

Bay Area Clean 2009 Air Plan
 January 28, 2009
 1:30 pm – 3:30 pm MTC Auditorium
Meeting Notes and Public Comment

On January 28, 2009, the Bay Area Air Quality Management District (District) held a public workshop to discuss progress in developing the Bay Area 2009 Clean Air Plan. These notes summarize workshop proceedings and public comments.

Workshop Overview

The workshop was divided into two segments with opportunities for public comment in each segment. The first segment consisted of an update on the progress of the Bay Area 2009 Clean Air Plan (2009 CAP), including a request for input on the idea of including performance objectives in the Plan. After a break for public comment, the second segment consisted of an overview of the “all feasible measures control measures” review and next steps in the control measure review process. District staff then requested public input and control measure suggestions. Excluding District staff, 50 people were in attendance representing a variety of public agencies, environmental and public health organizations, Bay Area businesses, and community members. Below is a summary of comments recorded at the workshop. District responses are provided in italics in response to questions posed.

Name	Affiliation	Summary of Comment/Question and District Response
<i>Segment One</i>		
Dr. Henry Clark	West County Toxics Coalition	<p>Commenter requests a report on the implementation status of 2005 Ozone Strategy control measures and air quality improvements since the adoption of the 2005 Ozone Strategy. In particular, the commenter would like to know how much particulate matter has been reduced, what kind of impact can be used to gauge progress, and what have been specific emissions and exposure reductions in North Richmond and other toxic hotspot areas. The commenter expresses concern that without documented evidence of progress in air quality since the last plan, the District may be overextending its capacity in taking on a broader multi-pollutant approach in the Bay Area 2009 CAP.</p> <p><i>As part of the 2009 CAP, the District will review progress in improving air quality and implementing control measures in the 2005 Ozone Strategy. At future workshops on the CAP, staff will provide an update on air quality trends and on implementation of control measures included in the 2005 Ozone Strategy.</i></p>
Andy Katz	Breathe California	<p>Commenter seconds Dr. Henry Clark’s comments above in requesting an evaluation of existing measures from 2005 Ozone Strategy.</p> <p>Notes that the Bay Area will be in non-attainment of EPA’s 24-hour PM_{2.5} standard next year and be required to develop a PM_{2.5} State Implementation Plan (SIP); how are the Bay Area 2009 Clean Air Plan and the future PM_{2.5} SIP connected?</p>

There is no direct connection between the 2009 CAP and a future PM_{2.5} SIP. However, the 2009 CAP may help to inform development of the PM_{2.5} SIP that will be required at a later date. It is also expected that control measures in the 2009 CAP will result in emission reductions that help make progress toward the PM_{2.5} standard.

Will the District consider aiming for attaining air quality standards more stringent than federal and state standards, with an eye towards improved health outcomes?

The 2009 CAP will address health impacts and outcomes, but the District will not develop or adopt air quality standards that are more stringent than current state and national standards.

How will this plan relate to the likely development of a statewide cap-and-trade system for greenhouse gases, especially with regard to cumulative impacts in impacted communities?

The 2009 CAP is being developed with reference to existing and proposed state, federal, and local regulations and market mechanisms. Any statewide cap-and-trade system for greenhouse gases would be developed by the Air Resources Board pursuant to AB 32. The District will continue its efforts to reduce emissions and improve health outcomes in impacted communities through the District's CARE program, grants funding, and its Clean Air Communities Initiative that will be developed in coming months.

Brian Beveridge West Oakland
Environmental
Indicators
Project

With reference to slide number 4 of the presentation, please clarify how "all feasible measures" review compares to BACT (Best Available Control Strategy).

The California Clean Air Act requires that local air districts include "all feasible measures" in their triennial ozone plans. These plans must include "all feasible measures" to address emissions from both stationary sources and mobile sources. Criteria for evaluating feasibility are identified in the California Health & Safety Code Sec. 40922 as cost-effectiveness, technological feasibility, total emission reduction potential, rate of reduction, public acceptability, and enforceability. The term "Best Available Control Technology" (BACT) applies to stationary sources that are required to obtain an air quality permit; specifically, it applies in the case of new or modified sources, or if an existing source increases its emissions beyond specified levels. BACT requires implementation of the best controls that have been demonstrated in practice on the same type of source at any location, in California, nationally, or in the world. (Please

refer to the Bay Area Air Quality Management District's New Source Review Rule, Regulation 2, Rule 2, and, for toxic air contaminants, Regulation 2, Rule 5.)

