <p>TCM 15 encourages cities and counties to require developer-based trip reduction programs. In</p>

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		<p>The District needs to make the case that major employers receive significant benefits from the regional highway system, and need to do their part to keep it functioning. Employers complain mightily about congestion harming their ability to do business. Now the District needs to make the case that business has a responsibility to support trip reduction programs, especially in these times of reduced state infrastructure investment.</p>	<p>addition, FS 18 Indirect Source Mitigation Program includes an evaluation of ways to enhance existing Air District programs to reduce emissions from indirect sources, including: review and comment on CEQA documents; promotion of air quality elements in local plans; Transportation Fund for Clean Air grants for bicycle facilities, traffic calming, shuttles and other projects; cooperation with other regional agencies and stakeholder groups in the Smart Growth Strategy/Regional Livability Footprint project; and study of other options to further reduce emissions from new and existing land uses.</p>
43	<p>Revise TCM 1 Support Voluntary Employer-Based Trip Reduction Program</p>	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  The fifth bullet on page D-4 is not specific enough to generate implementation activities. Rather than “Work with employers...” the TCM should identify the specific actions to be taken by the District, such as “identify employers subject to the provisions of the State Parking Cash out law, send them letters explaining their legal responsibilities, provide technical support to assist compliance, and publicize the program to employees.” The word “certain” is too vague, given that the main eligibility criteria are identified immediately after. Either delete it or provide the full set of criteria.</p>	<p>We disagree. The language used is broad enough to encompass the activities described by the commenter but flexible enough to ensure that the District and MTC can focus on the types of programs and other activities that will result in efficient and effective efforts to encourage employer-based trip reduction.</p> <p>Also, as noted in TCM 1 and TCM 15, the District, MTC and ABAG will work with employers and with local governments to encourage innovative parking strategies, including parking cash out.</p>
44	<p>Lower Average Speeds Can Lower Emissions</p>	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  Please note that “lower average speeds” (p. D-3) may in fact lower emissions rather than raise them,</p>	<p>We agree with the commenter’s note that, depending on the circumstances, reducing average speeds (i.e. from 55 mph to 35 mph), can also lead to a reduction in emissions.</p>

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		if the congestion is on freeways. Tunnel studies found that moderate speeds of 30-35 mph provided the lowest emissions.	Therefore, TCM 1 has been amended to describe the more specific scenario with regards to stop and go traffic. The sentence now reads “Without continued trip reduction programs, increased traffic volumes in general could increase motor vehicle emissions, and congestion, in particular, increases auto emissions due to stop and go traffic and lower, <u>congested</u> average speeds”.
45	Revise TCM 4 Upgrade and Expand Local and Regional Rail Service	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): Add a bullet to Phase 1 of TCM 4 (p. D-16): “Have developers enter into long-term agreements to pay for shuttles from new employment and residential developments.”	Please note that page D-16 refers to TCM 5. The second bullet under Phase 1 (p. D-16) addresses examination of funding options for and coordination of new and existing shuttles and, unlike the suggestion laid out in this comment, is clearly consistent with current legal authorities of MTC, ABAG and the District. In addition, District CEQA comment letters often encourage local lead agencies to require developers to provide shuttles.
46	Revise TCM 8 Construct Carpool / Express Lanes on Freeways	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): Add the following bullet to TCM 8 on page D-24: “The Air District and MTC shall advocate for the conversion of selected mixed flow freeway lanes to high occupancy vehicle lanes.” This highly cost-effective strategy has significant air quality benefits, as well as congestion benefits for HOV users, and is especially appropriate in this time of weak State financial commitment to infrastructure. This may require a legislative program to seek authorization.	As referenced in TCM 8 background (p. D-24), the March 2003 update to the Bay Area HOV Lane Master Plan included a comprehensive analysis of regional emissions from different HOV lane configurations, including conversion of existing lanes to HOV lanes. One of the findings was that the conversion of some mixed flow lanes to HOV lanes with express bus service yielded lower NOx emissions, which result from slowing traffic down in the mixed flow lanes as these lanes become more congested. However, this slowing of traffic in the mixed flow lanes can also lead to significant and

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47	Revise TCM 13 Transit Use Incentives	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): Add the following to TCM 13's EcoPass description on page D-40: "Encourage cities and counties to make a contribution to air quality and congestion relief by requiring developers of Transit Oriented Development to purchase a monthly residential EcoPass for each resident, as a condition of approval." This would be an excellent way to communicate that TOD means transit.</p> <p>Add the following to TCM 13's EcoPass description on page D-40: "Encourage cities and counties to make a contribution to air quality and congestion relief by requiring employers to purchase a monthly business EcoPass for each on-site employee as a condition of permit approval."</p>	<p>potentially unacceptable levels of delay for motorists traveling these corridors. The suggestion that new HOV lanes only be approved if accompanied by new express bus service, would be problematic since some corridors may not support this kind of service from a ridership or financial standpoint.</p> <p>However, TCMs 3 and 8 acknowledge the important link between Express Bus Service and the HOV network, and TCM 8 states, with respect to HOV lanes, "special attention should be paid to express bus operations to maximize benefits to transit."</p> <p>TCM 13 references Santa Clara County's EcoPass Program as an existing program that could potentially increase transit use and lower vehicle emissions, as well as similar university-based programs (p. D-40). It is noted that MTC and the District will encourage employers, transit operators, local governments and others to promote and expand such programs. The program enhancements suggested by this comment could be considered by these entities when they develop and expand such programs. District CEQA comment letters often encourage local lead agencies to require EcoPass-type programs.</p>

