

## **AB 617 Community Air Protection Program**

### **Steering Committee Meeting Notes**

**Perkins Elementary School, Cafeteria (1770 Main Street, San Diego, 92113)**

**10/25/18**

**6:00 pm – 8:00 pm**

- Opening Remarks/Introductions
  - Jon Adams – APCD Assistant Director
- Brown Act 101- Led by Paula Forbis

The purpose of the Ralph M. Brown Act is that all local agency meetings of a legislative body shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency...

The act further states that “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

Paula discussed Brown Act requirements for conducting open and public meetings. From a strictly legal standpoint, this committee is not a legislative body subject to Brown Act requirements, but to promote openness and transparency in this process, the committee meetings will be conducted as if they were subject to the Brown Act.

The Brown Act was adopted to ensure that the deliberations and actions of a legislative body are open and accessible to the public. The act also ensures that meetings are held on a regular schedule and adhere to a properly posted agenda.

The Brown Act considers a legislative body to be a governing body of a local agency or any other local body created by state or federal statute. The Act also considers any commission or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by a formal action of a legislative body is considered a legislative body.

Technically, this committee is not subject to the Brown Act. The committee was not created by state or federal statute and was not created by the formal action of a legislative body, such as our Air Pollution Control Board. However, APCD will run the committee as if it was subject to the Brown Act.

The Brown Act defines a meeting as any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the jurisdiction of the legislative body or the local agency to which it pertains.

If half of the committee members are present at a gathering, there may be a meeting. Having a meeting triggers a variety of open meeting requirements, including notice, agenda, openness to public, and public comment periods.

It is important to note that any use of direct communication, personal intermediaries, or technological devices employed by a majority of the members to develop a “collective concurrence” is considered a meeting. Collective concurrence is when a majority of a group’s members are made aware of each other’s views and reach a decision between themselves before a meeting. The Brown Act prohibits “collective concurrence”. The thinking behind this prohibition is that meetings are designed to be open and public discussions. If decisions have been made by a majority of members between themselves prior to the meeting, it defeats the purpose of an open meeting requirement. You can develop collective concurrence by taking straw polls among your members and by discussing projects through other people. You can also develop collective concurrence through a series of emails, texts, telephone conversations, and face to face conversations.

The Brown Act requires meeting locations to be fully accessible for persons with disabilities and be open to all members of the public. A member of the public cannot be denied entrance on the basis of race, religion, color, national origin, sex, ancestry, ethnic group identification, age, sexual orientation, etc. Additionally, meetings should always take place within your group’s boundaries.

When composing meeting agendas, we should provide brief general descriptions for each agenda item, as well as the date, time, and place of the meeting. The item description generally does not need to exceed 20 words pursuant to the Brown Act. Each item will also include the opportunity for public comments, and an identification of the action to be taken, if any. The committee should also hear items in the order they appear on the agenda so the public can plan their participation. Agenda items can be rearranged and taken out of order if necessary.

All meeting agendas will be posted outside of the meeting location at least 72 hours prior to a meeting. When posting the agenda outside of the meeting location, the agenda must be freely accessible 24 hours a day. An agenda could be posted on a door or a bulletin board. The key here is that the public may access the agenda 24 hours a day. The agenda will also be published on the APCD website.

The Brown Act prohibits taking action or discussing an item that is not on a posted agenda. Should a member of the committee or the public bring up an item not on the agenda, the members should ask for clarification, make an announcement or a brief report, ask for a report back at a later meeting, or simply place the item on a future agenda.

As mentioned earlier, all of the committee meetings will be open to the public. The Brown Act gives the public the right to attend, observe, and participate in all meetings or legislative bodies, whether a regular or a subcommittee meeting. Members of the public who attend the meetings cannot be required to register or complete any kind of questionnaire. Sign-in sheets should clearly state that they are voluntary. Sign-in sheets will also be public records.

In addition to being able to attend the meetings, the public has the right to participate in them as well. The public will be given the opportunity to speak on any agenda item or any item within the committee’s area of focus.

Included in the public's right to attend and observe meetings is their right to record and broadcast the meetings; provided that noise, illumination, or obstruction of view do not persistently disrupt the proceedings. Please note that any recording of the meetings could be subject to the Public Records Act.

Any document that is distributed at the meeting is considered a public record and is subject to the Public Records Act request. Materials from the APCD or other local agency must be made available to the public at the meeting.

