



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

March 19, 2008

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th floor Board Room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING A G E N D A

WEDNESDAY
MARCH 19, 2008
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance
Proclamations/Commendations

Chairperson, Jerry Hill
Clerk of the Board

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3
Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.

CONSENT CALENDAR (ITEMS 1 – 5)

Staff/Phone (415) 749-

1. Minutes of March 5, 2008

V. Johnson/4941

vjohnson@baaqmd.gov

2. Communications

J. Broadbent/5052

jbroadbent@baaqmd.gov

Information only.

3. District Personnel on Out-of-State Business Travel

J. Broadbent/5052

jbroadbent@baaqmd.gov

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memoranda lists District personnel who traveled on out-of-state business.

4. Referral of Draft Proposed Budget for Fiscal Year Ending 2009 to the Budget and Finance Committee

J. Broadbent/5052

jbroadbent@baaqmd.gov

Pursuant to Administrative Code Division II, Section 3.2 Fiscal Policies and Procedures, and in compliance with Section 29064 of the Government Code, the Board shall refer the proposed budget for Fiscal Year Ending 2009 to the Budget and Finance Committee for review and consideration.

5. Consideration of Recommendation for Salary Range Increase for the Classification of Clerk of the Board
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider approval of recommendation for a salary range increase for the Clerk of the Board classification from Range 132 to 136.

COMMITTEE REPORTS AND RECOMMENDATIONS

6. Report of the **Climate Protection Committee** Meeting of March 13, 2008
CHAIR: P. TORLIATT
J. Broadbent/5052
jbroadbent@baaqmd.gov
7. Report of the **Stationary Source Committee** Meeting of March 17, 2008
CHAIR: C. DALY
J. Broadbent/5052
jbroadbent@baaqmd.gov

OTHER BUSINESS

8. Report of the Executive Officer/APCO
9. Chairperson's Report
10. Board Members' Comments
Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)
11. Time and Place of Next Meeting - 9:45 a.m., Wednesday, April 2, 2008- 939 Ellis Street, San Francisco, CA 94109
12. Adjournment

CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109

(415) 749-5127
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities. Notification to the Executive Office should be given at least 3 working days prior to the date of the meeting so that arrangements can be made accordingly.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

MARCH 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source Committee <i>(Meets 3rd Monday Quarterly)</i>	Monday	17	9:30 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Joint Policy Committee	Friday	21	10:00 a.m. – 12:00 p.m.	MTC 101 - 8 th Street Oakland, CA 94607
Board of Directors Legislative Committee <i>(Meets 4th Monday of every Month) - CANCELLED</i>	Monday	24	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday of each month)</i>	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>– (Meets 4th Thursday of each Month)</i>	Thursday	27	9:30 a.m.	4 th Floor Conf. Room

APRIL 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
Advisory Council Air Quality Planning Committee <i>(Meets 1st Thursday of each even Month)</i>	Thursday	3	9:00 a.m.	Room 716
Board of Directors Executive Committee <i>(At the Call of the Chair)</i>	Thursday	3	9:30 a.m.	4th Floor Conf. Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Friday	4	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Technical Committee <i>- (Meets 1st Monday of each even Month)</i>	Monday	7	9:30 a.m.	Board Room
Advisory Council Public Health Committee <i>(Meets 2nd Wednesday of each even Month)</i>	Wednesday	9	1:30 p.m.	Room 716
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room

APRIL 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Joint Policy Committee	Friday	18	10:00 a.m. – 12:00 p.m.	BCDC 50 California St., 26 Fl. San Francisco, CA
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday of each month)</i>	Wednesday	23	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee – <i>(Meets 4th Thursday of each Month)</i>	Thursday	24	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Legislative Committee <i>(Meets 4th Monday of every Month)</i>	Monday	28	9:30 a.m.	4 th Floor Conf. Room