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48	Revise TCM 15 Local Land Use Planning and Development Strategies	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):</p> <p>Add the following bullet to TCM 15's Phase 1, just before the last paragraph on page D-46: "MTC will amend these incentives and conditions into this TCM on an on-going basis." This will make it possible to review the regional program linking land use, transportation and air quality all in one place.</p> <p>Add language to TCM 15 at the top of page D-48, precisely paralleling the language of the first bullet of Phase 1 of TCM 19, page D-65: "The Air District and MTC will comment on local land use planning and development strategies in related elements of city and county general plans, policies and programs, and in CEQA documents."</p> <p>To have an appropriate context for policy action, substitute "the largest source" for "a major source" in TCM 15's preface on page D-45.</p> <p>The footnote to page D-49 incorrectly asserts that Projections 2003 is a smart growth policy-based regional population forecast. The forecast is ABAG's attempt to create a feasible real world projection, so it is more conservative in its land use than the Smart Growth Scenario. Because Smart Growth was assumed to only start being implemented in 2008, the emissions reductions calculations and assumptions about the baseline appear to be incorrect.</p>	<p>The District and MTC will update and modify this TCM and others as part of future triennial reviews and updates of the Ozone Strategy.</p> <p>The District and MTC recognize the importance of local land use planning on transportation and air quality. The regional agencies are currently working with the MTC-ABAG-Air District Joint Policy Committee, which coordinates regional planning efforts, to determine our role and level of involvement in local land use planning.</p> <p>TCM 15 has been amended to provide additional information about the District's existing CEQA assistance. Please see response to Comment 10.</p> <p>Projections 2003 are policy-based projections. Although they are not based solely on the Smart Growth Strategy "Preferred Vision," they assume increased housing production in the Bay Area, and reflect underlying goals of the Vision. Because implementation of the Vision will occur over many years and require many local land use decisions, a conservative estimate of long-term effects is warranted.</p>



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49	Parking Strategies in TCM 15	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):            We suggest using a phrase that occurs later in TCM 15 for the first sentence at the top of page D-47: <i>“Cities and counties are encouraged to take various actions to promote innovative parking strategies, including:”</i></p> <p>Because the parking section of TCM 15 is already based on encouraging local government rather than on mandates, we urge the elimination of the soft language, which turns program concepts into mush: For the third bullet on page D-47, change “Consider allowing developers...” to “Require developers ....” Append to that bullet: “or the price for ownership housing.” The revised bullet becomes: <i>“Require developers and property owners to unbundle the price of parking spaces from the rent for tenants or the price for ownership housing.”</i></p> <p>Similarly, change the fifth bullet of TCM 15, page D-47, to “Implementing parking benefit districts that use revenue generated from on-street parking fees to fund pedestrian-supporting infrastructure and programs <i>benefiting the neighborhood.</i>”</p> <p>Similarly, change the sixth bullet of TCM 15, page D-47, to “Charge market-value for off-street parking and <i>institute</i> residential permit programs to alleviate spillover concerns.”</p> <p>Why does the seventh bullet of TCM 15, page D-47,</p>	<p>The menu of parking strategies included in TCM 15 is very broad and ambitious. MTC, ABAG and the Air District do not have authority to implement parking requirements. Cities and counties have this authority. The regional agencies will continue to work with local governments to encourage the implementation of innovative parking strategies. In addition, starting in 2006, MTC, ABAG, and the Air District will be conducting a parking study to assess strategies to reform parking policies to support smart growth and to demonstrate the applicability of those strategies in a series of case studies.</p>

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50	Indirect Source Mitigation Programs	<p>include “financial assistance” in a parking cash out program? How would financial assistance be involved? We propose adding to the bullet: “Encourage cities and counties to permit the conversion of surplus parking lot areas to economically productive uses, as an incentive when employers and landowners provide permanent parking cash out to employees.”</p> <p>For consistency, add relevant language from the seventh bullet of TCM 15, page D-47, to the last paragraph on that page: “The regional agencies ... parking assistance with marketing, pilot programs <i>and requirements through CEQA processes or conditions of approval.</i>”</p> <p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  There is no legitimate justification in TCM 15 (p. D-48) for merely “monitor[ing] implementation of indirect source mitigation programs in other regions for potential feasibility in the Bay Area.” San Joaquin Valley APCD is adopting an indirect source mitigation rule and fee program, Control Measure D, New Rules 9510 and 3180. Clearly, these programs are feasible. The Bay Area, as a non-attainment area, is thus required to do so as well. This item must instead be written: “The Air District will develop and adopt an indirect source mitigation program to reduce the growth in regional VMT.”</p>	<p>As authorized by Health and Safety Code § 40716 and directed by § 40918(a)(4), the 2005 Ozone Strategy includes provisions to develop an indirect source control program. Many of the elements of TCM 15, as well as elements of other TCMs, are intended to promote land use and transportation decisions that encourage alternatives to driving alone and reduce emissions from indirect sources. In addition, we are monitoring San Joaquin’s and Sacramento Metro AQMD’s processes for implementing an Indirect Source Rule and Mitigation Fee Program. Specifically, implementation of an indirect source control program is included in the Ozone Strategy as a further study measure (FS 18).</p>

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51	Location Efficient Mortgages in TCM 15	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):</p> <p>There is no reason that the last item for Phase 1 of TCM 15 (p. D-48) should only be “to study opportunities to promote LEMs.” The words “study opportunities to” should be deleted.</p>	<p>See also response to Comment 28.</p> <p>We disagree. The question of how best to encourage Location Efficient Mortgages (LEMs) requires further study.</p>
52	Parking Fees in TCM 18 Implement Transportation Pricing Reform	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):</p> <p>A parking fee of \$3.00 seems very arbitrary on page D-61. Why was this selected? The TRANSDEF Smart Growth Alternative for the RTP had a \$5.00 parking charge as a surrogate for parking cash out. \$3.00 not only seems low, it is not market-oriented to respond to local conditions.</p>	<p>Any dollar amount selected would be arbitrary in some sense. TRANSDEF selected a \$5.00 per day parking charge for its sensitivity analysis in the TRANSDEF Smart Growth Alternative evaluated in the EIR for the Transportation 2030 Plan. However, no particular basis for using this amount is evident other than this level is higher than for previous MTC analyses. While MTC reasonably assumed a \$3.00 per day charge as the basis for the emission reductions in the Ozone Strategy, staff note, for purposes of comparison only, that a \$5 per day parking charge would represent a 40% increase in costs while resulting in just an additional 4% reduction in vehicle trips. Regardless of the specific dollar figure analyzed, the underlying concept is consistent – workplace parking fees can reduce drive-alone commute trips.</p>
53	Revise TCM 19 Improve Pedestrian Access and Facilities	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):</p> <p>Insert the first two sets of bulleted lists for TCM 19 (pp. D-64 &amp; 65) as elements of Phase 1</p>	<p>The bulleted lists in TCM 19 are descriptions of the kinds of actions that could be pursued by cities, counties and developers. The programmatic elements being proposed in the 2005 Ozone</p>

