

Wednesday, September 2 – Mountain View9:30 am-11:30 am, Draft Control Strategy
Mountain View City Hall**Thursday, September 3 – Oakland**1:30 pm-3:30pm, Draft Control Strategy
MetroCenter Auditorium, OaklandWorkshop Overview

In September 2009, the Bay Area Air Quality Management District (“Air District” or “BAAQMD”) held public workshops for the 2010 Clean Air Plan (CAP) in two Bay Area locations. Air District staff presented and received public comment on the draft CAP control strategy. In addition, the Air District reported on further steps and the CAP timeline. The draft control strategy was presented in multiple segments with opportunities for public comment after each segment, as follows:

1. Workshop Objectives
2. Overview of Control Strategy
3. Stationary Source Measures (SSM)
4. Mobile Source Measures (MSM)
5. Transportation Control Measures (TCM)
6. Land Use & Local Impacts Measures (LUM)
7. Energy & Climate Measures (ECM)

Excluding Air District staff, 12 people attended the Mountain View workshop and 38 people attended the Oakland workshop. Attendees represented a variety of public agencies, environmental and public health organizations, business and industry, and community members. Below is a summary of workshop proceedings and public comments recorded at the workshop. Air District responses are provided in italics in response to questions posed.

September 2, 2009 - Mountain View City HallPublic Comment Discussion #1 – First Segment

- (Irvin Dawid, Sierra Club): In terms of moving forward, when is the last day BAAQMD is taking written comment and when will the plan be completed?

The Air District is asking for public comments by Friday, September 11, 2009 and we will then revise the CAP control strategy and write the plan narrative in early October. The draft plan will be released in October and the Air District will hold more public workshops at that time. Air District Staff will present the plan to the

BAAQMD Board of Directors by the end of 2009. [Note: This schedule has since been revised.]

- (Irvin Dawid, Sierra Club): How often does the BAAQMD have to complete a clean air plan? Is this required by CARB? How does a clean air plan differ from an ozone plan?

The California Health and Safety Code requires air districts to update their ozone plans on a triennial basis. The Air District is not required to prepare a multi-pollutant plan. We are using the term "Clean Air Plan" instead of "Ozone Plan" because this plan will address multiple pollutants.

- (Jamie McLeod, Santa Clara Valley Water District): Another benefit of the plan is that many jurisdictions are compiling their general plans and will greatly benefit from a regional plan and refer to it in their plan. However, vehicle miles traveled (VMT) does not necessarily capture actual impacts, it doesn't account for the impact of waiting in traffic. What unit of measurement is being used in the plan and is the Air District encouraging VMT as a measurement unit for jurisdictions to use?

The CAP is focused on reducing emissions and improving air quality, so the primary metric used in the CAP is emission reductions, generally expressed in terms of tons reduced per day for a given pollutant. The Air District is aware of the need to reduce growth in VMT, and reducing VMT is an objective of the Transportation Control Measures (TCMs) in the CAP.

MTC's T2035 Regional Transportation Plan and ABAG's Projections and Priorities 2009 include VMT reduction goals. In addition, SB375 is going to require that future general plans reduce emissions from greenhouse gases (GHG) from VMT. For SB 375, VMT may ultimately be the metric; the Regional Target Advisory Committee (RTAC) will establish regional targets and determine the metric.

- (Irvin Dawid, Sierra Club): Is the purpose of the plan to determine the best transportation control measure to adopt and implement?

The purpose of the CAP is to provide a comprehensive strategy to reduce emissions and attain air quality standards in the Bay Area. The plan proposes control measures to address the full range of emission sources, including stationary sources, area sources and mobile sources. The specific implementation policies and mechanisms vary, depending on the type of measure.

Public Comment Discussion #2 – Stationary Source Measures

- (Unidentified speaker): What type of permits are referred to in Slide #14?

The permitting referred to in Slide #14 is for stationary sources of air pollution that require permits from the District, for example, refineries, gas stations and back-up diesel generators. These are not building or land use permits.

- (Karen Nardi, Hewlett Packard): HP is committed to working on control measures with the BAAQMD. However, it is not necessarily true that ink jet printing produces the highest emissions. Some inkjet printers use UV ink or water-based ink. It is important to get the information right and VOCs limits for inks are not the appropriate measures. A particular HP printer model was mentioned in the control measure description. HP does not want to be unfairly targeted as a high polluter by being singled out in the control measure description. BAAQMD should look broadly at the industry. HP hopes that the aim over time is to have a stand-alone digital rule. Some printers don't have VOCs but do have PM emissions. Digital is superior to conventional printing (i.e. wasted paper, energy efficiency, etc.). HP looks forward to continuing working with the BAAQMD on its plan. HP will provide written comment on the plan.