MAY 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Public Outreach Committee <i>(Meets 1st Thursday every other Month)</i>	Thursday	1	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
Advisory Council Executive Committee <i>(Meets 2nd Wednesday of every odd Month)</i>	Wednesday	14	9:00 a.m.	Room 716
Advisory Council Regular Meeting <i>(Meets 2nd Wednesday of every odd Month)</i>	Wednesday	14	10:00 a.m.	Board Room
Board of Directors Climate Protection Committee <i>(Meets 3rd Thursday every other Month)</i>	Thursday	15	9:30 a.m.	4 th Floor Conf. Room
Joint Policy Committee	Friday	16	10:00 a.m. – 12:00 p.m.	MTC 101 - 8 th Street Oakland, CA 94607
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee – <i>(Meets 4th Thursday of each Month)</i>	Thursday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday of each month)</i>	Wednesday	28	9:30 a.m.	4 th Floor Conf. Room

hl
3/13/08 (3:10 p.m.)
P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Jerry Hill and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 26, 2008

Re: Board of Directors' Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Board of Directors meeting of March 5, 2008.

DISCUSSION

Attached for your review and approval are the draft minutes of the March 5, 2008 Board of Directors' meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Draft Minutes: Board of Directors' Regular Meeting– March 5, 2008

Call To Order

Opening Comments: Chairperson Jerry Hill called the meeting to order at 9:46 a.m.

Roll Call: Present: Jerry Hill, Chair, Tom Bates (10:00 a.m.), Harold Brown, Chris Daly, Erin Garner (10:05 a.m.), Carol Klatt, Liz Kniss (9:58 a.m.), Jake McGoldrick (9:58 a.m.), Mark Ross, Michael Shimansky, John Silva, Tim Smith, Pam Torliatt, Gayle B. Uilkema (9:50 a.m.), Brad Wagenknecht, Ken Yeager.

Absent: Dan Dunnigan, John Gioia, Scott Haggerty, Yoriko Kishimoto, Janet Lockhart, Nate Miley.

Pledge of Allegiance: The Board of Directors recited the Pledge of Allegiance.

Public Comment Period: – The Chair called for public comment and the following individuals spoke:

Linda Weiner Bay Area Clean Air Task Force 72 Gates St. San Francisco, CA 94110	Bradley Angel Greenaction Bay Area Env. Health Collaborative
Gordon Mar Bay Area Env. Health Collaborative 1042 Grant Ave. San Francisco, CA 94133	Karen Cohn RAMP – Bay Area Env. Health Collaborative 1390 Market St., #230 San Francisco, CA 94602
Wafaa Aborashed BAEHC & Healthy SLC 3081 Tea Garden St. San Leandro, CA 94577	Francisco Da Costa Director, Environmental Justice Advocacy 4909 3 rd Street San Francisco, CA 94124
Andy Katz Breathe California	Amy Cohen Bay Area Env. Health Collaborative
Bobby Washington Huntermview 137 Middle Pt. Road San Francisco, CA 94124	Minister Christopher Muhammad BVHP
Marie Harrison	Leaotis Martin Hunters View Tenant Assoc. 126 Middlepoint San Francisco, CA 94124
	Rudy Batarse

Greenaction
1095 Market St.
San Francisco, CA 94103

Lloyd A. Wise Automobile
10550 International Blvd.
Oakland, CA 94603

Venitta Logan
143 Middle Point Rd.
San Francisco, CA 94124

Vanessa Logan
Hunter's View
143 Middle Point Rd.
San Francisco, CA 94132

Archbishop King
A.O.C.
1286 Fillmore
San Francisco, CA 94115

Daniel Salberg
St. Paulis Lutheran Church
950 McAllister
San Francisco, CA

The following Directors arrived during Public Comment. Directors McGoldrick and Director Kniss arrived at 9:58 a.m. Director Bates arrived at 10:00 a.m. Director Garner arrived at 10:05 a.m.

Comments were made regarding cumulative impacts in environmental justice areas, and the permitting of combustion turbines. A resolution was presented by the Bay Area Environmental Health Collaborative. to the Board of Directors for its consideration regarding cumulative impacts. Comments were also made regarding the dust from work being conducted by Lennar in the Bayview-Hunters Point community; the health issues associated with exposure to the dust; and a request for an update on penalties to be imposed on Lennar.