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54	Seek Legislative Authority to Convert Sales and Use Taxes into Gas Taxes in TCM 18	<p>implementation. None of the other TCMs have programmatic lists like these that are not part of the implementation plan. These two lists have no standing as programmatic elements unless they are incorporated into Phases 1 and 2.</p> <p>Add to the end of the second bullet of the first TCM 19 list on page D-64: "requiring street facades to be interesting to pedestrians, etc."</p> <p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  Add to TCM 18, page D-59: "Seek legislation authorizing transportation sales tax authorities to convert voter-approved sales and use taxes into gas taxes raising the same amount of revenues. The level of the gas tax would be recalculated frequently enough to account for changes in the volume of gasoline sales and changes in the sales and use tax revenue that would have been received. This swap is revenue-neutral to the public as a whole, and would be net positive to lower-income people who don't drive. It would serve as a stronger pricing signal than currently exists, for those that drive a great deal." As such, this proposal is consistent with the goals of TCM 18. Because of its revenue neutrality, this proposal may be more politically viable and implemented sooner than the other elements of TCM 18. Should the legislation pass, the region's counties would be well-advised to all swap at the same time, to avoid big differences in gas prices between counties.</p>	<p>Strategy are more specifically set out in the Phase 1 and 2 lists.</p> <p>The first bullet of Phase 1 (p. D-65) has been revised to clarify the intent of the regional agencies to encourage local actions to promote pedestrian travel. Many of the bullets already address the goal of providing more attractive, not to mention safer, pedestrian environments.</p> <p>TCM 18 includes several elements related to fuel taxes. If the opportunity were to arise, the District would consider supporting efforts to change transportation sales tax into gas taxes. Any such measure would require legislative approval, and would surely be very controversial.</p>

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55	Revise MS 2 Green Contracting Model Ordinance	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):</p> <p>TRANSDEF thinks the District is taking an overly reticent approach with its proposed MS 2: Green Contracting (p. C-51). The effectiveness of the measure is limited by the voluntary cooperation of local government. Through its ability to set the threshold of significance in its CEQA Guidelines, the District could create a strong regulatory regime that would result in dramatic reductions in NOx and Diesel PM. Under current guidelines, the addition of any quantity of toxic air contaminants (TACs) beyond a de minimus amount requires Best Available Control Technology for toxics, or T-BACT.</p> <p>The District should set the threshold of significance for diesel PM, a TAC, at the level emitted when diesel equipment is used for more than a de minimus amount, say an hour. The impacts of more than de minimus use would then be identified in a project's CEQA document as significant impacts, triggering the required use of T-BACT as mitigation. The District would then confirm that for on-road and off-road diesel equipment, TBACT means meeting the current ARB standard for diesel engines. To avoid having to provide further mitigations, all contractors involved in projects that trigger CEQA review would find it necessary to upgrade their equipment to models meeting the latest standards. This proposal would mean that both public sector and private sector contracting were subject to</p>	<p>Separate from the 2005 Ozone Strategy, the District will be considering revisions to the BAAQMD CEQA Guidelines, especially with regard to impact evaluation methodology, thresholds of significance and mitigation measures for all project activities. Mitigation of diesel emissions will be addressed. In addition, Further Study Measure 18 also provide an opportunity to incorporate the type of suggestions made in this comment into an indirect source rule or program if it is found to be feasible and warranted.</p>

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56	Restructure TCM Implementation Through Cost-Effectiveness System	<p>control, thereby resulting in much more reductions than MS 2 as written, and would be much less burdensome to implement for municipalities.</p> <p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  The vast majority of the TCMs (3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 17) explicitly state that more could be accomplished to improve air quality, if only limitations on funding could be overcome. For almost all of the rest, it is clear that more money would allow more emissions reductions to be achieved. Thus, given the identification of unfulfilled potential for emissions reductions, further emissions reductions could be achieved through a means independent of the aforementioned TCMs.</p> <p>The new TCM would create a system to ensure consistent cost-effectiveness in the selection of projects and programs to implement TCMs, and would include the following elements: 1). The three co-lead agencies for this Plan agree in an MOU to use cost-effectiveness as the central criterion in selecting amongst alternatives to implement TCMs; 2). Cost effectiveness shall be calculated using the procedures set forth by the FTA New Starts program or the FHWA paper "Mainstreaming Pricing Alternatives in the NEPA Project Development Process" available at <a href="http://www.ltrc.lsu.edu/TRB_82/TRB2003-000941.pdf">http://www.ltrc.lsu.edu/TRB_82/TRB2003-000941.pdf</a> 3). Any highway or transit project must meet FHWA or FTA cost-effectiveness standards</p>	<p>The commenter suggests a process for evaluating TCMs, rather than a new transportation control strategy. The cost-effectiveness calculations for many TCMs are not straightforward, and where MTC has had sufficient information for proposed TCMs in the Ozone Strategy, a cost-effectiveness calculation was made and is available to decisionmakers. Similar calculations can be made for other TCMs that may arise in the future.</p> <p>As mentioned above in Response 17, the TFCA program already incorporates cost effectiveness as a key criterion.</p> <p>Further, as now constituted in the 2005 Ozone Strategy, the TCMs mirror the entire range of transportation investments contemplated in the latest Regional Transportation Plan. Making air quality cost effectiveness the sole criteria for advancing these improvements would ignore the public process used to develop the RTP and the wide ranging factors that were considered in incorporating various transportation projects and programs into the RTP, including sources and availability of funding, consistency with local plans, local and regional economic benefits, degree of public support, etc. Thus, this process and the range of considerations for including projects and</p>

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57	Revise BAAQMD CEQA Guidelines to Establish New Significance Thresholds for Increased Vehicle Trips	<p>before it can be approved by any of the co-lead agencies; 4). An agency may write a Statement of Overriding Considerations explaining the reasons it selected an alternative that was not the most cost-effective. Reasons may include the anticipated economic development impacts of an alternative. Emissions reductions lost by spending more money than necessary would have to be mitigated; 5). The exemption of a project by Congress from FTA's application of its cost effectiveness standards shall have no bearing on this TCM.</p> <p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):  CEQA offers an excellent method of achieving the mitigation of indirect source emissions. Because the Bay Area is a non-attainment area for ozone, every indirect source that leads to the creation of new auto trips can be identified as having a significant impact on the environment. That additional trip delays the attainment of the air quality standards. If the District's CEQA Guidelines were modified to acknowledge this basic reality, that could trigger a mitigation fee for each new project. The Guidelines could be structured such that mitigation fees would not be required if the project proposed enough TOD features, including the provision of permanently funded transit itself.</p> <p>The new TCM language: "Revise the Air District's CEQA Guidelines to identify the addition of new vehicle trips to the region as a significant impact to</p>	<p>programs in the region's long term transportation investment strategy should not have to be continuously repeated in Statements of Overriding Considerations. Finally, studies of major transit investments, whether funded by the FTA or other sources, typically include information on ridership forecasts and costs, so a separate requirement through a state air quality plan is not needed.</p> <p>Please see responses to Comments 10 and 55.</p>