**Steering Committee question:**

- Question- Will meeting notes be taken and distributed to the steering committee?
- Answer- Yes. Meeting notes will be distributed in approximately two weeks to the committee and then approved at the next meeting.

- **Community Monitoring Instruments and Location Discussion- Led by Bill Brick**

Some monitoring ideas are:

- Measure for Diesel PM and Toxics
- Utilize portable samplers in community
- Continuous sampling at stations
- Utilize third party laboratory for analysis
- Locate many of the monitors at schools

Reasons for portable samplers:

- Portable samplers will allow for easier movement of equipment to new locations
- Finding sites is always difficult and portable samplers require less space
- Portable samplers will allow us to be more responsive to community concerns

Pros and Cons with using a Super SASS to measure diesel PM:

| PROS                                       | CONS   |
|--|--|
| Low cost sampler; most accurate            | Lab based= must wait for results                       |
| Standalone (no shelter needed)             | \$75/analysis  |
| No air conditioning needed                 | Difficult to secure                                    |
| Easy to maintain                           | Highly visible   |
| Established technology                     | 24-hr integrated sample will not be rush hour specific |
| We have experience with them; easy QA / QC | Require Bi-weekly tech visits                          |
| Low power draw                             |  |

Pros and Cons with utilizing PAX-continuous monitor to measure black carbon:

| PROS   | CONS  |
|--|---|
| Real-time analyzer   | Requires a shelter and AC                       |
| Little maintenance   | High amperage needed for air conditioning       |
| No laboratory costs  | Monthly cleaning of optics is fragile           |
| The most accurate of the continuous analyzers in comparison to the filter data | Quarterly calibrations are required             |
| Easily secured   | Calibration is a not flow-based, but soot-based |
| Rush hour quantifiable   | New technology                                  |
|  | Costly consumables                              |

Pros and cons for utilizing BC-1054 Continuous to measure black carbon:

| PROS                               | CONS                                       |
|------------------------------------|--|
| Real-time analyzer;<br>Inexpensive | Requires a shelter                         |
| No laboratory costs                | Requires air conditioning                  |
| Easily secured                     | High amperage needed for air conditioning  |
| Rush hours can be quantified       | Weekly maintenance                         |
| Established technology             | Bi-weekly QC                               |
|                                    | Moisture/humidity may affect analysis/data |

District recommended method to test for toxics in the community:

#### **Model 901 Canister Sampler**

The Xontek Model 901 Canister Sampler is a computer-controlled programmable sampler that is designed to collect volatile organic compounds in ambient air. The method is based on collection of whole air samples into "Summa" electropolished canisters as outlined in USEPA TO-14A/TO-15 Methods.

#### **Features**

- Meets all PAMs and TO-14A/TO-15 requirements
- Integrated computer with touch-screen and printer
- Mass flow controller maintains constant and adjustable flow rate
- Stainless steel, Teflon® and Viton® wetted surfaces, certified clean\*
- Programmable system purge prior to sampling
- Automatic power failure recovery
- Ethernet ports for network connection

Reason for utilizing third party labs:

- Our laboratory is at capacity for regional monitoring sampling
- We will be collecting a large amount of samples that would require purchasing additional expensive analyzers, additional space we don't have, and several chemists
- Utilizing labs would limit the number of additional staff needed and allow for more sampling

Community monitoring requirements:

- We would need an approximately 5 foot by 10 foot secured space with power for each community monitoring site.
- We will need help finding locations that are secure, have suitable power, and will allow us access to retrieve samples
- Should we try and co-locate some samplers with community sensors?
- Should we prioritize locations where people frequent like schools or parks?

Monitoring ideas summary:

- Measure for Diesel PM and toxic
- Utilize portable samplers in community
- Continuous sampling at stations
- Utilize third party laboratory for analysis
- Operate at schools
- Explore other technology

**Steering committee questions and comments:**

- Question – We all agree black carbon and VOC's are a concern. Will metals also be monitored for?
- Answer – Yes. We will be monitoring for metals.