Mr. Bunger provided an overview of the issues with regard to Lennar and its NOV's. The Air District is currently involved in discussions with Lennar. Mr. Bunger state that the Air District is moving as expeditiously as possible as this is a two party situation.

Mr. Broadbent stated that the Air District is aggressively moving forward by targeting grant dollars in 6 specific communities which have been identified through the CARE program.

Director Bates asked if the Air District has the authority to regulate cumulative impacts? Mr. Broadbent responded that the community would like the Air District to step in and establish a regulatory policy relative to cumulative impacts. This item will be explored further and the CARE program is a great first step.

Chair Hill stated the cumulative impacts is taken seriously by the Air District and noted that staff should always follow the rule of going the extra mile with regard to lines of communication; to ensure that the Air District has gone above and beyond to make sure that there is good understanding between the Air District staff, Board of Directors and the community to make the right and the best decisions.

Chairperson Hill asked that the resolution that was submitted be referred to the Public Outreach Committee for consideration. Mr. Broadbent suggested that the item be referred to the Executive Committee.

The Board of Directors provided further direction to staff.

Consent Calendar (Items 1 – 5)

1. Minutes of February 20, 2008 Meeting
2. Communications. Information only.
3. District Personnel on Out-of-State Business Travel

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memoranda lists District personnel who traveled on out-of-state business.

5. Consideration of Hiring Recommendation at Step E of Salary Range 132 for the Clerk of the Board Position

The Board of Directors considered approval of hiring recommendation at Step E of Salary Range 132 for the Clerk of the Board position.

Board Action: Director Brown moved approval of Consent Calendar Items 1, 2, 3, and 5; seconded by Director Wagenknecht; carried unanimously without opposition. Consent Calendar Item 4, was pulled for further discussion.

4. Consideration of Request to Accept Approximately \$11 Million in Funding from the California Air Resources Board (ARB) for Carl Moyer Program Year 10

The Board of Directors considered accepting funding made available by ARB for this year's Carl Moyer program.

Board Action: Upon clarification of the item, Director Brown moved approval of Consent Calendar Item 4; seconded by Director Wagenknecht.

6. Report of the Legislative Committee Meeting of February 25, 2008

Director Wagenknecht presented the report and stated that the Legislative Committee met on Monday, February 25, 2008.

The Committee discussed two measures in detail: SB 375, authored by Darrell Steinberg, and AB 2655, authored by Mark DeSaulnier. The Committee recommends a 'support in concept' position on AB 2655, which would establish a comprehensive indoor air quality program in California. The Legislature's bill introduction deadline was Friday, February 22, 2008. The Committee briefly reviewed a number of other additional air quality measures, but deferred action on them until future meetings.

The Committee also discussed AB 2744, authored by Jared Huffman, which would allow a vote of the people on a regional gasoline fee in the Bay Area, with the proceeds used for projects to cut climate change.

The next meeting is scheduled for Monday, March 24, 2008.

Board Action: Director Wagenknecht moved that the Board of Directors approve the report of the Legislative Committee; seconded by Director McGoldrick; carried unanimously without opposition.

7. Report of the Budget and Finance Committee Meeting of February 27, 2008

Director Daly presented the report and stated that the Budget and Finance Committee met on Wednesday, February 27, 2008.

The Committee received a report from Caporicci & Larson on the Air District's Financial Audit for Fiscal Year 2006-2007. An unqualified audit report was issued; there were no findings or questioned costs in the internal control over financial reporting. Staff was provided direction from the Committee.

The Committee received the Second Quarter Financial Report for Fiscal Year 2007/2008.

Finally, the Committee received a presentation from staff on proposed amendments to Regulation 3: Fees, which included details on the proposed fee amendments and a new fee schedule that is intended to recover costs incurred by the Air District to implement the Climate Protection program; examples of Permit renewal fee increases were also provided. The Climate Protection Committee will review the proposed new fee schedule at its March 13, 2008 meeting. Public Hearings and Board of Director adoption consideration is set for April 16, 2008 and June 4, 2008. Staff was provided direction from the Committee to proceed with the proposal.

The next meeting is scheduled for Wednesday, March 26, 2008.