Please say more about how the Plan will coordinate with regional land use and transportation plans?

The District recognizes that land use and transportation planning and decisions have major impacts on air quality. The District and its regional agency partners (ABAG, BCDC, and MTC) coordinate their efforts through the Joint Policy Committee (JPC). This includes participation in the JPC FOCUS initiative, which encourages local jurisdictions to focus future development in areas that are well served by public transit. The District's 2005 Ozone Strategy includes Transportation Control Measure 15: Local Land Use Planning and Development Strategies. TCM 15 includes a variety of measures to integrate land use, transportation, and air quality planning. TCM 15 will be reviewed and updated as we prepare the 2009 CAP.

How will this Plan relate programmatically with the CARE program?

The 2009 CAP will be regional in scope, whereas the CARE program is focused on reducing emissions and exposures in specific impacted communities. District staff will ensure that the 2009 CAP and the CARE program work together in a complementary way.

Commenter is supportive of performance objectives and recommends using human risk exposure as a performance objective.

David
Schonbrunn

TRANSDEF

Commenter is concerned about the rate of progress in developing the Plan since the last set of meetings. Commenter would like the District to expedite preparation of the Plan.

The District has made considerable progress in developing the 2009 CAP. Because the 2009 CAP will address multiple pollutants and their health impacts, this requires additional time to develop the foundation and scope for such a plan.

Pursuant to California Health & Safety Code section 40233, will the District ask MTC to provide new targets for TCM emission reductions?

The District does not plan to provide MTC with a new emission reduction target for transportation control measures for the 2009 CAP.

Jenny Bard

American Lung

(Note: American Lung Association's written comments are

	Association	<p><i>appended to these meeting notes below.)</i></p> <p>Commenter seconds previous comment requesting strong targets.</p> <p>Since the District is in the process of updating its CEQA guidelines, how will updated CEQA guidelines connect to this plan and will these be used for environmental analysis of this Plan?</p> <p><i>Staff will coordinate the CEQA review for the 2009 CAP and its update of CEQA guidelines and CEQA thresholds of significance as both these processes move forward. However, the District's CEQA guidelines are intended to inform environmental review of local plans and projects, and not regional plans such as the CAP.</i></p>
Dr. Henry Clark	West County Toxics Coalition	<p>How will this Plan relate to environmental justice principles and address environmental justice issues in toxic hotspots?</p> <p><i>The District has developed and is implementing its CARE program to focus on reducing emissions and health effects in impacted communities. Although the Bay Area 2009 CAP will be region-wide in scope, the CAP will complement and build upon the CARE program to address air quality in impacted communities.</i></p>
Anna Lee	Communities for a Better Environment	<p>Commenter would like to know when will the District be updating emissions inventories and will there be a role for impacted community members to participate in this process?</p> <p><i>The District recently prepared revised emission inventories for 1) ozone precursors and PM and 2) greenhouse gases. Both inventories are available for review on the Planning Division page on the District website. See http://www.baaqmd.gov/pln/emission_inventory.htm</i></p>
David Schonbrunn	TRANSDEF	<p>Commenter urges the District to go beyond standard EIR analysis, to expand the scope of the EIR to address not just the control measures in the Plan, but to consider alternatives based upon more and less aggressive control strategies.</p>
<i>Segment Two</i>		
Dr. Henry Clark	West County Toxics Coalition	<p>What does the cost-effectiveness criterion mean and how is it determined? How will this criterion be exercised in impacted communities?</p> <p><i>As required by the Health & Safety Code, the District will estimate the cost-effectiveness for potential control measures and consider cost-effectiveness as one of the criteria in selecting control measures for the plan. In general, cost-effectiveness will be evaluated at the regional level. However, in determining feasible control measure for the 2009 CAP, the District will attempt to identify and prioritize measures that would be particularly effective in reducing emissions in</i></p>

