

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

Advisory Council Regular Meeting  
Monday, October 3, 2016

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

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

Advisory Council (Council) Member Stan Hayes called the meeting to order at 10:05 a.m.

#### **Roll Call:**

Present: Council Chair Hayes and Members: Professor Borenstein, Ms. Doduc, Dr. Harley, Dr. Lipman, and Dr. Long.

Absent: Council Vice Chair Kleinman.

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

### **2. APPROVAL OF THE MINUTES OF JULY 19, 2016**

#### Public Comments:

No requests received.

#### Council Comments:

Chair Hayes requested that the Clerk amend the language of the second paragraph of Item 9 of the draft Advisory Council minutes of July 19, 2016. He submitted his corrections in writing, which the Clerk agreed to incorporate after the meeting.

#### Council Action:

Member Long made a motion, seconded by Member Borenstein, to approve the Advisory Council minutes of July 19, 2016 as amended; and the motion carried by the following vote of the Council:

AYES: Borenstein, Harley, Hayes, Lipman, and Long.  
NOES: None.  
ABSTAIN: Doduc.  
ABSENT: Kleinman.

### **3. WELCOME**

Chair Hayes reviewed the items of the agenda and explained the history of the key question for deliberation, which is, “What is the efficacy of imposing greenhouse gas (GHG) caps on Bay Area refineries?” Dr. Jeffrey McKay, Deputy Air Pollution Control Officer, thanked the Council for all of its previous deliberations on the key question, which was to be continued at this meeting. Jack Broadbent, Executive Officer/Air Pollution Control Officer, thanked the Council for its time and input, adding that the Air District’s Board of Directors values the opinions of the Council to help drive policy. When asked to comment on behalf of the Board of Directors, Ex-Officio Advisory Council Member, Director Rod Sinks, said that the Board has had much discussion on the topic of leakage (the implications of moving production outside the territory in which a cap is being enforced) and is also considering certain regulation for all industries, not just refineries.

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

Don Cuffel, Valero, urged the Council to be mindful of the correlation between California Air Resources Board (ARB) regulations regarding reformulating fuel and the increase of GHG caps and leakage. Mr. Cuffel also stated that Title V permits already contain operating and emission caps, and said that he feels that those who want additional caps at historical levels are trying to put the refineries out of business.

### **5. COUNCIL DELIBERATION ON THE KEY QUESTION**

Dr. McKay produced a draft summary of the Council’s prior deliberations entitled “Bay Area Quality Management District Advisory Council Efficacy of Greenhouse Gas Caps on Bay Area Refineries.” This document contained the following sections: Key Question Before the Council; Summary; Discussion; Guiding Principles; and Conclusions. Chair Hayes asked the Council to deliberate on the document as a whole before deliberating and wordsmithing each individual section.

#### Council Comments on the Document in General:

The Council and staff discussed the clean and ever-improving development of this document, over time; the feasibility of revising the key question to consider ambient air pollutants and lack of action to improve the air quality of low-income communities, rather than focusing on reducing GHG emissions; the need to add recommendations, such as looking for large-scale fugitive emissions, and solidify the draft recommendations in this document; background on the Air District’s development of the single Environmental Impact Report (EIR) that will consider two proposals – a staff proposal (Rule 11-18) and a community proposal (Rule 12-16); the difference between toxics and ambient air pollutants, relative to localized versus regional impacts; the number and types of District monitoring stations in the Bay Area, whether or not the public has access to the data, and whether or not the District can afford additional monitors; the District’s

request that the Office of Environmental Health Hazard Assessment (OEHHA) incorporate the non-cancer adverse health effects of particulate matter (PM) into the health risk assessment (HRA) process, relative to proposed Rule 11-18; whether or not OEHHA is the only authority on which to base policy; the suggestion of having a formal presentation on Draft Rule 11-18 at the next Advisory Council meeting; and the fact that the community proposal (Draft Rule 12-16) may not have been thoroughly addressed by the Council.