Board Action: Director Daly moved that the Board of Directors approve the report of the Budget and Finance Committee; seconded by Director Torliatt; carried unanimously without opposition.

8. Report of the Public Outreach Committee Meeting of March 3, 2008

Director Ross presented the report and stated that the Public Outreach Committee met on Monday, March 3, 2008

The Committee received an update on the 2008 Spare the Air Campaign. As a follow-up to the February 14, 2008, Public Outreach Committee meeting, staff was requested to explore options for continuing to provide a free transit incentive component to the 2008 Spare the Air campaign. As has been discussed, the Air District has been notified that funding for the 2008 campaign will be the final funding commitment of the Congestion Mitigation and Air Quality program administered through the Metropolitan Transportation Commission. Staff's presentation included an overview of the history of the Spare the Air program, the link between air quality and climate protection, a summary of available funding for the 2008 campaign, and options for the upcoming season given the limited funding. After considerable discussion the Committee provided direction to staff.

The Committee recommended Board of Director's approval to provide:

- Free transit on the first 2 Spare the Air Days to include: free morning commutes on trains and ferries; and full day commutes on all other bus transit systems;
- Inclusion of other types of incentives and messaging beyond free transit to promote climate protection;
- A survey analysis to assess the effectiveness of the program; and
- Estimated cost for the 2008 program is \$6.7 million dollars.

The next meeting will be at the call of the chair.

Board Action: Director Ross moved that the Board of Directors approve the report of the Public Outreach Committee and noted that staff was directed to seek funding for a possible third Spare the Air Day; seconded by Director Wagenknecht; carried unanimously with out opposition.

Closed Session

9. Conference with Legal Counsel – Threatened Litigation

Pursuant to Government Code Section 54956.9(b) and 54956.95, a need exists to meet in closed session with legal counsel to consider the following liability claim:

Tort Claim of Peter Rogosin against the Bay Area Air Quality Management District (Originally Presented to the District on November 26, 2007, and Amended by Letter Presented on November 30, 2007)

10. Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following case:

Sharon L. Jackson v. Bay Area AQMD, San Francisco County Superior Court, Case No. CGC-06-458837

The Board convened to closed session at 11:08 a.m.

Open Session

The Board reconvened to open session at 11:10 a.m.

Brian Bunger, District Counsel, reported that the Board of Directors met in closed session on agenda items 9 and 10 on item 9 the Board voted unanimously to reject that claim and a notice of rejection will be sent to Mr. Rogosin. On item 10 the Board received a report on item and provided direction to staff.

Other Business

11. Report of the Executive Officer/APCO

Mr. Broadbent informed the Board of Directors that at the Public Outreach Committee meeting, staff was requested to provide an update on the Woodsmoke Incentives Program. The Air District has provided money for natural gas inserts and other types of wood burning devices that are clean, initially the Board of Directors set aside \$100,000 under Phase I; 87% of that money has now been distributed, the majority of the funding was used for natural gas inserts. The Air District worked in conjunction with the Hearth Patio and Barbecue Association. Procedures for distributing Phase II incentives in the amount of \$400,000 are currently being developed. Announcement of Phase II incentives will take place around April 1, 2008. Mr. Broadbent also stated that the Board of Directors narrowed how Phase II funds will be distributed. The proposed woodsmoke regulation update will go before the Stationary Source Committee at its upcoming meeting.

Mr. Broadbent commented that staff is moving forward with the 2008 Spare the Air Campaign. He expressed his appreciation for the direction provided by the Board of Directors on the Spare the Air Program. He anticipates the 2008 STA campaign to be announced on Earth Day, April 22, 2008.

Mr. Broadbent concluded his report.

11. Chairperson's Report – Chairperson Hill discussed the Carl Moyer Program funding allocation item to be addressed at the Air Resources Board meeting, on Thursday, February 28, 2008. Chairperson Hill stated that \$250 million is the proposed amount in I-Bond allocation to be approved. The Air District's allocation is set at about 14% during the first formula that was used and that was based on population, health risks, and the Air District's attainment status. South Coast came in at about 55%; San Joaquin was at 25%; San Diego 6%; and San Joaquin at 29%. Air District staff felt that the Bay Area should not lose any of its funding, due to the West Oakland and Port of Oakland and the health risk assessment (HRA) that is being conducted. The Air District was able to retain the allocation that was proposed by ARB staff.