		<i>impacted communities.</i>
Community Member		<p>Commenter would like to hear more tangible actions and outcomes as to what the District has been doing to assist impacted communities. Commenter is not convinced that the research and studies being conducted will lead to actual air quality improvements in impacted communities.</p> <p><i>Please refer to District's response to Dr. Henry Clark's first comments above.</i></p>
Waafah Arborashed	Healthy San Leandro Collaborative	<p>Commenter would like to know more about what the District has been doing for impacted communities since 2005. Would like to know more about the cost effectiveness, acceptability, and enforceability criteria for evaluating measures. Would like to see more of the District's resources focused on other impacted communities in addition to West Oakland. In her experience, the District has not been able to resolve her odor line complaints over the last three years.</p> <p><i>Please refer to District's response to Dr. Henry Clark's first comments above.</i></p>
Ginger Vagenas	EPA, Region 9	<p>Commenter would like to know if the evaluation of potential control measures, including the reasons why control measures are rejected or accepted will be made transparent and open to the public.</p> <p><i>Yes, the District will make the reasons for acceptance or rejection of potential control measures available to the public.</i></p>
Dr. Henry Clark	West County Toxics Coalition	<p>Dr. Clark questions the weight put on the public acceptability criterion for control measure evaluation and suggests that the District track the role that public acceptability plays in its actions.</p> <p><i>Public acceptability is one of several criteria specified in the Health & Safety Code that the District must consider in its evaluation of potential control measures.</i></p>
David Schonbrunn	TRANSDEF	<p>Asserts that the logic of the flowchart in slide number 19 is unclear. Also notes that lack of legal authority should not preclude measures from further review but should instead move them into the advocacy, partnership, and legislation category.</p> <p><i>Duly noted by District.</i></p> <p>Asserts that there is a need to act immediately with regards to greenhouse gases and climate change and that the Bay Area 2009 Ozone Plan must provide an opportunity for leadership in this area. If a very aggressive plan is taken to the Board, there will be public support for it. He proposes a performance objective of reducing VMT significantly, such that TCMs affect the average person's life, in getting them out of their cars.</p>

Charlie Cameron	Community Member	<p>Commenter states that he had received no response to the comment letters he has submitted to the District in the past. He asserts that the aim of the control measures should be to get people out of their cars and to encourage mass transit “literacy.” He would like to see the District make it a priority to educate the public on taking public transportation.</p> <p><i>The District thanks Mr. Cameron for his comments and retains them on file.</i></p>
Nehanda Imara	Communities for a Better Environment	<p>Does the District and/or California Highway Patrol have the authority to enforce ARB’s idling regulation?</p> <p><i>ARB’s ATCM to limit diesel fueled commercial motor vehicle idling may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies’ authorized representatives; and air pollution control or air quality management districts. According to the Code, California Highway Patrol Officers are peace officers, and therefore have authority to enforce the ARB’s anti-idling ATCM. District staff also have authority to enforce ARB’s idling ATCM.</i></p> <p>Can the District target its enforcement activities and increase its enforcement staff in areas where there is an increase in the concentration of diesel truck traffic such as East Oakland?</p> <p><i>The District is planning enhanced enforcement of ARB anti-idling regulations in impacted communities as part of its Bay Area Clean Air Communities Initiative currently under development.</i></p> <p>Would like to see the same truck study conducted in West Oakland with the West Oakland Environmental Indicators Project in East Oakland.</p>
Brian Beveridge	West Oakland Environmental Indicators	<p>Would like to see a cross-jurisdictional idling enforcement program. Would also like to see rules and guidelines to increase efficiencies for slow moving vehicles within magnet sources and yards. Would also like to see an analysis of expanding the light-duty vehicle buy back program to include larger commercial vehicles.</p>
Andy Katz	Breathe California	<p>Would like to see more enforcement of anti-idling regulations. The District should use its authority to enforce ARB idling regulation and should outreach to and coordinate with cities to encourage idling enforcement. The District should communicate that fines from enforcement of anti-idling regulations could represent a significant income stream to jurisdictions and should consider advocating to raise idling fines if present rates do not present a sufficient deterrent.</p>

The District should conduct an inventory of what the sources are in and around the magnet source areas and then develop emission reduction plans. The District should consider working jointly with the EPA for these magnet areas.

With a growing trend to develop residential infill in already impacted communities, the District should provide guidance and/or requirements stipulating the best available equipment and technologies for off-road construction emissions.

In the area of land use and transportation pricing, the District should work to increase the user fee for driving and for sprawl by working with partners to implement a gas fee and indirect source fee. Would like to see control measures that improve the time efficiency of public transportation, time-saving incentives, and transportation pricing. These measures need to send a strong message.