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		the environment, because it will delay attainment of federal and State air quality standards. Develop a mitigation fee program, whose revenue stream would fund TCMs. The fee will be based on the number of trips generated, and will be coupled with a discount program designed to provide incentives for Transit Oriented Development and other regionally beneficial features of development.”	
58	Ozone Strategy Lacks Contingency Measures	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): The Plan is entirely lacking in contingency measures. See our attorney’s explanatory comments, under separate cover.	See response to Comment 26.
59	On-Road Mobile Source Baseline Emissions Inventory Projections	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): TRANSDEF has no confidence in the on-road mobile source baseline emissions inventory projections. Despite a 29% increase in VMT from 2000 to 2020, emissions for the same time period are reduced by 73% for ROG and 75% for NOx. Dr. John Holtzclaw has provided a History of Bay Area Mobile Source Emissions Inventories, (attached), which makes it clear that in twenty years of air quality planning, ROG levels have remained roughly the same. History shows that there is no reason to believe these inventory projections.	We do not agree with the commenter’s interpretation of the motor vehicle emissions inventory trends. For the past twenty years, ARB has been updating the on-road motor vehicle emissions inventory to reflect new information and findings. As a result, it has been necessary for the emission estimate for a given year to be updated and, when necessary, increased. For example, chase car studies in the 1990s found that there were more high-speed (over 55 mph) and aggressive driving than had been accounted for in the on-road motor vehicle emissions estimates. ARB increased baseline emissions estimates to reflect this finding.  On-road motor vehicle emissions show a downward trend due to California’s stringent emissions



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60	ARB Approval of Reasonably Available Measures	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):            Ask ARB to approve the list of measures proposed in this plan as reasonably available. If ARB can approve HOV lanes as reasonably available (p. D-24), they can approve some socially and environmentally beneficial measures as well.</p>	<p>standards and the Inspection/Maintenance program. Generally, California's vehicle fleet has become cleaner as older vehicles with older control technologies are replaced with newer vehicles with more advanced emission control systems. Remote sensing studies, tunnel studies and fuel based inventories carried out in the past decade have all shown and confirmed that the newer vehicles are becoming much cleaner and remain clean for longer periods of time, compared with the older fleet. The projections in the 2005 Ozone Strategy reflect these facts, and assume that the downward trend will continue into the future.</p> <p>After adoption by the District Board of Directors, the 2005 Ozone Strategy will be forwarded to ARB for approval.</p>
61	Validity of Adding Emissions Reductions in Table 8	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):            We are unclear whether it is meaningful to simply add the total tons of ROG, NOx and PM emissions reductions together in Table 8 (p. 37). If the emissions reductions were, instead, weighted by their respective health impact prior to their aggregation, then the grand total would be proportional to improvements to health.</p>	<p>The District agrees that public health impacts are important, but the commenter's suggestion of weighting Table 8's emissions reductions with some undetermined health impact factor is overly complex and not part of the CCAA requirements. Table 8 is intended simply to summarize District mobile source incentive programs and provide a general indication of air quality benefits.</p>

<u>#</u>	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
62	Clarification of Table 8 Funding and Emission Reductions from Incentive Programs	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): It is unclear what “over the life of the project” means in the footnote to Table 8, when each column represents one year. The three columns are not cumulative.	Projects that are funded through District grant and incentive programs (such as the TFCA Program) have unique implementation timeframes that do not coincide with the three year analysis for the CCAA-mandated triennial update.
63	Recent History of Bay Area Attainment Planning for the National One-hour Ozone Standard	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): The “Recent History” on page 96 is incomplete and one-sided without mention of the 2001 OAP rejection by ARB, the conformity freeze, the conformity lapse, and the challenge to the motor vehicle emissions budget adequacy determination.	The 2005 Ozone Strategy focuses on attainment of the State one-hour ozone standard. In this context the discussion of the Bay Area’s history with regard to the plan for attaining the national 1-hour ozone standard, which was revoked in June of 2005, summarizes the milestones in the planning process for that standard. In this context, nothing more is needed.
64	Photochemical Modeling	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): The statement on page 99 that “... at present, ARB is not requiring air districts to conduct photochemical modeling as part of the plans for attaining the California one-hour ozone standard” cannot be the reason why “... the 2005 Ozone Strategy does not include computer modeling to forecast future ozone levels. ARB certainly does not prevent districts from modeling in their plans. The District should explain its decision to not present modeling.	Please see response to Comment 29.
65	MS 1 Diesel Equipment Idling Ordinance	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): Please explain how MS 1 (p. C-48) pertains to	The District’s intent with MS 1 is to target emissions from diesel equipment that are currently not included in the ARB regulation, such as lighter duty

<u>#</u>	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
		vehicles not covered by ARB's diesel idling rule. Please clarify whether MS 1 still covers heavy duty trucks and buses, now that ARB has adopted a diesel idling rule.	trucks and off-road equipment. The District is currently in the process of developing a model idling ordinance and the public will have an opportunity to comment.
66	Clarification of TCM 3 Improve Local and Areawide Bus Service	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): Is the last bullet of Phase 1 on page D-9 meant to include the SamTrans service to SFO that was cut when the BART extension opened? Low-income workers were hurt when it was discontinued.	The last bullet of Phase 1 does not include the SamTrans service between Colma BART and SFO. There are no plans to reinstate this service.
67	ACE Service Expansion in TCM 6 and TCM 4	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): The interregional Altamont Commuter Express service expansion should be included in TCM 6 but not in TCM 4 (pages 61, 62, D-13, D-19). This looks like double counting.	Some projects are listed in more than one TCMs (as with the mention of the ACE service expansion in TCM 4 and 6). This does not constitute double-counting of emissions reductions rather it illustrates the inter-relationship between TCMs and the need to implement particular projects for several reasons.
68	Land Use Assumptions for TCM 4 Upgrade and Expand Local and Regional Rail Service	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): The effectiveness of TCM 4 (p. D-13) is based on what land use assumptions? Is it Projections 2003, with no station access improvements, to avoid double counting?	The emissions reductions calculations for TCM 4 are independent of land use assumptions. The emission calculations are based on vehicle emissions and trip rates from EMFAC2002 v2.2 (April 23, 2003) and the calculations would be the same regardless of whether Projections 2003 was used.
69	Revision to TCM 4	<b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): Add to the mitigations for local congestion on page D-14: reduced or no parking at stations.	MTC has determined that the proposed mitigation would not help address local congestion.