Chairperson Hill concluded his report.

12. Board Members' Comments – Director Ross commented that he was able to watch the webcast of the meeting and noted that Chairperson Hill and Director Smith did very well.

Director Daly stated there should be some formal follow up from the Lennar NOV discussion late last year. In addition, Director Daly stated that he is aware that the legal process on the NOV's takes some time and that there is some perception in the community that the process is not moving as quickly as it could. Director Daly requested this item be agendaized for the next Budget and Finance Committee meeting with a Closed Session on the financial aspect of the item.

Director Daly also noted that since Mr. Broadbent's tenure at the Air District, there has been a concerted effort to have a better relationship and a more structured relationship through the CARE program with the Environmental Justice Community. Director Daly suggested that at a future Public Outreach Committee meeting there be an update on the CARE program and the Air District's relationship with the Environmental Justice Community. More specifically, it would make sense for the Air District to talk about the cumulative impact resolution. Director Daly suggested that he would support the language before him unless there is concern from staff.

12. **Time and Place of Next Meeting** – 9:45 a.m., Wednesday, March 19, 2008 – 939 Ellis Street, San Francisco, CA 94109
13. **Adjournment** – The meeting adjourned at 11:15 a.m.

Vanessa Johnson
Acting Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson, Jerry Hill and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 10, 2008

Re: Board Communications Received from March 5, 2008 through March 18, 2008

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

A list of Communications received by the Air District from March 5, 2008 through March 18, 2008, if any, will be at each Board member's place at the March 19, 2008, Regular Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANGEMENT DISTRICT

Memorandum

To: Chairperson Jerry Hill and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 3, 2008

Re: District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the following District personnel have traveled on out-of-state business.

The out-of-state business travel summarized below covers the period from February 1 – February 29, 2008. Out-of-state travel is reported in the month following travel completion.

DISCUSSION

Sigalle Michael, Air Quality Environmental Planner, attended New Partners for Smart Growth Conference in Washington, DC February 7 – 9, 2008

Jean Roggenkamp, Deputy Air Pollution Control Officer, attended the National Association of Clean Air Agencies Global Warming Conference in Arlington, VA February 11 – 13, 2008

Abby Young, Principal Environmental Planner, attended the National Association of Clean Air Agencies Global Warming Conference in Arlington, VA February 11 – 13, 2008

Daniel Belik, Rule Development Manager, attended a Multiunit Foodservice Equipment Symposium in Austin, Texas February 17 – 18, 2008.

Janet Glasgow, AQ Program Manager, attended the Hearth, Patio & Barbecue Association Expo 2008 in Atlanta, Georgia February 27 – 29, 2008.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Linda J. Serdahl
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Jerry Hill and Members
of the Board of Directors

From: Jack P. Broadbent,
Executive Officer/APCO

Date: March 10, 2008

Re: Referral of Proposed Draft Operating Budget for Fiscal Year Ending
2009 to the Budget & and Finance Committee

RECOMMENED ACTION

Refer proposed draft operating budget for Fiscal Year Ending 2009 to the Budget and Finance Committee for review and consideration.

BACKGROUND

Pursuant to Administrative Code Division II, Section 3.2 Fiscal Policies and Procedures and in compliance with Health and Safety Code Section 40276, the Executive Officer/APCO requests that the Board of Directors refer the proposed budget for Fiscal Year Ending 2009 to the Budget and Finance Committee for review and consideration.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The proposed operating budget for Fiscal Year Ending 2009 is \$74.5 million dollars.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson, Jerry Hill and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 11, 2008

Re: Consideration of Recommendation for Salary Range Increase for the
Classification of Clerk of the Board

RECOMMENDATION:

Approve recommendation for a salary range increase for the Clerk of the Board classification from Range 132 to Range 136, effective upon Board of Director approval.