The Air District appreciates this input. We look forward to working with HP during the rule-making process. In developing a rule to reduce emissions from digital printers, the Air District has no intention of singling out HP or any other manufacturer.

- (Scott Strickland, Santa Clara County Board of Supervisors staff) What kind of technology are you looking at for cement kilns?

Installing new low NOx burners could be one potentially cost-effective strategy to further reduce NOx emissions. Our preliminary research indicates that controlling SOx would be considerably more costly than controlling NOx. There is, however, a proposed federal rule to control mercury. This rule, as proposed, would affect every cement facility in the country and require scrubbers to control mercury. If this federal rule is passed, it may make the control of SOx much more cost effective, because the same scrubber control technology could be used to control both mercury and SOx.

Public Comment Discussion #3 – Mobile Source Measures

- (Jean Getchell, MBUAPCD) Monterey's strategic plans include four to six plug-in charging stations. Some of the components not included in the BAAQMD's program description are: What are the estimated costs in converting hybrid vehicles to plug-ins? What is the current inventory of plug-ins in a particular area? What is the cost/benefit over time for this kind of activity (conversion from hybrid to plug-in hybrid)? That information would be useful.

Conversion is generally not cost-effective for public agency fleet vehicles because annual mileage tends to be low. Costs have ranged from about \$12,000 to \$9,000 more recently. Cities and other local governments have formed the San Francisco Bay Area EV Network to jointly fund projects to install recharging facilities and group purchases of both new electric vehicles, plug-in hybrid, and conversion of existing vehicles. A meeting is occurring in San Jose in mid-September; entities in Santa Cruz, Monterey and San Benito Counties can participate.

- (Irvin Dawid, Sierra Club) Is the voucher program for lawn and garden equipment only for trade-ins?

The Air District has administrated similar programs in the past. Generally, people turn in equipment with higher emissions and receive vouchers toward the purchase of the same type of equipment that meets cleaner emission standards. The voucher would be limited to the purchase of specific lower emission equipment.

- (Ron Hanueva, PG&E) Have you considered the use of natural gas for vehicles vs. diesel?

The Air District has a long history of providing funding to cover the incremental cost of natural gas vehicles, provided that the natural gas vehicle will provide cost-effective emissions reductions compared to conventional gasoline or diesel-powered vehicles. However, as diesel vehicles are required to meet stringent CARB emissions standards, the comparative emissions benefit for natural gas vehicles will not be as great as in years past.

- (Irvin Dawid, Sierra Club) I am very interested in the plan's focus on high emitters. Please provide more information regarding MSM A-4's motorcycle component.

This component of the measure encourages the State Legislature and the Bureau of Automotive Repair (BAR) to include motorcycles as part of the Smog Check program.

- (Irvin Dawid, Sierra Club): I suggest that the Air District include as part of the control strategy that on Spare the Air (STA) days the Air District communicate to the public which vehicles are high emitters (i.e. older model vehicles) and highlight the importance of avoiding the use of these vehicles. The reality is that there are some vehicles with much greater effect than others. I would like to see this, even if it is just voluntary.

We appreciate the intent of this suggestion. However, the Spare the Air program aims to reduce the use of all motor vehicles on STA days, not just certain types. By targeting one category of vehicles in the Spare the Air Alerts, we might inadvertently send the message that we condone or even encourage driving all other types of vehicles on those days. This result may be counterproductive.

Please note that the Air District is launching a revamped 1-800 Exhaust Campaign in October 2009. This campaign will include public service announcements with messages about higher-polluting, older vehicles, and encourage owners to have these vehicles repaired or retired. In addition, the Air District continues implement its Vehicle Buy-Back program to retire and scrap old high emitting vehicles. Our efforts focus on getting high-emitters repaired or retired altogether, rather than discouraging their use on certain days.

- (Karen Nardi, Hewlett Packard) Have you considered working with transit agencies to improve bus service/routes to ferries? The current system is a major disincentive to take the ferries.

The Air District has funded shuttle services to local rail stations through its Transportation Fund for Clean Air program; service to ferry terminals is also eligible for funding assistance. Improved transit service is part of the TCM strategy in the CAP.