#	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
70	Revise TCM 5 Improve Access to Rail and Ferries	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): The station car concept appears to be much less cost-effective than shuttles or feeder buses.</p> <p>The TCM 5 language (p. D-15) should identify the access costs on a per-passenger basis. The aggregate costs are unhelpful in determining whether the concept is feasible. This concept also seems to raise serious environmental justice concerns, as it is meant to provide a comfortable suburban experience to the user at what seems to be an unreasonable public cost: "...where bus service, walking, or other means of transportation would take too long or be too inconvenient." Such criteria for expensive services are not commonly applied to low-income communities and communities of color.</p>	<p>TCM 5 falls into the "good" cost-effectiveness category as shown Table 16 of the Ozone Strategy. When isolating out the various components of this measure, the station car program is less cost-effective compared to the other components. Further, this TCM proposes the 1,000 station car program but does not specify at which transit stations this program would be implemented. Community concerns will be considered when locations for these station car programs are selected.</p>
71	TCM 7 Improve Ferry Service	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): TRANSDEF is unaware of any data that support the claim that ferries can "reduce auto traffic in highly congested bridge corridors." (p. D-21) About the most that can be expected is to slow the rate of growth.</p>	Comment noted.
72	Clarification of TCM 10 Youth Transportation	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): The projected TCM 10 reductions of auto trips to school (p. D-32) of 2% and 10% seem exceedingly</p>	<p>MTC used the assumption of 10% in reduction of auto trips based on analysis of home-to-school bus service in Alameda County school districts. The 2% percent assumption seems reasonable as part of</p>

#	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
73	Clarification of TCM 11 Install Freeway Traffic Management Systems	<p>high, given the low levels of funding identified.</p> <p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):          If “Over 60 percent of daily vehicle miles of travel (VMT) occurs on freeways” (p. D-33), can it also be true that “Over 40 percent of daily vehicle miles of travel (VMT) in the Bay Area occurs on arterials” (p. D-36)? Perhaps both of these figures are wrong, because VMT on local roads needs a share of the total too.</p>	<p>Phase 1, and the 10% may be ambitious but reasonable for Phase 2 implementation.</p>
		<p>Please clarify whether the “Assumed Bay Area peak period freeway speed [of] 37 mph” (p. D-34) represents the pre-measure or post-measure assumption. Given the tunnel studies referenced above, why would it be good for air quality to move vehicles faster than 37 mph? Should TCMs be constrained to only seek to move traffic at air quality beneficial speeds? Given that exhibits at the recent San Francisco ITS convention demonstrated cutting edge real time systems designed to lower freeway speeds to increase capacity, can we still assume that faster is better?</p>	<p>The sentence stating that “over 60 percent of daily vehicle miles of travel (VMT) occurs on freeways” (p. D-33) is correct. However, the sentence on p. D-36 has been revised as follows: “<u>About 40 percent of daily regional vehicle miles of travel (VMT) occurs on arterials/local roads and expressways.</u>”</p> <p>MTC’s 2000 base year model validation shows that the Bay Area average peak period freeway speed is 37 mph. TCM 11 does assume a 13.5% improvement in Phase 1 and a 27.0% improvement in Phase 2 over the 2000 base year average freeway speed. Motor vehicle emissions are calculated by knowing the number of vehicle trips, amount of vehicle travel that takes place, and the speed of travel. Given that TCMs may affect one or more of these factors to reduce motor vehicle emissions, constraining TCMs based only on speeds as suggested by this comment would not be beneficial. Furthermore, emission rates tend to increase under stop-and-go conditions, therefore, TCM 11 provides for strategies to improve freeway operations and reduce stop-and-go conditions. The intent here is to facilitate travel at moderate, steady speeds instead.</p>

#	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
74	Signal Timing Not Recommended by ARB	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):</p> <p>Signal timing is not recommended by CARB. In its March 15, 2000 letter to the Fresno COG, (attached), CARB wrote that “There are several reasons why signal timing projects are not cost-effective from an air quality perspective.” Signal timing/retiming should be deleted from TCM 12, p. D-37, because the State’s experts don’t believe CMAQ funds should be used to implement it. To retain this part of the TCM, the Plan would need to demonstrate that signal timing/retiming is not counterproductive for air quality--by increasing average vehicle speeds, emissions could go up and traffic calming efforts could be hurt.</p>	<p>MTC’s report on Evaluation of TCMs that was reviewed with the Ozone Working Group shows air quality benefits for signal retiming. CARB’s own guidance for TCM evaluation shows air quality benefits. In addition, MTC recently conducted a program evaluation of the 2004 Cycle of the Regional Signal Timing Program and found that the program provides a 35:1 benefit:cost ratio. Significant benefits include 13% reduction in travel time, 13% reduction in fuel consumption, and 7% reduction in mobile source emissions. The travel time savings when aggregated over the number of vehicles served and over the five-year effective life of a signal timing project, translate to significant reductions in time, fuel consumption, and mobile source emissions. See October 7, 2005 memo from MTC Executive Director to Planning and Operations Committee.</p>
75	Confirm MTC’s Transportation Affordability Study	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):</p> <p>Is it still true that “MTC is conducting a study of overall transportation affordability” (p. D-39)? As an active participant in MTC’s Minority Citizens Advisory Committee, TRANSDEF is generally aware of programs in that area. MTC partnered with PPIC on a deeply flawed study that concluded that affordability was not a barrier to transportation for low-income residents. That study concluded that more research was needed, but it was never clear whether further funding had been found.</p>	<p>In July 2004, the Public Policy Institute of California prepared the “Transportation Spending by Low-Income California Households: Lessons for the San Francisco Area” for MTC. This study can be found at <a href="http://www.ppic.org">http://www.ppic.org</a>. No further research on this topic is anticipated for the immediate future.</p>

