

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

Advisory Council Retreat & Regular Meeting  
Wednesday, January 9, 2013

### **CALL TO ORDER**

Vice-Chairperson Sam Altshuler called the meeting to order at 9:02 a.m.

### **ROLL CALL**

Present: Vice-Chairperson Sam Altshuler, P.E.; Secretary Liza Lutzker, M.P.H.; and Council Members Jennifer Bard, Benjamin Bolles, Harold Brazil, Jonathan Cherry, A.I.A., LEED A.P., Heather Forshey, Caryl Hart, J.D., Ph.D., Stan Hayes, John Holtzclaw, Ph.D., Kraig Kurucz, Gary Lucks, J.D., C.P.E.A., Kathryn Lyddan, J.D., Rick Marshall, P.E., P.L.S., Timothy O'Connor, J.D., Estes Al Phillips, Jessica Range, LEED A.P., and Murray Wood.

Absent: Chairperson Robert Bornstein, Ph.D., and Council Member Jeffrey Bramlett, M.S., C.S.P.

Also Present: None.

**PUBLIC COMMENT:** None.

NOTED PRESENT: Member O'Connor was noted present at 9:03 a.m.

### **OPENING COMMENTS**

Vice-Chairperson Altshuler made introductory comments regarding the work of the Council in the coming year.

### **INTRODUCTION OF NEW ADVISORY COUNCIL MEMBERS**

Vice-Chairperson Altshuler welcomed Member O'Connor (*Conservation Organization*). Member O'Connor made introductory remarks.

Vice-Chairperson Altshuler welcomed Member Forshey (*Public Health Agency*). Member Forshey made introductory remarks.

Members Forshey and O'Connor took the oath of office.

Member Lucks was noted present at 9:07 a.m.

The returning Members briefly introduced themselves.

Member Brazil was noted present at 9:10 a.m.

Member Lyddan was noted present at 9:20 a.m.

Jean Roggenkamp, Deputy Air Pollution Control Officer, commended the range of expertise available and the diversity of the Members present.

Vice-Chairperson Altshuler posed a question to the Council about rearranging the seating so that it is not based strictly on seniority for the sake of creating alternative dialogue options for members, briefed the Council on how the request-to-speak system functions, asked staff to create a summary table memorializing the Member introductions and reminded the Council that the public meeting is being recorded and documented.

Staff briefly introduced themselves at the request of Member Marshall.

### **CONSENT CALENDAR**

#### **1. Approval of the Minutes of the Advisory Council meeting of November 14, 2012**

Council Comments: None.

Public Comments: None.

Council Action: Member Holtzclaw made a motion to approve the minutes of November 14, 2012; Member Hayes seconded; and the motion was unanimously approved without objection.

### **RECOGNITION**

**2. Recognition of Outgoing Advisory Council Members:** Deemed complete at a prior meeting.

#### **3. Recognition of Outgoing Advisory Council Chairperson**

Vice-Chairperson Altshuler, on behalf of the Council, recognized outgoing Chairperson Hayes for his dedicated leadership and service to air quality in the Bay Area. Member Hayes addressed the Council.

## **RETREAT**

### **4. Review and Discussion of 2012**

Vice-Chairperson Altshuler made introductory comments regarding the year-long process of the Council and the presentation to the Board of Directors on December 5, 2012, including the importance of carefully documenting all findings and knowing the material to the extent necessary to respond to questions and criticism.

Member Hayes said that the Board of Directors seemed positive in its receipt of the Council's report, suggested the number of questions received seems a good measure of the quality of a presentation, and commended the participation of all in bringing the reports forward.

Member Bolles asked about the possibility for more advance notification of future meetings of the Board of Directors. Vice-Chairperson Altshuler said the date of the meeting was somewhat fluid but settled well in advance of the two-day notice received by Member Bolles. Member Hayes recalled that it was discussed at the Council meeting in November but the final date was not solidified until approximately one week before the presentation and agreed there is room for improvement.

Vice-Chairperson Altshuler noted that the presentation to the Board of Directors is available online and urged Council members to review it.

Member Range said that although the report drafting and revising process can often be arduous, it is a process that results in a report that feels completely accurate and becomes the foundation for the presentation and urged continued participation by the Council in the discussion meetings.