Discussion #4 – Transportation Control Measures

- (Irvin Dawid, Sierra Club) TCM D-1 and D-2 have a lot in common and seem to link better with the Safe Routes to Schools and Transit measure (TCM C-2) than with the land use category. TCM D-3 (local land use strategies) is by itself in this category; it seems to be all about land use issues.

The TCMs to promote walking and biking are grouped with the land use TCM based on the idea that promoting more compact development will increase walking and biking. However, we acknowledge that there may be other viable ways to organize the measures, such as the approach suggested by Mr. Dawid.

Air District staff agrees that land use issues are very important. Please note that the draft control strategy includes an entire category of measures entitled Land Use and Local Impact Measures (LUMs). We invite comment on these measures.

- (Unidentified speaker) Is there a TCM program focusing on developing telecommuting programs?

Yes, telecommuting is one of the measures included in TCM C-1, Voluntary Employer-Based Trip Reduction Programs.

- (Hilda LeFebre, SamTrans) We don't see any Intelligent Transportation Systems (ITS) in the plan.

The Freeway Performance Initiative (FPI) and Traffic Operations System program described in TCM B-1 include ITS elements. For example, these programs include sensors underneath freeway lanes to detect congestion and also include ramp metering projects.

- (Unidentified speaker) The transportation components don't seem to look at idling vehicles. Please describe value pricing. Does this include higher parking fees?

Traffic congestion imposes a variety of costs on the region, including increased air pollution. Value pricing is based on the premise that well-calibrated pricing can reduce peak period vehicle trips, thus reducing congestion and its impacts. TCM E-1 (value-pricing) is focused on toll bridges. However, the value-pricing concept could be applied to parking as well. Variable time-of-day parking fees are one of the tools that local jurisdictions can use to manage parking demand and vehicle travel.

- (Unidentified speaker): Lack of parking is a problem. Quite often you have to drive around to find a parking place.

Research indicates that cruising for parking is a source of congestion and motor vehicle emissions. Parking pricing and other management tools can be an effective means to reduce cruising, discourage long-term use of on-street parking, and encourage turn-over that benefits merchants. For example, the new San Francisco program known as "SF Park" includes complementary parking management strategies, including policies to encourage short-term parking on-street and longer term parking in garage parking spaces. This program may include an increase in parking prices to encourage people to use other modes of transportation to access the downtown core.

- (Irvin Dawid, Sierra Club) Describe the collaboration between BAAQMD and MTC. Was there collaboration on all the measures?

MTC staff and Air District staff collaborated in developing the draft TCMS for the CAP, and also received input from ABAG staff. The agencies started with the TCMs in the 2005 Ozone Strategy, looked at what has changed since that time, made sure the TCMs are consistent with the T2035 plan, and considered how we could enhance and build on the key policies identified in T2035, such as the importance of land use and pricing policies. MTC took the lead in writing up some measures, the Air District on others, and we worked in an iterative fashion to craft the proposed measures.

Discussion #5 – Land Use & Local Impact Measures

- (Irvin Dawid, Sierra Club): Is BAAQMD looking at parking requirements (i.e. jurisdictions requiring two parking spaces per unit, etc.)? This is the most important issue, but it's more of a land use issue than a transportation issue. Many cities have excessive parking requirements (require too much parking). Will parking go into an indirect source rule (ISR)? The BAAQMD could play a role. MTC has done an enormous amount of work on parking, is the Air District going to look at that?

The CAP does address parking. TCM E-2 takes a comprehensive approach to parking. This measure does address the benefits of establishing maximum parking limits, instead of setting minimum requirements for the number of parking spaces per unit.

The details as to what an indirect source review (ISR) regulation will require remain to be determined, but parking management could be included among measures to reduce or mitigate emissions as part of an ISR regulation.

- (Unidentified speaker) Does the Control Strategy suggest different standards for impacted vs. non-impacted communities? That would be a disincentive for companies in impacted communities to operate or upgrade their facilities.

The Air District is working, in partnership with regional and local agencies, to find the best way to protect health of residents in impacted communities without discouraging beneficial economic development.

- (Dennis Bolt, WSPA) Stationary sources in impacted communities are typically not the main contributor to pollution in those communities, rather it is the diesel from nearby freeways. Who are the members of the ISR stakeholders group?

There are 20-25 members of the stakeholders group. It includes planning directors, environmental groups, community groups, regional agencies, the building industry, and elected officials.

Discussion #6 – Energy & Climate Measures

- (Unidentified speaker) Any reason why these measures are being included this year, since they have not been included in the past?