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76	Clarification of TCM 14 Carpool and Vanpool Services and Incentives	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): Please explain why MTC is devolving the sub-regional rideshare program to the counties. (p. D-42)</p> <p>Please explain the shared-ride van service concept on page D-43.</p>	<p>In 2002, MTC conducted a performance audit of the Regional Rideshare Program to examine the performance and effectiveness of the contractor and implementation plan. The audit recommended delegating employer outreach and services to counties willing and able to accept the responsibility. MTC is implementing the recommendation beginning in FY 2005-06 and will provide funding from the Regional Rideshare Program budget to Napa, Solano, Contra Costa and San Mateo counties.</p> <p>A shared-ride van service is essentially a door-to-door vanpool that provides service to multiple destinations, which may include stops at multiple job sites, airport, and the like. This service would go beyond the more common vanpools which typically provide service from one central location (e.g., a park and ride lot) directly to an employment site.</p>
77	TCM 17 Conduct Demonstration Projects	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005): TCM 17 (p. D-56) does not belong in the Strategy as a TCM. It should be broken up into Further Study Measures. The elements of TCM 17 simply do not qualify as feasible on-going measures. The fact that most of them are mobile source measures only further muddies the TCM list.</p>	<p>TCM 17 will promote demonstration projects to develop innovative approaches to reduce mobile source emissions. Additional work is needed to test new approaches and monitor their effectiveness, quantify emission reductions and travel benefits, and evaluate the synergistic effects of complementary measures. It is important to encourage demonstration projects that can serve as models for trip reduction and travel demand efforts and clean fueled vehicles and infrastructure throughout the region. While some of the proposed</p>

#	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
78	Editorial Comments on the Ozone Strategy	<p><b>David Schonbrunn / TRANSDEF</b> (letter November 9, 2005):</p> <ol style="list-style-type: none"> <li>1. TRANSDEF suggests that all bulleted lists be converted to numbered lists. The Plan will be much easier to use if it is possible to refer to specific program elements by number.</li> <li>2. While much of the Plan was written in 2004, it is likely to be adopted in early 2006. Narratives should include what happened in 2005. e.g., page 42, TCM 18, bullet #3: What happened with lawnmowers in 2005?</li> <li>3. It is unclear what the third implementation program is for the Heavy-Duty Diesel In-Use Strategies Program on page 53.</li> <li>4. p. 56: please fix the phrase "... governing emissions from all for all 2003 model year and later inboard engines."</li> <li>5. p. 90: The meaning is not clear here: "The Bay Area met the national 24-hour standard for 1999-01, through 2002-04." Would the following be accurate and more understandable?: "The Bay Area met the national 24-hour standard for all the three year periods starting in 1999 and ending in 2004."</li> <li>6. C-58: "material" should be singular so as to</li> </ol>	<p>demonstration projects appear to be more akin to mobile source control measures, some are also aimed at travel behavior and in order to reduce confusion over many new further study measures, staff have recommended keeping the compiled list of demonstration projects into one TCM for organizational purposes.</p> <p>Comments noted. Editorial changes were incorporated wherever necessary and appropriate.</p>



<u>#</u>	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
79	Economic Impacts and Cost-Effectiveness Discussion Lacking	<p>agree with the singular "is."</p> <p>7. D-5: choose one: "... expected assumed..."</p> <p>8. D-9: suggest adding "... which addresses some of these latter needs."</p> <p>9. D-9: add "limited stops" to the attributes of enhanced bus.</p> <p>10. D-20: clean up: "... the costs of making it necessary to track improvements</p> <p>11. D-31: replace "Purchase older school buses with alternatively fueled vehicles" (p. D-31, last bullet) with something that makes sense.</p> <p>12. D-33: add " ... to improve the flow ..."</p> <p>13. D-46: Several words are apparently missing in the next to last paragraph on this page. The phrase "that generate ridership sufficient and make new transit investments economically viable" is incomplete.</p> <p>14. D-47: The last bullet item in the list does not belong with actions by local government. This is action by regional agencies. Move it to the bottom of the page.</p> <p>15. D-59: change "included registration fees" to "include registration fees"</p> <p>16. D-61: add a hyphen to "on road" in the first bullet.</p> <p>17. D-65: strike "on" from the first bullet of Phase 1.</p> <p><b>David Farabee / Pillsbury Winthrop on behalf of Valero Refining Company</b> (letter November 9, 2005):</p>	For the 2005 Ozone Strategy, District staff used reasonably available information to estimate the cost effectiveness of the proposed control

<u>#</u>	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
80	Cost-Effectiveness Estimates for SS 8 and SS10	<p><b>David Farabee / Pillsbury Winthrop on behalf of Valero Refining Company</b> (letter November 9, 2005):</p> <p>The District's high estimate for cost effectiveness for two of the stationary source measures (SS 8 - \$21,600/ton and SS 10 - \$28,000/ton) is well over twice the cost per ton of the next highest measure, and is more than four times higher than the cost per ton for the rest of the measures. Hence, these measures can't be considered cost effective at this time and should not be included in the Strategy.</p>	<p>measures. The Ozone Strategy does not obviate the need to meet the statutory requirements for rule development, including consideration of the cost effectiveness and socio-economic impacts of each control measure. If new or additional information is developed by the District or otherwise made available during rule development for a specific control measure that demonstrates that the economic impact of a proposed rule is excessive for Bay Area sources or not considered feasible for other factors, staff may alter a rule development proposal.</p> <p>An overall cost-effectiveness determination for the control measures in the Ozone Strategy will be made by the District Board upon approval of the plan per Health and Safety Code § 40913(b). The final Ozone Strategy contains a ranking of control measures by cost effectiveness.</p> <p>Concurrent with the development of the Draft Ozone Strategy, staff initiated rule development for SS 8 Marine Loading Operations and SS 10 Pressure Relief Devices and Blowdown Systems, as these measures were Further Study Measures in the 2001 Ozone Attainment Plan. The respective rule development staff reports estimate the cost-effectiveness for SS 8 to be \$2,800 per ton and for SS 10 to be from \$7,000 - \$22,000 per ton.</p> <p>While the CCAA directs the District to rank available control measures based on cost effectiveness,</p>