DISCUSSION

The Clerk of the Board retired on December 12, 2007. At the March 5, 2008, Board of Directors meeting, the Board of Directors approved a hiring recommendation offer of employment at Step E of the Salary Range 132 for the Clerk of the Board classification.

Subsequently, an offer letter for employment was extended to an applicant and the offer was declined.

The Human Resources Office conducted a compensation review of the classification to ensure that it is appropriately compensated. Results from the review of the Clerk of the Board classification at public agencies in the region with employee populations between 150 and 500 revealed that, the Clerk of the Board classification is significantly below market, relative to similar job classifications at comparable agencies. The Air District's current salary is the lowest at \$81,443 per year. The mean average salary was \$107,172 per year while the median average salary was \$101,400 per year. By setting the Salary Range at 136, which has a top step of \$89,790 per year, the Air District will be better able to recruit and retain quality candidates for the Clerk of the Board classification.

Accordingly, I recommend to the Board of Directors that the salary for the classification of Clerk of the Board be increased from pay range 132 (\$5,583.62 to \$6,786.92 per month) to pay range 136 (\$6,155.944 to \$7,482.58 per month). This will bring the salary for the classification of Clerk of the Board to the median of salaries for similar classifications at comparable agencies in the region, and would amount to an approximate 10.28% increase over the current pay range.

A copy of the compensation survey is attached for your review.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

The financial impact of increasing the salary for the Clerk of the Board classification is approximately \$8,348 annually. There is no additional financial impact beyond that contemplated in the current budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Michael K. Rich and Mary Ann Goodley

**COMPENSATION ANALYSIS
CLERK OF THE BOARDS**

FEBRUARY 22, 2008

	Base Minimum	Base Maximum	Monthly Retirement	Base + Retirement Minimum	Base + Retirement Maximum	Position	# of employees
AIR DISTRICTS							
Sacramento AD	\$ 4,242	\$ 5,127	1%	\$ 4,284	\$ 5,178	Exec Secretary / Clerk of the Boards	103
South Coast AD	\$ 6,656	\$ 8,092	0%	\$ 6,656	\$ 8,092	Clerk of the Boards	822
San Joaquin AD	\$ 4,185	\$ 5,089	0%	\$ 4,185	\$ 5,089	Deputy Clerk of the Boards	
AVERAGES	\$ 5,028	\$ 6,103		\$ 5,042	\$ 6,120		
BAAQMD	\$ 5,584	\$ 6,787	7%	\$ 5,975	\$ 7,262		
% Difference	10%	10%		16%	16%		
BAY AREA CITIES							
Daly City	\$ 8,450	\$ 8,450	0%	\$ 8,450	\$ 8,450	City Clerk	500
Burlingame	\$ 6,364	\$ 7,732	0%	\$ 6,364	\$ 7,732	City Clerk	240
Cupertino	\$ 7,167	\$ 8,711	7%	\$ 7,669	\$ 9,321	City Clerk	141
Foster City	\$ 7,176	\$ 8,722	0%	\$ 7,176	\$ 8,722	City Clerk	220
Campbell	\$ 7,222	\$ 8,777	0%	\$ 7,222	\$ 8,777	City Clerk	161
Gilroy	\$ 7,679	\$ 10,238	0%	\$ 7,679	\$ 10,238	City Clerk	286
Belmont	\$ 7,773	\$ 7,773	0%	\$ 7,773	\$ 7,773	City Clerk	130
Napa	\$ 8,050	\$ 9,725	0%	\$ 8,050	\$ 9,725	City Clerk	350
Menlo Park	\$ 8,129	\$ 8,129	0%	\$ 8,129	\$ 8,129	City Clerk	230
Livermore	\$ 8,844	\$ 11,055	7%	\$ 9,463	\$ 11,829	City Clerk	493
AVERAGES	\$ 7,685	\$ 8,931		\$ 7,797	\$ 9,070		
BAAQMD	\$ 5,584	\$ 6,787	7%	\$ 5,975	\$ 7,262		
% Differences	38%	32%		31%	25%		
				AVERAGE 28%			

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson, Jerry Hill and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 10, 2008

Re: Report of the Climate Protection Committee Meeting March 13, 2008

RECOMMENDED ACTION

Receive and file.