In 2005 the Air District Board of Directors initiated a climate protection program. Since that time, the District has been integrating climate protection into its plans and programs. In addition, higher temperatures are expected to lead to higher levels of air pollution. Therefore, the CAP attempts to maximize reductions of both criteria pollutants and GHGs from conventional types of control measure. In addition, the CAP proposes new types of measures, such as the Energy & Climate Measures, to reduce emissions of greenhouse gases and mitigate temperature increases that are expected as a result of climate change.

- (Unidentified speaker) Does ECM 2 include programs to install solar panels on rooftops?

The intent of ECM 2 is to promote installation of solar and other types of renewable energy. In 2008 the Air District we provided a climate projection grant to the City of Berkeley for the FIRST program (which created a financing mechanism for residential solar panel installation). This is an example how we can use outcomes from our grant programs to provide information and promote replication of best practices. In part, we are trying to determine the most appropriate role for the Air District in this area and how we can best add value to existing initiatives and programs without duplicating these efforts.

Discussion #7 -

- (Jean Getchell, MBUAPCD) Question about the timing of comments.

We are requesting comments on the Control Strategy by September 11. However, we will accept comments after that date. We are recording your comments here today, but it is always helpful to receive comments in writing. Comments on the CEQA Initial Study are due on September 21.

- (Unknown speaker) Is the multiple pollutant methodology document available on the BAAQMD's website?

Yes, the Multi-Pollutant Evaluation Method Technical Document is available at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans/Resources.aspx>.

- (Irvin Dawid, Sierra Club) I did read the pricing measure; it is not what I expected.

Comment noted.

September 3, 2009 – MetroCenter, Oakland

Public Comment #1 – First Segment

- (Mike DeLeon, Tesoro): Are the previous comments on the CAP still being evaluated? What is the status of the multi-pollutant evaluation methodology?

We had a workshop the multi-pollutant evaluation methodology on June 11 and invited comment. However, we have not received many comments on the methodology as yet. We have not received any comments that would warrant making major changes to the methodology.

- (Ernest Pacheco, Citizens Against Pollution): What is the relationship between CO₂ and temperature? Are you referring to the Jacobson Effect? Are you going to be talking about the climate methodology later on in the workshop? Is there anything in particular that the public can help on regarding gathering information?

We are still looking into the so-called “Jacobson Effect” brought to our attention at the June Public Workshop. The point in our presentation did not address the Jacobson Effect, but rather was intended to illustrate the point that the various pollutants interact and affect one another in complex ways. At this workshop we are going to focus more on the proposed CAP control strategy than the climate methodology.

- (Mike DeLeon, Tesoro): How might the proposed greenhouse gas (GHG) reduction and control measures affect cap-and-trade programs? Are you addressing GHG separately from other agencies (i.e. EPA, CARB)? Will Air District regulations make it harder for businesses to participate in cap and trade programs? Have you thought about these issues?

We are certainly sensitive to this concern. At this point very few of the draft CAP control measures are stand-alone GHG reduction measures. We are not aware that any of the draft control measures would cause a conflict with cap-and-trade programs.

The CAP is not intended to serve as a regional climate projection plan. Rather, the emphasis in the CAP is on maximizing GHG reductions as a co-benefit of control measures that address criteria pollutants. We are not trying to get ahead of any

state or federal regulations, or interfere with the development of cap-and-trade programs.

Public Comment #2 – SSM

- (Unidentified Speaker): Do you have the timing for the implementation of these measures from the plan?

The timetable for implementing the CAP control measures will be determined as we develop the plan in the coming months. When we issue the Draft CAP, we will provide a rule-making schedule for the next three years. Measures to be adopted as Air District regulations will be developed through a well-defined rule-making process that allows for participation on the part of interested stakeholders.

- (Ernest Pacheco, Citizens Against Pollution?): Regarding GHG permits for stationary source measure such as refineries: can the Air District include ozone and particulate matter with GHG emission reductions for SSM 5 based on the Jacobsen Effect? And, in the permitting process, can the Air District quantify GHG emissions separately, and have a subset of particulate matter and ozone that occur as a result?

The Air District already has stringent controls for both power plants and refinery boilers, and we are considering further controls on NOx emissions for refinery boilers. The proposed measure would apply to additional sources at the permitting stage, perhaps allowing only more energy efficient models of boilers or other equipment.

- (Janet Whittick, California Council for Environmental and Economic Balance): Where is the intersection of SSM 5, CEQA guidelines, and the ARB industrial audit program?