Member Lutzker expressed her disappointment at not being able to attend the Board of Directors meeting and to respond to the questioning and asked what some of the questions and comments were.

Vice-Chairperson Altshuler said there was a question about regional, as opposed to more global, challenges.

Member Hayes said there were clarifying questions about the meaning of the recommendations provided at the close of the presentation and attributed that to the challenge of condensing the vast amount of material before the Council over the course of the last two years and noted that the Board of Directors was complimentary of the Council and its work.

Member O'Connor said the Board raised two issues: first, the report identified a significant number of sources of ultrafine particulate matter (UFP) as being indoor and there were questions about the jurisdiction of the Air District in terms of regulating in this realm, whether other jurisdictions have taken on this issue, and the result; and second, the autism issue was not a matter of the Board criticizing the presentation of the Council but rather being cautious to clarify that the Air District is not claiming a causal link between UFP exposure and autism but that it is instead among a range of potential effects according to the Council.

Member Hayes said the jurisdiction issue is an important one, especially in light of the information that, for many people, their greatest exposures are while they are indoors, many people spend significant portions of their time in those environments and suggested that perhaps provides a legitimate opportunity to look further into the regulatory role of not just minimizing emissions but also exposure.

Vice-Chairperson Altshuler noted that black carbon (BC) did come up in the Board of Directors meeting.

Eric Stevenson, Director of Technical Services, said the Board of Directors were highly complementary, found the presentation to be very informative and were listening carefully to the recommendations provided and said it was a very effective presentation.

Vice-Chairperson Altshuler commended the approach of having two or three members participate sequentially in the presentation, itself a compilation of the reports generated throughout the year, and expressed his chagrin about, and lack of control over, the sparsely populated Board of Directors meetings as a calendar year draws to an end.

Council Comments: None.

Public Comments: None.

Council Action: None; informational only.

## **5. Discussion of the 2013 Advisory Council Meetings**

Mr. Stevenson delivered the staff report Discussion of the 2013 Advisory Council Meetings, including proposed meeting format, topics, dates and staff proposal for Council meeting topics. Mr. Stevenson added that Meeting 3, scheduled for September 11, 2013, may not be focused on BC, depending on Council progress prior.

Ms. Roggenkamp added that through a new process, the Chair of the Council will be invited to brief the Executive Committee of the Board of Directors at various times throughout the year.

Vice-Chairperson Altshuler noted the decreased attendance by the Council members for each of the second report drafting meetings, questioned the cause and posed some possible solutions such as increasing the pace of the meetings or the introduction of staff input and said that timeliness is key to the success of the collaborative effort and the creation of quality products.

Member Lutzker agreed with the idea of receiving staff input at each of the second report drafting meetings, shared her concern that some topics up for discussion by the Council which become subjects of immense effort on the part of the Council are running parallel to work already underway by staff and asked if staff input can be received prior to the drafting of the report so as to assist the Council in understanding the current state of affairs and to better tailor their reports to address that which remains to be done.

Member Bard echoed Member Lutzker's recommendation regarding staff input, however brief or informal in might be.

Ms. Roggenkamp said that is the plan for today in regard to BC, stated that staff does not want to direct the Council in its work or its findings, but instead to receive the advice of the Council and to facilitate its delivery to the Board. Ms. Roggenkamp suggested it is instructive to staff to hear the Council's deliberation without influencing it, and that staff will assist the Council in not going in unproductive directions without unduly influencing the process.

Member Lutzker suggested the Council will not refrain from telling staff that it believes a different direction should be taken. Ms. Roggenkamp said that was not her expectation but the concern is rather about shaping the discussion.

Vice-Chairperson Altshuler suggested the introductions by the Council members, as provided today, should be instructive to staff in determining the strengths of the Council and in what areas assistance might be most helpful.

Vice-Chairperson Altshuler urged staff and the Board of Directors to view the Council as an in-house consultant or expert that can be utilized without expense or bias and recalled his professional experience with this type of arrangement and the benefits that might be gained by the organization.