For industrial stationary sources, there should be a source-by-source analysis for each source category to identify additional emissions reductions and technology.

The District should be advocating for NESHAPs (National Emissions Standards for Hazardous Air Pollutants) to be accelerated.

To address power plant emissions the District should work to locate renewable energy in sites that would move the ISO (Independent Systems Operator) to reduce emissions. The District should include this concept in its Plan. The District should advocate for higher electricity rates for industrial facilities on Spare the Air days.

District staff will consider these comments in the review of potential control measures.

Lee Jones	Neighborhood House of North Richmond	Would like to see the District get more involved in mitigating emissions associated with the expansion of the Port of Richmond; this should include cleaning up old Port equipment and vehicles.
<i>Please note that the District submitted comments on the Honda Port of Entry Project Notice of Preparation on March 17, 2008 and on the Project Draft Environmental Impact Report on August 21, 2008. Richmond is identified as an impacted community through the CARE program; therefore District grant programs are targeted in this community.</i>		
Dr. Henry Clark	West County Toxics Coalition	Would like to see more communication between BAAQMD and the City of Richmond regarding Port expansion. Would like to see analysis of overall impact of District actions rather than hearing about the activities and the studies.

		<i>Please see District response to Lee Jones' comments above.</i>
Sara Woo	Solano Transportation Authority	Speaking on behalf of youth, commenter would like to support the District in aggressively thinking outside the box.
Jenny Bard	American Lung Association	Urges District to post the agenda and presentation materials 72 hours in advance of a public workshop.

BAAQMD Clean Air Plan 2009
January 28, 2009
American Lung Association of California Comments

The American Lung Association of California has submitted previous comments regarding the importance of including strong, aggressive and measurable targets to help us reach our greenhouse gas reduction goals as well as reductions in PM and air toxics to protect public health immediately. Again, we commend the air district for developing a multi-pollutant plan to reduce ozone, PM, air toxics and global warming gases.

When considering all feasible control measures, at a minimum, the starting place of the clean air plan should be there will be no increases in greenhouse gases, air pollution or air toxics. This will assure that we can reach our aggressive greenhouse gas reduction goals, and our state and federal air quality standards.

Control measures should be designed to provide co-benefits of reducing greenhouse gases and air toxics and air pollution that currently harm our most vulnerable residents. It is well known that in many areas of the Bay Area, poor people and people of color are exposed to higher concentrations of industrial air pollutants than are wealthy people and white people, in part because they live in closer proximity to sources of industrial pollution.

In Alameda County, higher levels of toxic air contaminants have been documented around schools near and downwind of busy roadways, and children attending these schools are more likely than other children to have asthma symptoms. It is estimated that 35,000 children in Alameda County are exposed to medium to high levels of traffic pollution every day.

It is critical that the air district's Clean Air Plan consider control measures that do not add to this burden, but reduce it, and to focus control measures on these areas most highly impacted and suffering the greatest health burden from asthma, lung cancer, COPD and heart disease. Such measures would include advancing solutions to the critical public health problem associated with particulate pollution from highways that threatens the health of residents who live within the high pollution zone near freeways and industrial facilities. There are innovative technologies available now to convert diesel vehicles and equipment to electric technologies that achieve major reductions in highway diesel emissions that would protect these communities. The air district should establish a goal of achieving a major conversion of goods movement vehicles and equipment in the region to electric technologies by establishing aggressive targets for vehicle conversion and identifying funding assistance and strategies to help achieve these conversions. Greater enforcement of existing diesel regulations, such as idling, should also be given top priority.

Public Health Issue:

There are many reasons to take stronger action now. Bay Area residents already experience serious health effects from air pollution levels. From a regional standpoint, San Jose, San Francisco, Solano and Contra Costa Counties suffer the worst air quality in the Bay Area, according to the American Lung Association's State of The Air report. There are many community and neighborhood hotspots where more intensive air pollution impacts are suffered and low-income communities and communities of color are suffering a disproportionate burden of lung disease. Thousands of studies confirm the direct connection between air pollution and increased rates of death and illness. Increasing temperatures due to global warming will only make this situation worse.