We envision a stationary permitting process. We are coordinating the control strategy with CEQA significance thresholds for new receptors in CARE communities. There are various issues that we need to address during the rule development so that we are not double counting emission reductions.

- (Karen Pierce, Ditching Dirty Diesel Collaborative, DDDC): Commends recommendations in amendments to stationary source rules. I have heard industry representatives say that this plan will impact employee opportunities. Environmental Justice means that the negative impacts of land use are distributed fairly. We need to take a look at where the impact is and work to keep local jobs and distribute impacts equally. There are many social determinates of health, this should not stop the plan from moving forward. It should not be assumed that the people who live in impacted communities are

only qualified to work in polluting industries. I encourage more stringent rules in impacted communities especially already identified in CARE.

Comment noted.

- (Mike DeLeon, Tesoro): There are 19 draft stationary source measures (SSMs). Is the BAAQMD committed to pursuing and implementing all 19 measures? Just to clarify, further study measures (FSM) need a lot more work, but it seems like the SSM also need more work. For example, I see “TBD” for cost on some SSMs and the Air District needs to figure out if measures are feasible and cost-effective before implementation. Does the District’s rule development process allow for this, or by putting measures in the plan, is the Air District committing to implementation without further research?

Based on the analysis performed to date on the draft SSMs, Air District staff have a reasonable expectation that the measures will be brought before our Board as a rule or rule amendment. However, putting a measure in the plan does not absolutely commit the Air District to implementing the measure, and each measure will go through the rule development process. During the rule development process, we sometimes determine that we cannot recommend the measure to the BAAQMD Board of Directors.

A lot of work remains to be done on all the SSMs. In the case of SSMs, we have a higher level of confidence (as compared to the FSMs). For example, we may have a good grasp of the emissions from the source category, even if costs for reducing emissions are at present undetermined. In contrast, the FSM category includes measures where we are presently unable to quantify the emissions, or we are not sure whether the technology required to reduce the emissions is available.

- (Christine Cordero, Ditching Dirty Diesel Collaborative, DDDC) – Regarding SSM 17, 18, and 19: will the New Source Review (NSR) include public projects? Will they include vehicles moving to and from facilities, and clustering from diesel trucks?

The Control Strategy addresses these items in other control measures related to land use. SSM 17-19 (note: these have since been re-numbered as SSMs 16, 17, and 18) are specific to the stationary sources that we permit and have regulatory authority over.

- (Waafah Arborashed, Healthy 880 Communities): Please make sure there are specific focuses on SSM 17-19. Unless BAAQMD is serious about these rules, industry will not take you seriously. Permits need to be more stringent.

We hear your concerns and also encourage you to keep track of these rules as they go through the rule development process. The SSM regarding New Source Review for Toxics Air Contaminants is already in progress.

- (Andy Katz, Breathe California): SSMs 17-19 are very important to public health. I did not see enough specifics in SSM 19. In the next round of public meetings, please elaborate on how SSM 19 will protect public health. Also, some suggestions from prior workshops: On STA days there are high concentrations of precursors that reduce lung function. Please explore using incentives or regulations to encourage industrial sources to reduce emissions on STA days. For example, through utilities or energy rates; incentives to have some level of participation from industry and business.

Comment noted.

Public Comment #3 – MSM

- (David Schonbrunn, TRANSDEF): – I want to commend the Air District on these control measures. Is it possible to issue documents without the “draft” watermark? I am troubled about the overlap between MSM A1 and MSM A2 and the failure to look at cost effectiveness. MSM A1 includes natural gas. Natural gas is not a renewable fuel. Electric vehicles are a better direction for subsidies, particularly if the effort includes crushing a high emitter or gasoline user. That would be a well targeted effort. It is not obvious to me that there is even a California ethanol supply. But what I did see was a focus on renewable fuels, a focusing on the manufacture and distribution of renewable fuels. The manufacture and distribution of renewable fuels is underfunded and struggling, I think you hit on something important and that could become focus of A1.

Are publicly-funded charging stations for electric vehicles necessary? The need for public charging stations needs to be investigated before public funds go into it. As for recreation uses, there may be a case for this, but without analysis, it doesn't make sense to spend public funds on this.

Comments noted.

- (Paul Francke, Emeryville) I would like to commend the Air District on the Vehicle Buy-Back Program. However, the criteria for participation need to be reviewed. A neighbor took his car in but could not participate because he needed to have turn signals and a keyed ignition, which has nothing to do with emissions. The participation in the program of neighborhoods like mine would have the largest benefits, but the criteria are too picky and expensive. The criteria need to be widened to accept more cars.