#### Council Comments on “Summary” Section:

The Council and staff discussed how the language of the Key Question bullet is precise, but the language of the other three bullets within the Summary is vague; the assumption that people will only read the Summary section of the document, which may require that the Summary become more detailed; whether or not to combine the language from the Conclusion section with the Summary language; the feasibility of creating a preamble to precede the Summary, and whether or not the preamble should include a multi-pollutant context that addresses the co-benefits of a cross-media of environmental concerns; possible language in the preamble to explain the Council’s opinion that caps are not appropriate that the District is looking at evaluating measures that *would* be effective in reducing global greenhouse gas emissions, minimizing leakage risk, and complementing and reinforcing GHG reduction measures adopted by the state; why it is not considered “premature” to reference this information in a document, as the hope is that the Board of Directors will use this information gathered by the Council; whether or not the word “encourage” should be replaced with “require” in the Policy Recommendation (second) bullet; whether or not to address global leakage in the second bullet; the prospect of including the language of the public’s concerns within this bullet; the possibility of refocusing this bullet to urge the District to work with state agencies in complementary ways to reduce GHG; not deviating from the discussion of refineries; that the public needs to be assured that the Council is not using leakage as an excuse for inaction; referencing Draft Rule 11-18 in language of the “Related Policy Recommendation” (third) bullet; whether or not to exclude GHG reduction language from this bullet and focus solely on toxics; and combining the language of the bullets, which could eliminate the need for the fourth bullet.

#### Council Comments on “Discussion” Section:

The Council and staff discussed the need to address toxics more directly in the Discussion section of the document; the need for language on Draft Rules 11-18 and 12-16 in this section; moving the bold paragraph, describing how the District can influence Bay Area GHG emissions in other ways, to either the Summary or Conclusion section of the document; whether or not methane is technically considered “high global warming potential”; and the need to encourage lower carbon generation and decarbonized energy prior to the promotion of carbon capture and sequestration in the second to the last paragraph of this section.

#### Council Comments on “Guiding Principles” Section:

The Council and staff discussed renaming and moving the Guiding Principles section (to follow the Summary); the formatting typo in section 2, iii of this section; and whether or not to combine section 3 with section 2 or move section to the Conclusion section.

Council Comments on “Conclusions” Section:

The Council and staff discussed how the Key Question language in the Conclusion section of the document should match the Key Question language of the Summary section, verbatim; and the fact that the Council is endorsing an approach that supports Draft Rule 11-18.

Chair Hayes announced that revisions of this draft document will be considered at next Advisory Council meeting. District Counsel emphasized that this draft may be circulated for review, but that discussion of it would require a public meeting to be held.

The Council recessed at 12:10 p.m. and resumed at 1:05 a.m.

**6. AIR DISTRICT CLEAN AIR PLAN: AREAS FOR FUTURE FOCUS**

Dr. McKay introduced this item, explaining the origin, purpose, and evolution of the Clean Air Plan. He emphasized that the District has gradually included measures in previous plans directed not only at ozone precursors but also toxics, particulate matter, and greenhouse gas, and that the 2010 plan was the first one to explicitly attack these four issues as part of an integrated multipollutant strategy. Dr. McKay said that the District is being challenged to look at goals out to 2050, particularly for greenhouse gas emissions, and this will require the creation of new and ambitious programs. He concluded by stating that the District is therefore incorporating into the Plan a “Future Focus” section in order to increment ozone, greenhouse gases, and toxics in the near term, and identify new areas for focus or new strategies that can have significant impact towards those 2050 goals or towards impact beyond the Bay Area.

Dr. McKay introduced Henry Hilken, Director of Planning and Climate Protection, who gave the staff presentation *Air District Clean Air Plan: Areas for Future Focus*, including: Clean Air Plan/Regional Climate Protection Strategy; multi-pollutant, multi-sector control strategy; Bay Area in 2050; examples of a vision 2050; and potential areas of future focus.

At this time, the Clerk was prompted by Chair Hayes project on the screen a list of proposed topics of future focus for the Plan that were presented at the July 19, 2016 Advisory Council meeting, in order to invite Council to provide thoughts on the opportunity or lack thereof in these items, or suggest other items.