- Joy Williams distributed 25 copies of a list of concerns within the portside community.
- Question – Will there be a monitor at Chicano Park?
- Answer – We will evaluate all potential areas within the Portside communities keeping in mind we need power and security for the equipment.
- Question – What is the purpose of collecting this data?
- Answer – The monitors we put in place for AB 617 will give us very local level information on sources of air pollution. We hope to be able to differentiate between mobile, stationary, and area sources of air pollution. This will allow us utilize our incentive funding most appropriately to minimize emissions and reduce any pollution at “hot spots.”
- Comment – Chicano Park is at an intersection of a major freeway and busy surface streets. We should measure in areas where many sources of air pollution intersect.
- Question – Will you be monitoring at the shipyards?
- Answer – We are evaluating “fence line” monitoring around the shipyards but we must consider access to the location, power for equipment and the free flow of air. Specific locations can be evaluated based on committee requests.
- Question – How do we know what equipment will measure what pollutant.
- Answer – Some of that information has been provided in this presentation but we also have information on each of the monitors we can distribute.
- Question – How many monitors will there be in the Portside community?
- Answer – We originally wanted to have 15 monitors but we did not receive all the funding we requested. So we will have less than 15 but the exact number of monitors will depend on the equipment selected because of the differing costs of the types of monitors.
- Question – Will the monitoring equipment measure for black carbon, VOCs and metals at the same time?
- Answer – Yes. All three can be measured depending on the equipment that is selected.
- Question – Will we monitor for greenhouse gases (GHG)?
- Answer – No. The focus of this monitoring is criteria pollutants and toxics.
- Question – How long can monitors stay at a site?
- Answer – Even though monitors may be portable, we plan to keep them at a location for at least a year so we can get good data that represents the different seasons and meteorological conditions.
- Question – Can monitors be solar powered?
- Answer – Not any of the current equipment we use is solar powered. The South Coast AQMD is testing different types of monitors and technology so this may be practical in the future.
- Question – Can you talk about how the monitors need to be secured?
- Answer – We like our monitors to be on rooftops to limit access to them. If not, we place locked fencing around the equipment.
- Question – Who are the third party labs that will be used to analyze the monitoring samples?
- Answer – The labs are not in San Diego County and can be provided.
- Question – Are we finalizing the monitoring plan at the next meeting?

- Answer – We want to finalize some of the locations and equipment, to get a jumpstart on them, and then more locations would be discussed over time.
- Question – Can we have a high end and a low end on the cost of different equipment?
- Answer – Yes. We can provide this information.
- Can the data that was collected at Perkins Elementary be used as a baseline for the other data which is collected?
- Answer – Yes. We have 10 years of validated data to compare and it will also be useful when Sherman Elementary monitoring station is operational so we'll have additional data to compare.
- Question – where do you get your health statistics?
- Answer – San Diego County Department of Health and Human Services

## • **Incentive Project Requests - Led by Kathy Keehan**

### Overview:

- 230+ outreach actions throughout San Diego County, including emails, phone calls, meetings, and direct visits to equipment owners and dealerships.
- Grant applications accepted July-August 2018. Early assessment in process.
- Received 12 applications for projects in the Portside Communities, 44 in CalEnviroScreen DACs.
- \$5.8 million requested in Portside Community, \$9.5 million in disadvantaged communities. (\$3 million available to fund projects through first-year Community Air Protection Funds; second-year funds coming in 2019)
- Not all projects will be eligible or be funded at the requested amount.

### A breakdown of the portside applications

- 12 applications for Off-road clean diesel equipment, Commercial harbor craft diesel repower, Electric forklift and a Marine bonnet

### Our next steps:

- Evaluate applications to determine eligibility and funding
- Continue outreach for next year's grants
- Encourage community input to help find good projects to fund

### **Steering committee questions and comments**

- Question – Why do projects drop out from receiving incentive funding?
- Answer – Cost effectiveness is considered for each project so some projects do not meet the requirements from ARB to distribute the funds.
- Question – Are the funds received for the monitoring equipment the same as the funds for incentives projects?
- Answer – No. They are completely separate sources of money.
- Question – Are other types of agriculture projects eligible to receive funding?
- Answer – Yes. As long as they meet the requirements of the incentive program.
- Question – Can the marine bonnet system move?

- Answer – Yes. It is a barge bonnet system so it could be moved.
- Question – where do bonnet emissions go?
- Answer – The bonnet system treats the emissions through control devices.

**Below is additional information on Bonnet Systems:**

Marine Bonnet: A device to reduce emissions from ships while they are in port. The bonnet system consists of an emission collection system (a bonnet) which is put over the exhaust from the engines. The bonnet catches the emissions and transfers them to a treatment system. The treatment system then removes the pollutants (usually sulfur dioxide, diesel particulate matter, and nitrogen oxides, among others.) Those pollutants are captured in either a filter or water collection system, and are disposed of as waste.