The Air District's Vehicle Buy-Back Program must conform to the requirements of the California Air Resources Board's Voluntary Accelerated Vehicle Retirement (VAVR). The VAVR requires that vehicles which apply for the Air District's Vehicle Buy-Back Program must have functional turn signals, a keyed ignition, and meet other program requirements. These requirements are not at the discretion of the Air District.

- (Marie Harrison, GreenAction) – In terms of heavy haulers, how does this plan change the current diesel truck retrofit program that I should take back to my community for discussion? Previously, the Air District has not been able to offer the truckers enough money, or there were technical reasons that made the truck ineligible. We need to talk about this.

Both MSM B-1 and MSM B-2 help truck drivers by providing grants to help replace their vehicles or install retrofit devices on these trucks in advance of CARB compliance deadlines. This benefits the people of the Bay Area, especially those in impacted communities, because emission reductions are achieved sooner by means of early compliance, instead of later when these trucks are subject to regulations. The benefit to the truck owners is that they qualify for funds to help defray the costs of retrofitting or replacing equipment. The Air District wants to make the truck retrofit program work for the truckers, but we must also comply with CARB guidelines regarding cost-effectiveness and other eligibility issues. Unfortunately, these requirements can be difficult for independent truckers to meet.

- (Diane Heinze, Port of Oakland): MSM A2, looks like it supports public electric vehicle charging stations, can the Air District also promote existing systems as well as expanding the programs?

Yes. In MSM A-2 under "Implementation Actions" we have added "Promote existing charging infrastructure" and under "Sources" the measure now references an internet-based map of stations: <http://www.evchargermaps.com/>.

- (Christine Cordero, Ditching Dirty Diesel Collaborative, DDDC) We are very supportive of the MSMs. We believe that the plan should not only accelerate emission reductions, but also go above and beyond reductions required by regulations. We support replacements over repowers. We are concerned that funding is not reaching the independent truck owners and that BAAQMD should target funds to the smaller contractors and do more outreach to truckers working in impacted communities. Finally, we are concerned that funding for MSM C1 is misplaced and that it needs to get it to smaller farmers and contractors.

The requirements for incentive programs evolve as the targeted trucks and CARB regulations change. The Air District's incentives programs have adopted scoring criteria that award points for projects that benefit impacted communities, and the District has been making a concerted effort to target funding to these communities.

- (Andy Katz, Breath California): I have a concern about construction equipment in vulnerable communities and would like the Air District to adopt control measure to require green contracting regulation for clean construction in impacted communities. The cost benefit in terms of health benefits is 1:9 (for every \$1 spent, \$9 in health benefits is realized).

Although we share the goal of reducing emissions from construction equipment in impacted communities, the Air District does not have authority to adopt regulations mandating the use of certain types of construction communities. We are committed, however, to working with local governments to encourage the adoption of green contracting ordinances that could address this issue.

Public Comment #4 – TCM

- (David Schonbrunn, TRANSDEF): I want to address the HOT lanes. The summary speaks about it as correctly pricing travel. We are concerned that the HOT project will explicitly hurt transit and carpool (i.e. increase GHG, VMT, emissions, etc.). The accelerated emission reductions are based on what we think are flawed analysis because there is no feedback loop between land use and transportation in the model. We want to see the Air District do quality control on the modeling analysis. We want the Air District to hire a peer review team to review the analysis. The measure states that any increases in emissions and VMT could be counter-balanced due to increases use in transit. There is no evidence that encouraging people to use single occupancy vehicles (SOV) helps them use transit. We believe the Air District has a responsibility to look at modeling done by MTC.

The Air District will review the analysis conducted by MTC that concludes there will be air quality benefits from the HOT lane network described in TCM B-3. The District may seek outside third party assistance to conduct this review.

- (Mike Kent, Contra Costa County Health Department and DDDC) We are supportive of the focus on smart growth and infill in TCM D-3, but we think it is important to also address the flip side of populating infill areas. For example, you run the risk of exposing people to pollution with infill development; this is a well known problem. There are things you can do to mitigate exposure, for example, buffer zones around schools, day care and around certain operations. I think it is important in this measure that the Air District work with local jurisdictions so

that you reduce exposure building by building. That should be emphasized in this measure. I know in our county that would be helpful.