#	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
81	Obligations Pertaining to Cost-Effectiveness Evaluations per Health and Safety Code § 40920.6(a)	<p><b>David Farabee / Pillsbury Winthrop</b> on behalf of <b>Valero Refining Company</b> (letter November 9, 2005):</p> <p>Health and Safety Code § 40920.6(a) sets forth five obligations pertaining to cost-effectiveness evaluations that a district must satisfy when adopting rules to implement BARCT and all feasible measures. These requirements are not addressed in the draft Strategy. To meet these obligations, the District must prepare more detailed analyses for these measures than it has in developing the Strategy. In situations where this detailed analysis shows that a proposed measure in fact is not cost-effective, the District should promptly stop any related rule development activities and remove that measure from the Strategy.</p>	<p>there is no cost effectiveness “standard” for rulemaking. The factors taken into consideration when evaluating a potential control measure for inclusion in a plan are listed in the Control Strategy section of the 2005 Ozone Strategy. All of these factors, including cost effectiveness, will be more closely evaluated during the rule development process.</p> <p>Health and Safety Code § 40920.6(a) requires an analysis of cost effectiveness prior to adoption of a rule or regulation to carry out a control measure or implement best available retrofit control technology. The 2005 Ozone Strategy provides a list of control measures that a preliminary analysis indicates will be cost effective. The Ozone Strategy in part represents the District’s decisions about what additional rulemaking efforts should be undertaken in the future to meet air quality standards. The approval of the planning document is a starting point and does not obviate the need meet all applicable legal requirements during the subsequent rule development process.</p>
82	TCM 7 Improve Ferry Service Revisions/Updates	<p><b>Mary Frances Culnane / WTA</b> (email October 25, 2005):</p> <p>The commenter submitted a revision to TCM 7 with updated information on WTA activities and revisions to implementing agencies</p>	The suggested revisions to TCM 7 have been incorporated.

#	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
83	FS 12 Valves and Flanges	<p><b>Dennis Bolt / WSPA</b> (letter November 9, 2005): WSPA opposes this further study measure. BAAQMD's Regulation 8, Rule 18 regulates leaks from valves and flanges. This rule was just amended on January 21, 2004. These sources are a very minor source of emissions. The changes that were made in January 2004 need time to work so that data can be gathered and evaluated and the emission inventory adjusted before the rule is reviewed again.</p>	<p>This measure is proposed for further study in 2007. This timing will allow the effects of recent amendments to Regulation 8, Rule 18 to be considered in the analysis. If further study reveals that potential emissions reductions are negligible, staff may recommend no further action at that time.</p>
84	Continuous Quality Improvement Principle	<p><b>Dennis Bolt / WSPA</b> (letter November 9, 2005): The repetitive churning of refinery rules for little or no emissions reductions retards both BAAQMD and refinery efforts to reduce emissions from ALL sources. Distracting staff from activities that identify and reduce meaningful sources of emissions in an effort to find miniscule reductions from these valves and flanges effectively increases rather than reduces emissions. It is contrary to the principles of Continuous Quality Improvement.</p>	<p>The five petroleum refineries operating in the Bay Area are large and complex sources with significant emissions and myriad emissions points. It is not surprising, therefore, that the District would often consider rules affecting refineries. The Air District will continue to use best efforts to identify potential emissions reductions from all sources and to focus on the most promising and cost-effective opportunities available to improve air quality in the region.</p>
85	Avoid Regulatory Overlap of Stationary Internal Combustion Engines in FS 15	<p><b>Dennis Bolt / WSPA</b> (letter November 9, 2005): FS 15 requires study of new controls on emissions of VOCs and NOx from IC Engines. In addition, the control strategy for particulate matter (PM) adopted by the BAAQMD calls for controls of PM on these same sources. At the same time, the California Air Resources Board (ARB) has adopted a Toxics Control Measure that already requires retrofitting or replacement of these same sources. WSPA is concerned that after having expended considerable</p>	<p>During the rule development process for potential amendments to District rules concerning IC engines, District staff will work closely with all stakeholders to ensure that affected sources are not penalized for taking actions necessary to comply with ARB's Air Toxics Control Measure (ATCM).</p>

#	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>										
		<p>capital, time, and effort to comply with the requirements of ARB's stationary IC engine rule, the BAAQMD will adopt controls that require those same engines to be retrofitted again, or even replaced, within the 2006 to 2007 timeframe. This overlapping regulatory scheme is very problematic and should be avoided.</p> <p>WSPA encourages the BAAQMD to accelerate and finalize its study of VOC, NOx, and PM emissions from Stationary IC Engines in the first quarter of 2006 to enable owners of those sources to consider the study findings in preparation for their report to ARB as to plans to comply with the ARB TCM. By ensuring an accelerated timeline, owners will at least be able to minimize risks of unnecessary costs of controls.</p>											
86	Refinery NOx Emissions	<p><b>Dennis Bolt / WSPA</b> (letter November 9, 2005): NOx emissions from the Refineries External Combustion category are believed to be overestimated in the Ozone Strategy and should be corrected. BAAQMD staff has advised WSPA that emission factors used in the 2004 inventory update are the correct calculations to estimate emissions. BAAQMD should backcast and forecast the emissions estimates for 2000 through 2020 with the accurate emission factors. We believe the correct estimates to be:</p> <p>2000 -- 24.3 TPD 2003 -- 16.4 TPD</p>	<p>District staff revised these figures. Please see response to Comment 2. Finalized NOx emissions are shown here for completeness:</p> <table border="1"> <thead> <tr> <th><u>2000</u></th> <th><u>2003</u></th> <th><u>2005</u></th> <th><u>2010</u></th> <th><u>2020</u></th> </tr> </thead> <tbody> <tr> <td>24.4</td> <td>16.5</td> <td>14.0</td> <td>14.8</td> <td>16.3</td> </tr> </tbody> </table>	<u>2000</u>	<u>2003</u>	<u>2005</u>	<u>2010</u>	<u>2020</u>	24.4	16.5	14.0	14.8	16.3
<u>2000</u>	<u>2003</u>	<u>2005</u>	<u>2010</u>	<u>2020</u>									
24.4	16.5	14.0	14.8	16.3									

<u>#</u>	<u>ISSUE</u>	<u>COMMENT</u>	<u>STAFF RESPONSE</u>
		<p>2005 -- 13.99 TPD  2010 -- 14.7 TPD  2020 -- 16.24 TPD</p> <p>It is also believed that the projected increases are based on vehicle miles traveled (VMT), and not on actual refinery emissions. Refinery NOx emissions are regulated and increases are prohibited, except through permitting and offsets of emissions when requested. BAAQMD should clearly indicate that refinery emissions are not expected to increase except through approved permit processes.</p>	<p>Projected refinery growth is not based on VMT data. It is based on a Purvin &amp; Getz Incorporated energy report (Dec. 1990) and from ARB's statewide data on projected refinery emissions. Current projected refinery growth is estimated to be approximately 1 percent per annum from year 2004 – 2020.</p>
<b>87</b>	SS 7 Gasoline Bulk Terminals and Plants	<p><b>Dennis Bolt / WSPA</b> (letter November 9, 2005):  The commenter suggested language to be included in SS-7 concerning gasoline bulk terminals and bulk plants.</p>	<p>The control measure description for SS 7 has been amended to incorporate some of the commenter's suggestions.</p>