- Question – Can health risk data be factored into whether or not a project is funded?
- Answer – No. The requirements of the program do not allow us to consider health risk factors.

- **Emission Reduction Incentives - Led by CARB**

1st Year Funds for Mobile Sources:

\$250 million to districts for incentives

- Grants through Moyer and Proposition 1B Programs
- Districts seeking community guidance on how to focus funds

Moyer Guidelines Supplement expands eligibility

- CARB sought public guidance
- Higher grants for zero-emission projects and infrastructure
- Expanded school bus eligibility
- Lowered barriers to participate

### New Opportunities for 2nd Year Funds:

\$245 million, again through districts

- Mobile sources continue through Moyer and Proposition 1B
- Zero-emission charging infrastructure, especially for medium and heavy-duty vehicles
- Eligibility extended to stationary sources  
Allocation to be determined, not set by statute  
Projects must benefit selected communities, and those under consideration for future selection

### Developing Stationary Source Incentives:

CARB will develop Guidelines with community and district guidance

- Communities inform about sources of concern
- District inventory data to identify air toxics hotspots

Must consider restrictions

- Emissions reductions must not be required by regulations
- Facilities subject to Cap-and-Trade are ineligible
- Will be addressed through other AB 617 implementation steps

### Air Toxics for Potential Community Focus:

- What sources are of greatest local concern?
- Specific facilities? General pollutants?
- Risk-based emissions inventory suggests:
- Diesel particulate from trucks, cargo handling, shipbuilding and repair, naval base operations
- Hexavalent chromium from shipbuilding and repair, naval base operations, plating and polishing, paint application
- Lesser impacts from cadmium, nickel, polycyclic aromatic hydrocarbons

### Next Steps: Continue Public Engagement

- Allocate funds statewide
- Develop new guidelines in first half of 2019
- Add key stationary sources with incentives potential
- Consider new mobile sources as well (e.g., lawn and garden)
- Include public input - continue to speak with communities

Progress on mobile sources and infrastructure will continue as new guidelines are developed

### Steering committee questions and comments:

- Question – When money is given to schools is it to expand their services or upgrade their equipment?
- Answer – The school decides what to do with the money but it is usually used to upgrade equipment.
- Question – Are these incentive programs trying to get to zero emission technology?

- Answer – Yes. Zero emission technology is getting priority with incentive funding.
- Question – Were the slides Kathy presented from year 1 funding?
- Answer – Yes. San Diego is looking to expand into stationary projects in year 2.

- **Public Comment**

- No comments received from the public.

- **Emission Inventory Reporting and Best Available Control Technology (BARCT) - Led by Jim Swaney**

Expedited BARCT

- Expedited Best Available Retrofit Control Technology required for “industrial sources” subject to GHG Cap and Trade
- Adopt expedited schedule by January 1, 2019  
Hold public meeting to discuss prior to adoption
- Must implement BARCT no later than December 31, 2023

Expedited BARCT Schedule

- Two affected sources in San Diego County  
Initial assessment: all units meet BARCT
- Held Public Meeting October 11, 2018
- Finalize assessment in November 2018
- If assessments find units that need BARCT, will evaluate as part of non-attainment planning, with implementation in 2020 -2021

Emissions Inventory

- CARB Board to consider regulation in December  
Up to 70 sources will be subject to annual criteria and toxic inventory
- Will reach out to sources in October 2019
- 145 sources in Portside Community also subject
- Will start with 2020 emissions, reported in 2021

**Steering committee question:**

- Question – What are the consequences of not reporting?
- Answer – It would be a violation of our Rules which could potentially result in a fine. To date, we have never had someone not report their emissions.

- **Closing Remarks**

- There were no comments from the committee when asked about meeting length, meeting time of day, or location.
- The District committed to posting the presentations given during this meeting on the APCD website ([www.sdapcd.org](http://www.sdapcd.org)).

## DISTRICT CONTACTS

### Lead Contacts:

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### District Subject Matter Experts:

Inspections and Public Complaints– Mahiany Luther;

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Air Quality Monitoring- Bill Brick, bill.brick@sdcounty.ca.gov

Incentives/Grants- Kathy Keehan, kathleen.keehan@sdcounty.ca.gov

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Next scheduled meeting is 11/27/18 at Perkins Elementary School (6:00 pm – 8:00 pm), Cafeteria (1770 Main Street, San Diego, 92113)