The Air District shares this concern. In fact, this issue is a primary focus of the proposed Land Use and Local Impact measures in the CAP. The CAP will identify potential land use compatibility issues associated with infill development. The Air District is currently updating its CEQA Guidelines; as part of this effort, more specific guidance will be provided that can be used on a project by project basis. The District currently works with local jurisdictions to address these issues and will continue to do so.

- (Karen Pierce, Ditching Dirty Diesel Collaborative, DDDC): Regarding TCM B-1 and TCM B-4, both express lanes and value pricing are elitist. People who have more resources can take advantage but in more impacted communities, people do not have the resources and therefore, can't use these facilities. In TCM B-1, freight transport, what does it mean to improve the performance of freeways and alternatives? How will it affect traffic? Would the Air District consider the re-routing of truck traffic from 880 to 580? Regarding TCM B-4, DDDC recommends that the CAP restate that projects that move forward have no net increase in pollution. The Air District should require sponsors to show actual proof of decreased pollution. What are the methods and criteria of a good project?

(MTC staff) The Freeway Performance Initiative (FPI) does not propose to add lanes, but proposes better management of existing lanes. MTC's modeling show emission benefits from better freeway flow and a reduction in idling due to decreased congestion. For the CAP, MTC did additional analysis on projects in the T2035 Regional Transportation Plan regarding tons of pollution eliminated. There are various methods to determine good projects that rely on either findings from empirical studies and/or output from our regional travel forecasts.

(Air District staff) Regarding the idea of re-routing of truck traffic from I-880 to I-580, the Air District has no authority regarding the routing of truck traffic.

- (Paul Francke, Emeryville): Regarding pricing strategies, the Bay Bridge is the only priced spot in the Bay Area, and also is the single worst spot for air quality. The Bridge is a contributor to air pollution, so MTC needs to look at the neighborhoods downstream when considering if pricing is beneficial and to see how those communities are impacted.

The intent of value pricing as described in TCM E-1 is to reduce demand during peak periods, and thus reduce traffic congestion and air pollution in the vicinity of the toll plaza.

- (Margaret Gordon, Ditching Dirty Diesel Collaborative, DDDC): Regarding goods movement and TCM B-4, we have a number of concerns. First, the Air District did not engage with the Port of Oakland. The CAP depends too heavily on tenants to take voluntary measures to reduce pollution. There has been no health assessment. I would like to see some of that happen here, and have the whole region have health assessments in air plans and for capital improvement projects.

The Air District has been heavily engaged with the Port of Oakland in developing the Maritime Air Quality Improvement Plan (MAQIP), providing incentives to reduce emissions from drayage trucks at the Port, etc. The Port of Oakland is on our distribution list for development of the CAP. Community-wide health assessments are being conducted in connection with the Air District's CARE program. The CARE program will be included as an element of the overall CAP strategy.

- (Andy Katz, Breathe California): I want to question the role of TCM A-3, primarily because the analysis shows no emission benefits from the ferries. Why is this measure in a clean air plan if there are no emission benefits? Regarding TCM B-4, what is the role of induced demand, particularly in projects that increase the potential of expansion at the Port of Oakland? What is the effect of Port expansion on air quality? Is that considered in the plan? Regarding TCM B-3, I second the concern about taking MTC's analysis at face value, including the idea that this is a "gap closure." This is basically a freeway expansion, converting HOV lanes the HOT lanes. There are equity issues which could be addressed through transit or fee structures, although there is no plan to do this. My climate concerns regarding this measure are about the 400 miles of new lane miles. I think the Air District is required to analyze this measure from an air quality perspective. GHG should be analyzed by looking very critically at capacity expansion.

After additional analysis in fall 2009 regarding the air quality impacts of ferry network expansion, TCM A-3 has been changed from a control measure to a further study measure, because it is not clear that expanding the ferry network would provide a net benefit in terms of reducing emissions of criteria pollutants and greenhouse gases.

Regarding TCM B-3, Air District staff, with assistance from a third party, will evaluate the effects on air quality from the HOT lanes program, including induced demand and any changes in GHG emissions. MTC is responsible for evaluating potential equity issues related to the HOT lane network.

- (David Schonbrunn, TRANSDEF): TCM A-2 does not include any information about trade-offs. MTC does not show reduction in emissions for this measure.

Projects are selected because they are politically acceptable. There is complete indifference in gaining emission reductions. These projects will have low ridership in comparison to their cost. We strongly urge the Air District to examine the benefits of these projects because it is significant where the money is invested. BAAQMD should not add credibility to MTC's statements about emission reductions from these rail projects. We disagree with MTC's statements that infrastructure investments do not have an impact on reducing air pollution and greenhouse gas emissions. They are analyzing the wrong set of projects.