Member Range suggested grammatical edits to draft reports be addressed outside of public meetings. Brian Bunger, District Counsel, responded that some changes would be considered a decision and, in turn, a violation of the Brown Act so his advice is to err on the side of caution by continuing to address changes in a public meeting.

Member Lutzker asked if comments provided to staff would present the same problem. Mr. Bunger responded that it is not necessarily a violation but it can be difficult to see where best to draw the line so it is best to avoid the situation altogether.

Vice-Chairperson Altshuler asked if there have been any discussions that have crossed the line in the last year. Mr. Bunger responded in the negative.

Member Holtzclaw suggested starting each of the third meetings with a staff update regarding the current topic followed by a more abbreviated report editing session.

Vice-Chairperson Altshuler said that draft reports that are well prepared by the work group seem to fare much better in the public meeting revision process.

Member Hayes said that an area for improvement seems to be the shortening of time spent on each topic, noted the diminishing attendance of Council members at report drafting meetings, asked how the Council can improve the process and, in turn, the interest and attendance levels, joined in Member Holtzclaw's suggestion that the report drafting portion of the third meeting be somehow abbreviated by the addition of other agenda items, and urged the Council to look to the substance of the reports for revision rather than grammatical details.

Member Bard said all the action occurs in the report writing, urged the members to stay attentive to the importance of forwarding initial suggestions, and suggested that an important part of the process is the involvement of others in the report drafting work groups and that their voices be heard in that process.

Member Marshall asked if remote participation is an option for the Council members in light of the discussion of shorter third meetings. Vice-Chairperson Altshuler said the Air District has previously indicated that cannot be accommodated at this time. Ms. Roggenkamp clarified that the proposal was not to shorten the meeting itself but rather the discussion about the report revisions.

Member Kurucz echoed Member Bard's suggestion that early input is valuable, said that when missing third meetings in the past it was not a function of lack of interest but confidence in his colleagues' ability to finish the revision process, agreed that more can be done to abbreviate the revision process, and recalled a past idea that someone would be delegated to do the final polish so as to avoid the issue altogether. Vice-Chairperson Altshuler said that Chairperson Bornstein has accepted that role. Member Lutzker clarified that the final review was only to be a final polish and not a matter of making significant grammatical changes.

Member Kurucz asked whether staff presentations at third meetings might create a problem in that the Council may discover a recommendation of the Council is already being addressed by staff. Mr. Stevenson said staff tries to inform the Council along the way while trying to avoid steering Council work and that Council reports to the Board of Directors Executive Committee are part of the effort to communicate better on this level, and pledged to work on keeping the Council better informed.

Vice-Chairperson Altshuler expressed his hope that the BC discussion does not result in the Council hearing about items three meetings from now that should have been shared today. Ms. Roggenkamp said that circumstances are not static at the Air District and staff will try to keep the Council up-to-date as events occur.

Vice-Chairperson Altshuler asked that meeting minutes be prepared on a more expedited basis as their availability would help in the report drafting process. Mr. Stevenson responded that the minutes are prepared as quickly as staff time allows.

Council Comments: None.

Public Comments: None.

Council Action: None; informational only.

#### **4. Review and Discussion of 2012 (continued)**

Mr. Stevenson delivered the staff report Review and Discussion of 2012, including meetings, presentations, reports and processes for 2012, and potential changes for 2013.

### Council Comments:

Member Lucks asked about the Air District's jurisdiction in regards to indoor air quality and its potential as a future Council topic for discussion. Ms. Roggenkamp responded that this year's focus is BC but if the Council feels the topic is addressed after two presentation meetings, then the third presentation meeting can be regarding a different topic, and staff will discuss next year's topic with the Council. Mr. Bunger explained that the jurisdiction of the Air District is tied to sources of, not the receipt of, air pollution and briefed some of the regulations in place by the California Air Resources Board (ARB). Member Lucks gave the example of paint regulation and said the Council may want to delve deeper in an effort to establish jurisdictional authority in the course of future meetings, should it decide it has an interest in this topic. Mr. Bunger said that industrial sources that are used in the home are regulated by the Air District so there are areas of cross over.