**VERBAL COMMENTS RECEIVED DURING PUBLIC MEETINGS  
OAKLAND - OCTOBER 25, 2005 AND RICHMOND - OCTOBER 26, 2005**

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| <b>A</b> | MS 1 Diesel Equipment Idling Ordinance  | <p><b>Walt Gill / Chevron</b> (Community Meeting, October 26, 2005):<br/>How will MS 1 Diesel Equipment Idling Ordinance differ or be consistent with the new ARB regulation on diesel truck idling?</p>  | Please see response to Comment 65.   |
| <b>B</b> | 2000 CAP Control Measures Proposed For Deletion – Concrete Coating Operations | <p><b>Johnny White /Community Health Initiative</b> (Community Meeting, October 26, 2005):<br/>The concrete coating control measure proposed for deletion should remain in the Ozone Strategy. A cement crushing project is currently proposed to operate 24/7 in Richmond with lots of associated truck traffic. The impact will be bad for the community.</p> | <p>The control measure that is proposed for deletion is for concrete coating operations not for concrete crushing operations, which are currently subject to District regulations and permitting requirements. The analysis of the earlier concrete coating operations rule was that there would be de minimis emissions reductions achieved by such a regulation.</p>   |
| <b>C</b> | ARB Railroad MOU  | <p><b>Johnny White / Community Health Initiative</b> (Community Meeting, October 26, 2005):<br/>CHI sent a letter to ARB about the Railroad MOU, voicing our concerns about the lack of public participation. Where does the Air District stand on that?</p>  | <p>There have been many concerns about the lack of public involvement during the development of this agreement. The District agrees that ARB should have conducted a more open process, but we also believe that the agreement can result in air quality benefits. District staff have testified at ARB hearings that we will work with ARB staff, the railroads, and affected communities to implement relevant MOU provisions. Staff anticipate conducting a series of community outreach meetings in the Bay Area in early 2006.</p> <p>Also please see response to Comment 21.</p> |

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| <b>D</b> | Central Valley Ozone Trends   | <p><b>Robert Rayburn / East Bay Bicycle Coalition</b> (Ozone Working Group Meeting, October 25, 2005):<br/>If part of the Ozone Strategy involves a consideration of transport to neighboring regions, then the District should include a graph for the Central Valley that shows their ozone trends over time.</p>                     | <p>The transport mitigation requirements require the Bay Area to reduce transport of ozone precursors to neighboring regions that are designated as non-attainment. The 2005 Ozone Strategy provides data and information on ozone trends for the Bay Area air basin. Information or graphs on ozone trends for the downwind air districts in the Central Valley can be obtained from either ARB or each individual air district.</p> |
| <b>E</b> | Cost-Effectiveness Measures   | <p><b>Irvin Dawid / Sierra Club</b> (Ozone Working Group Meeting, October 25, 2005):<br/>When calculating cost-effectiveness for transit projects, the District should use the cost per new transit rider as a criteria (e.g. cost per rider for the BART to SFO extension is very high).</p>   | <p>Cost-effectiveness in the CCAA is defined as the cost of the control measure per ton of emissions reduction achieved. By definition, only those emission reductions attributed to a control measure would be included in the cost effectiveness calculation.</p> <p>Also, please see response to Comment 56.</p>   |
| <b>F</b> | Indirect Source Rule  | <p><b>Irvin Dawid / Sierra Club</b> (Ozone Working Group Meeting, October 25, 2005):<br/>District should also look at San Joaquin's indirect source rule which charges fees based on numbers of new trips generated. The Bay Area can learn from them to encourage new infill as opposed to exurban development.</p>                    | <p>Please see response to Comment 50.</p>   |
| <b>G</b> | Comparison of Ozone Levels Over Time Between Years with Similar Meteorology and VMT | <p><b>David Schonbrunn / TRANSDEF</b> (Ozone Working Group Meeting, October 25, 2005):<br/>Commenter would like to see a comparison of peak ozone levels, number of exceedances, and the emission inventories between years of comparable meteorology and vehicle miles traveled (VMT), District needs to cross check the emissions</p> | <p>Please see response to Comment 39.</p>   |



inventory to see how they change over time. Feel that favorable meteorology and downturn in economy has resulted in reduced ozone levels. Ozone Strategy should include an analysis of the magnitude of those influences. Need to demonstrate that the strategy has had an actual effect.

**H** Cost-Effectiveness of TCMs

**David Schonbrunn / TRANSDEF** (Ozone Working Group Meeting, October 25, 2005):  
Cost effective projects will allow for a larger number of projects to be implemented and more emission reductions can be accomplished for amount of money being spent. Using cost-effectiveness as a means to prioritize TCMs could increase the effectiveness of these measures.

Cost effectiveness is an important factor in evaluating whether a TCM is considered feasible to implement, but it is not the only factor. Making cost effectiveness the sole criteria for advancing TCMs would ignore the public process used to develop the Regional Transportation Plan (RTP) and the wide ranging factors that were considered in incorporating various transportation projects and programs into the RTP, including sources and availability of funding, consistency with local plans, local and regional economic benefits, degree of public support, etc. Table 16 in the 2005 Ozone Strategy includes a qualitative assessment of the cost-effectiveness for the proposed TCMs.

Also see response to Comment 56.

**I** Revise MS 2 Green Contracting Model Ordinance

**David Schonbrunn / TRANSDEF** (Ozone Working Group Meeting, October 25, 2005):  
District's CEQA guidelines have not taken seriously that every project that increases VMT, vehicle trips, or consists of off-road construction activities can cause air quality impacts in a region that is already exceeding the ozone standards. The BAAQMD CEQA guidelines should identify the addition of any new trips or off-road activities as a significant impact

Please see response to Comments 10 and 55.

thereby triggering best available control technology (BACT). Instead of a voluntary program that goes to each city for adoption, District should use the existing legal structure of CEQA to tell cities that when you develop, contractors must use construction equipment that meets current ARB standards. By employing a regulatory approach, the District would be more effective. In past, the District hasn't looked seriously enough at the impacts of growth and adding more vehicle trips to a system that is already unhealthy. The recommended approach would differ from the current plan consistency threshold (comparing the increase in VMT to the rate of population growth) by determining an absolute number of new trips as a significance threshold because any new trips can delay attainment.