There is no question that how the region allocates investments in the transportation system can have air quality implications. However, analysis that MTC performed for the T2035 regional transportation plan indicates that, even if we make all the right investments with the available transportation funding, this will not in itself be sufficient to solve our air quality, traffic congestion, and climate protection challenges. Transportation pricing and land use strategies will be critical to solve these problems over the long term.

Public Comment #5 – LUM

- (Janet Whittick, CCEEB): Regarding LUM 5 and cumulative risk, are you looking at all sources or just stationary sources? Is it possible to track land use, transportation and mobile sources as well? It would give us a better picture of cumulative risk.

Since the September workshops, LUM 5 has been revised to state that the measure will address the cumulative impacts from all emission sources, including stationary, mobile, and area sources.

- (Christine Cordero, Ditching Dirty Diesel Collaborative, DDDC) DDDC is delighted about new land use control measures. We are excited about the promise that these measures provide and hope that these measures are implemented. Regarding the ISR measure, DDDC does not want the Air District to limit this measure to new development. We also don't want infill to become an incentive to move magnet sources from Tracy to Richmond. What is the oversight for this ISR?

Air District staff has just begun work to develop an Indirect Source Review Rule. Issues associated with applicability, infill development and incentives will be determined through the rule development process.

- (Margaret Gordon, Ditching Dirty Diesel Collaborative, DDDC): Please add land use guidelines that ARB has developed into the plan. Locally there are no guidelines in development projects. How do you support health analysis up front as opposed to having the community struggle with developers? Health should not be an afterthought and should be incorporated in an EIR.

The Implementation Actions section of LUM-4 has been revised to include reference to ARB's 2005 report, "Air Quality and Land Use Handbook: A Community Health Perspective" (<http://www.arb.ca.gov/ch/handbook.pdf>).

- (Jean Berry, Sacramento Metro AQMD): Would like to support more review of CEQA documents by the Air District. The cities and counties have decision making authority regarding land use. However, we believe that SMAQMD's involvement in CEQA review, commenting on documents and at meetings, does help reduce emissions. SMAQMD has six planners working on CEQA.

Comment noted.

- (Karen Pierce, Ditching Dirty Diesel Collaborative, DDDC): The revised CEQA guidelines will go a long way to protecting public health. We want to encourage PM2.5 level recommendations in the CEQA documents.

The Air District is in the process of updating its CEQA guidelines at the present time and is currently proposing to set thresholds of significance for PM2.5 emissions for both the construction and the operational phases of new projects.

- (Ernest Pacheco, Citizens Against Pollution): Are any of these policies going to lead to more stringent permitting processes? When the Air District clashes with another agency (i.e. permitting power plants), will the Air District have the authority to say no?

SSMs 17, 18, and 19 (note: these measure have since been re-numbered as SSMs 16, 17, and 18) would impose stricter standards for New Source Review related to PM2.5 and toxic air contaminants, as well as the Air District's Air Toxics "Hot Spots" program. However, the CAP will not change the Air District's role in permitting power plants, nor its authority relative to other agencies.

- (Roger Straw, Solano County): Supports LUM 6. Twenty-eight air monitoring stations are not enough for the Bay Area.

Comment noted.

(Jenny Bard, American Lung Association) We applaud the Air District for all the amazing work done, and the focus on public health is so important. The public understands health issues and the need for regulations and they will accept this. And, education regarding the need for measures will make the measures more acceptable. I want to reiterate a previous comment, that it should be required that every county transportation plan meets GHG targets. This measure was not included in the control strategy because this authority rests with the CMAs, but

this item could go into the leadership platform. In many of the TCM there is reference to the Transportation Climate Action Campaign. I understand that the \$400 million for this campaign may be at risk or reallocated to FPI, I want to know how that affects the Air District's plan to reach GHG goals, what this means in the big picture. The ALA supports the full funding of the TCAC.

The Clean Air Plan narrative will discuss the importance of implementing the CAP control measures to protect public health in the Bay Area, as well as the economic benefits of improved air quality.

TCM D-3 states that the interagency funding agreements that MTC enters into with CMAs for FY 2010-2012 will include language that encourages county planning activities to support climate protection and reduce VMT.

(David Schonbrunn, TRANSDEF): Climate protection is urgent and near term emission reductions are more important than long term reductions.

The District agrees that climate protection is urgent and believes that both near term and long term measures are essential.

Public Comment #6 – ECM & Wrap

No comments.