Vice-Chairperson Altshuler asked if it is appropriate for the Council to investigate topics that may be outside the jurisdiction of the Air District. Mr. Bunger responded in the affirmative and said that a recommendation from the Council may be to seek the authority through legislative channels. Vice-Chairperson Altshuler said some of the work may be outside of the realm of staff's focused expertise but perhaps the Council can provide support and guidance. Mr. Bunger said it is all constantly evolving and there is no reason not to pursue items of interest based on a perceived lack of current authority. Vice-Chairperson Altshuler noted the evolution of wood smoke as an example.

Member Holtzclaw acknowledged staff's concern about their leading the Council and expressed his opinion that it does not happen despite the potential and the Council members will not back down on topics of interest and importance to them.

Vice-Chairperson Altshuler said the presentation topic for September is open, invited members to consider potential subjects for the same, and asked if the Council members all receive Air District news article summaries.

Member Lucks recommended a similar article summary service by ARB.

Public Comments: None.

Council Action: None; informational only.

## **PRESENTATION**

### **6. Air District Activities around BC**

Mr. Stevenson introduced Abby Young, Principal Environmental Planner of Planning, Rules & Research, who delivered the staff presentation Air Quality, Climate Protection & BC, including the climate protection and public health components, an overview of the Air District's Climate Protection Program, and summaries of various actions in response to, and additional opportunities regarding, BC.

### Council Comments:

Member Holtzclaw asked about the chemistry and composition of BC. Ms. Young deferred to future presenters.

Member Holtzclaw asked about the impact of BC on clouds. Ms. Young responded that it varies, there are positive and negative forcings, staff believes the net effect to be an overall increase in reflectivity, and deferred to future presenters for additional details.

Member Lucks asked about the percentage contribution of BC to global warming. Ms. Young said she cannot provide a percentage but that most recent studies seem to conclude that BC is the second or third largest contributor, with carbon dioxide as the first.

Member O'Connor asked about measures at the state level and perceived opportunities for incentivizing global change through local measures, which questions Ms. Young deferred to future presenters.

Member Lutzker requested that future presenters address the direct health effects of BC, as opposed to the climate change impacts alone, and speak to the contribution of agricultural burning. Mr. Stevenson said agricultural burning and similar activities do occur in the Bay Area and staff can provide that information.

Member Hart restated Member O'Connor's question about state-level measures and asked about the removal of BC as opposed to merely limiting output. Ms. Young said that the short half-life of BC lends to the conclusion that removal is not critical and the focus is on limiting emission as there will be an immediate impact. Mr. Stevenson said a speaker from ARB is in the works for the first meeting who should provide an answer to the question about state-level measures. Ms. Roggenkamp added that the Council is focusing on a topic that is emerging, the answers to these great questions may not yet be known and that part of the work will be to either find the answers or how best to find them.

Member Bard asked if the Air District has an emissions inventory for BC and that an emissions inventory for fine particulate matter, with a break down for the Bay Area and California and could it be provided to the Council prior to the next meeting. Ms. Young said the Air District tracks various types of carbon but, as time provides more opportunity to focus specifically on BC, staff will be in a better position to answer these types of questions.

Member Hayes noted a recent report on BC by the United States Environmental Protection Agency (EPA), suggested the internet address for the same be provided to the Council, and noted the unique character of the issue in terms of opportunities to affect global climate.

Member Kurucz asked about the environmental fate and impact of BC after it falls from the atmosphere, which question Ms. Young deferred to future presenters.

Member Phillips asked about the basis for the claims about BC impact on climate change and for a quantification of the supposed effect, which questions Ms. Young deferred to future presenters. Member Range asked about the level of interest among local governments in adding BC to local



climate action plans and whether there have been any exploratory efforts on how to do so. Ms. Young responded that she has not heard it come up yet but that local governments will surely welcome it.

Vice-Chairperson Altshuler said the delivery of an emissions inventory to the Council members is critical, suggested the Council begin to consider the impact of wildfires now and as they increase in number as a result of climate change, mentioned lube oil burners and barbeque grills as sources of BC that have come up in the past, and suggested the Council try to keep in mind the possible unintentional consequences of any action taken or recommended.

Public Comments: None.

Council Action: None; informational only.