Public Comments:

No requests received.

Council Comments:

The Council discussed how the task of achieving the 2050 GHG reduction target will be daunting, and figuring out ways to achieve those reductions will require changing human behavior; and how the Air District’s primary goal is to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and the global climate. Comments made regarding specific potential areas of future focus, which may be appropriate for future rules, program, and research, include the following:

### ***Emerging Technologies, E.G., Autonomous Vehicles, Energy Storage***

The Council discussed the need to remember technology-spillover value, not just local value; the benefits of extending GHG-reduction technology to other regions, and trying new methods that have a real potential for affecting the rest of the world; and the need to find creative ways to eliminate diesel backup generators.

### ***Evolving Understanding of Health Effects of Air Pollution, E.G., Ultrafine PM***

The Council discussed Vice Chair Kleinman's leading research on the health effects of ultrafine PM and black carbon, and how it is important to understand what the risk-drivers are.

### ***Effective & Equitable Pricing Strategies and Appropriate Role for Air District***

The Council discussed engaging in congestion pricing strategies and how to induce behavior into aligning with new technology.

### ***Appropriate Role for The Air District to Advance Decarbonization Strategies, Particularly in Energy and Transportation Sectors (Achieving Significant Reductions in Vehicle Miles Travelled)***

The Council and staff discussed the need for regional interagency cooperation in order to align intertwining environmental and mobility crises in the Bay Area and rally political support to address these issues; infrastructure challenges; efforts of the Goods Movement; the importance of basing analysis on technology that is feasible in the near term when wanting to decarbonize energy systems; how renewable energy and energy efficiency are not the mission of the District; how simply electrifying transportation is not the sole solution to transportation issues; which consultants are best-positioned to provide system-modeling expertise; the carbon-free efforts of Silicon Valley Clean Energy and Peninsula Clean Energy (community choice aggregation agencies in Santa Clara and San Mateo Counties), and the need to be honest about potential leakage that may occur; the idea of using time or financial incentives to modify human behavior; long-term concepts derived from the Department of Transportation's Smart City Challenge that may pertain to the District's future efforts in emission reduction within the transportation sector; the District's hope that its electric-vehicle infrastructure efforts help accelerate adoption percentages in areas outside of the Bay Area; how oil use trends could affect the District's attempts to increase electrification in vehicles; the World Business Council for Sustainable Development's *Vision 2050 Report*; and the District's role in influencing change.

### ***How Use Consumption-Based GHG Inventory to Inform, Support Programs***

The Council discussed the need to remember that changing behavior regarding energy consumption and leakage in developing countries, not just in highly-developed counties, is essential to making real progress; the feasibility of incentivizing the offsetting of GHG emissions; and the District's most effective use of its long-term development of model greenhouse gas regulatory policies, cutting-edge regulation of greenhouse gases, and climate protection with a consumption-based inventory.

***Carbon Capture and Storage, And Appropriate Role for The Air District***

The Council discussed how carbon capture and storage and imposing carbon taxes do not fit with the District's mission statement.

***Other***

The Council discussed the State Water Resources Control Board's (SWRCB) focus on connections between water, climate change, GHG, energy, and transportation, such as sea level rise, storm water capture, and reuse, and the suggestion that the SWRCB meet with the District to collaborate efforts on these ideas.

At this point, Chair Hayes suggested that staff put all the discussed methods of reducing GHG emissions onto a matrix so that each strategy may be rated according to leakage risk and other criteria and metrics that can measure their surmised effectiveness. Chair Hayes said that he hoped that sorting activity would be able to better clarify the District's priorities.

Council Action:

None; receive and file.

**OTHER BUSINESS**

**7. PUBLIC COMMENT ON NON-AGENDA MATTERS**

None.

**8. COUNCIL MEMBER COMMENTS / OTHER BUSINESS**

None.

**9. TIME AND PLACE OF NEXT MEETING**

Chair Hayes directed staff to poll the Council for meeting dates in January 2017.

**10. ADJOURNMENT**

The meeting adjourned at 2:35 p.m.

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