Global warming is expected to slow progress toward attainment of clean air goals by increasing levels of emissions of smog precursors, particulates and toxic air contaminants (including emissions from power plants and fuel evaporation), by accelerating the chemical processes that generate smog, and by increasing heat waves and summertime stagnation episodes where hot air idles for days at a time. Studies of heat waves in California and Europe have demonstrated that they are associated with increased death and illness.

With the state's current estimate of premature deaths from air pollution between 14-24,000 every year, dramatic measures are needed to reduce both criteria air pollutants and global warming gases. Air pollution is also responsible for 350,000 asthma attacks and thousands of hospitalizations and emergency room visits each year in California and reduced lung function growth in children.

The Clean Air Plan must emphasize regulatory measures that promote long-term sustainable reductions in ozone and greenhouse gas emissions, maximize air quality co-benefits from all measures and ensure public health protection for cities and counties throughout the region, particularly low-income communities and communities of color.

Recommendations:

Therefore, the American Lung Association of California recommends the following important measures be included in the Clean Air Plan:

The Plan Must Accelerate Greenhouse Gas Emission Reductions From Transportation and Land Use Sectors. Transportation is the largest contributor to global warming and air pollution in the Bay Area, representing 50% of greenhouse gas emissions and 74% of nitrogen oxide emissions that contribute to smog and particulate pollution. Cars and light trucks make up the majority of the greenhouse gas emissions from the transportation sector.

The Plan Should Set a High Bar For Reduction of "Vehicle Miles Travelled" or VMT With current growth and development patterns, VMT is expected to increase by 70% over the next 30 years in California. This level of growth in vehicle use would cancel out progress made in reducing greenhouse gas emissions through introduction of cleaner vehicles and fuels. The air district should set a high goal and provide the leadership and support to help local governments change land use and transportation patterns to achieve the goal. The air district could consider bold strategies, including petroleum and license fees and/or taxes, and to advocate for enabling legislation to adopt them.

Strong Regional Greenhouse Gas Reduction Targets Are Critical to the Clean Air Plan The best way to ensure that local governments make the changes necessary in land use and

transportation planning to support compact and more efficient development patterns and reduced VMT is to establish strong regional targets for greenhouse gas reduction. These regional targets must include a mechanism to hold cities and counties accountable for achieving their share of emission reductions.

Expansion of Public Transit Should Be a Key Strategy in the Plan Expanding the Bay Area's public transportation system, and providing consistent ongoing funding are critical measures to promote reduced need for driving. An increased emphasis on public transit is important to support local and regional agency efforts to change transportation and land use plans to emphasize smart growth strategies.

Additional Strategies To Reduce Vehicle Trips Such As Indirect Source Rules Must Be Included In The Plan Communities throughout the Bay Area can benefit from using indirect source rules to ensure developments are calculating and mitigating greenhouse gas and air quality emissions. This is another strategy to promote compact development patterns, less driving and walkable, livable communities. According to the CARB document, *Guidance for the Development of Indirect Source Control Programs*, land use design strategies that are sensitive to air quality issues, such as incorporating mixed uses into a land use project, can reduce vehicle trips by as much as 50 percent.

We urge the BAAQMD to publish an appendix outlining the public health impacts and benefits of the plan, especially as they relate to air pollution reductions in environmental justice communities.

Health Impacts Are Higher In Environmental Justice Communities And Therefore The Plan Must Provide Local Benefits Many communities in the Bay Area, in particular low-income communities and communities of color, live in close proximity to multiple sources of pollution, including ports, goods movement, and industrial pollution sources and experience higher health impacts. The plan must not only prevent disproportionate impacts or creation of "hot spots" of pollution as required by AB 32, but must also provide benefits to local communities such as additional resources and mitigation measures to speed up air quality progress. Please include control strategies that reduce cumulative impacts of pollution in Bay Area communities when developing the Clean Air Plan 2009.

Community Indicators: There is a huge need to have regional indicators of progress for greenhouse gas reductions in the Bay Area. What the air district could do in its leadership capacity through the Clean Air Plan is to conduct districtwide GHG inventory, and track emissions in a timely manner so that the region can assess its progress.

The air district Clean Air Plan must be bold and aggressive in its list of recommended "feasible control strategies" on the scale of what is needed to reduce emissions, protect public health, and reverse global warming, which is already evident around the globe and causing great alarm.

We look forward to working with you to achieve regional and statewide air pollution and greenhouse gas reduction goals as quickly as possible. Thank you for your consideration of these comments.