## **AIR DISTRICT OVERVIEW**

### **7. Report of the Executive Officer/APCO**

Ms. Roggenkamp presented the Report of the Executive Officer, including updates on the Winter Spare the Air Season, the new appointees to the Air District Board of Directors, the Air District budgeting process, the Air District office building move, the electric vehicle readiness plan, the website rebuild, a review of public comment procedures, proposed rules for consideration in 2013, particulate matter regulation and potential legislation.

Member Holtzclaw asked if fireworks have been identified as a major source of particulate matter. Ms. Roggenkamp responded that the South Coast Air Quality Management District regulates fireworks at Disneyland but that she is not aware of any other area that regulates fireworks. Mr. Stevenson responded that fireworks are an additional source of particulate matter but their contribution was not taken into account for the decision to call a Spare the Air Day on New Year's Day and their overall contribution varies from year to year. Vice-Chairperson Altshuler said he expects they will be regulated in the years to come.

Member Bard commended Air District efforts on wood smoke and asked about its effort to reduce vehicle miles traveled. Ms. Roggenkamp responded that the commuter benefits program will address that issue and it is staff's focus at this time.

Member O'Connor commended Air District efforts, in collaboration with the state, on enforcing existing law regarding emissions of vehicles and asked about Air District efforts regarding increased methane emissions that will result from the push for natural gas as an alternative transportation fuel. Brian Bateman, Health and Science Officer, responded that the Air District does have some requirements for those sources but the focus is not methane so much as other precursor organics to ozone formation and suggested it will be something that is addressed more over time. Member O'Connor suggested the topic for year-end discussion should time allow.

Member Bolles asked about the fate of stationary diesel engines after they are replaced and asked if there is a grant system administered by the Air District to address this. Ms. Roggenkamp responded that all of the Air District's grant dollars are for mobile sources that the Air District

does not regulate. Member Bolles asked how grant money cannot exist for this purpose when the Air District is the permitting agency for these devices. Mr. Bunger clarified that the grant money cannot go to paying for their replacement. Member Bolles recommended some action be taken as the old equipment will soon be located in a ring immediately surrounding the Bay Area. Vice-Chairperson Altshuler agreed and suggested grant money for mitigating greenhouse gases should not be used only to move the sources outside of the Bay Area. Mr. Bunger clarified that the purpose of the grant programs is not to directly affect greenhouse gases, although they are indirectly affected, and said that the grant program requires the destruction of replaced engines. Member Lucks suggested short presentations from staff detailing programs that are already in place at the Air District at each of the third meetings of the Council.

Vice-Chairperson Altshuler recommended that any presentations intended for the Air and Waste Management Association annual conference or similar event, be they by staff or Council members, be presented first at the Air District.

Member Lucks said his energy, climate change and air quality legislative summary is complete and will be published in the next two weeks and offered to present a summary of the same in March.

Member Hayes suggested the Air District issue letters of appreciation to the Council members' employers. Vice-Chairperson Altshuler asked for objections, if any, to which there was no response.

## **OTHER BUSINESS**

### **8. Chairperson's Report**

Vice-Chairperson Altshuler reported that Chairperson Bornstein will be in attendance at the February meeting.

### **9. Council Member Comments/Other Business:**

Mr. Stevenson encouraged the Council to forward advance questions for future speakers to his attention.

Vice-Chairperson Altshuler suggested forwarding the newly created Council roster of qualifications to future confirmed speakers so they have a better sense of their audience.

Member Lutzker announced the Office of Environmental Health Hazard Assessment will be holding a Symposium on Cumulative Impacts and Children's Environmental Health in Sacramento on January 16<sup>th</sup> and 17<sup>th</sup>. Mr. Stevenson said the seating in Sacramento is all taken but participation by webcast is still possible.

Member Bard announced that the American Lung Association put out a healthy air agenda with ten key initiatives for the nation, one of which is the regulation of wood burning, and issued a letter to the EPA calling upon them to swiftly adopt rigorous health protective standards for residential wood burners.

**10. Time and Place of Next Meeting:** Wednesday, February 13, 2013, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, CA 94109 at 9:00 a.m.

**11. Adjournment:** The meeting adjourned at 11:49 a.m.

*/s/ Sean Gallagher*

Sean Gallagher  
Clerk of the Boards