DISCUSSION

The Climate Protection Committee will meet on Thursday, March 13, 2008. The Committee will receive the following reports and presentations:

- A) Report on Proposed Greenhouse Gas Fee Schedule;
- B) Discussion of Local Government Assistance and CAPCOA's "CEQA and Climate Change" White Paper; and
- C) Discussion of URS Phase II Study on: "Greenhouse Gas Mitigation: Landfill Gas and Industrial, Institutional and Commercial Boilers, Steam Generators and Process Heaters."

Attached are the staff reports presented in the Climate Protection Committee packet.

Chairperson, Pamela Torliatt will provide an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

No budget considerations or financial impacts at this time.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Mary Ann Goodley

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Torliatt and Members
of the Climate Protection Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 5, 2008

Re: Proposed Greenhouse Gas Fee Schedule

RECOMMENDED ACTION:

None. This item is for information only.

BACKGROUND

The Air District collects fees to pay for the costs of implementing and enforcing programs to reduce air pollution from stationary sources. Under State law, the Air District has the authority to collect fees sufficient to recover the full direct and indirect costs of these programs. Cost recovery studies indicate that current levels of fee revenue fall far short of recovering the District's program costs. In recent years, the Air District has been raising fees in order to reduce the cost recovery gap.

As a result of the establishment of the Air District's Climate Protection Program in 2005, Air District staff has been involved in a wide variety of activities related to the program's goal of reducing the emissions of greenhouse gases (GHGs). For stationary sources of GHGs, these activities include: (1) development, maintenance, and updating of an emissions inventory of GHG emissions, (2) completion of studies to identify and evaluate potential greenhouse gas emission control options for application at Bay Area facilities, (3) integration of GHG considerations into Air District rules and regulations, (4) providing assistance to CARB related to the development of regulations under the California Global Warming Solutions Act of 2006 (Assembly Bill 32), and (5) addressing GHG impacts as a lead and responsible agency under the California Environmental Quality Act. To date, these activities have been funded from County Revenue from the District's General Fund.

PROPOSED GHG FEE SCHEDULE

Staff is recommending the adoption of a new GHG fee schedule as part of the overall fee regulation amendments for the upcoming fiscal year to become effective on July 1, 2008. The new fee schedule is intended to recover the Air District's costs of implementing Climate Protection Program activities related to stationary sources.

The proposed fee schedule is designed to recover \$1.1 million in program costs. Each Air District-permitted facility with GHG emissions would pay an annual fee in proportion to the facility's GHG emissions, at a rate of \$0.042 per metric ton of carbon dioxide equivalent emissions. The fee would be assessed, along with other applicable fees, at the time of permit renewal.

Air District staff held a public workshop on February 25, 2008, to discuss the proposed GHG fee schedule. Approximately 40 individuals attended the workshop, and a number of comments were provided. A number of industry representatives spoke in opposition to the proposal. Some indicated that the regulation of GHGs should occur at the state and/or federal level of government rather than at the regional and/or local level. Others indicated that the proposed GHG fee schedule was not equitable.

Staff will provide the committee with additional details regarding the proposed GHG fee schedule, and public comments received, at the committee meeting on March 13, 2008.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian Bateman
Reviewed by: Jeffrey Mckay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Torliatt and Members
of the Climate Protection Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 4, 2008

Re: Local Government Assistance and CEQA White Paper

RECOMMENDED ACTION:

None. For information only.

BACKGROUND

Since the 1980s, the Air District has provided guidance and technical assistance to cities and counties on land use, transportation, and air quality issues in local plans and environmental review processes. Such outreach and assistance to local governments is also a central element of the Air District's Climate Protection Program.

DISCUSSION

Staff will present an update on assistance to local governments, including a workshop series on emission inventories and best practices; grant awards; data assistance; and options for providing local guidance on CEQA based on the CAPCOA CEQA White Paper.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Ana Sandoval
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Torliatt and Members
of the Climate Protection Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 4, 2008

Re: Opportunities for Greenhouse Gas Emission Reductions from Bay Area
Stationary Sources, Phase II: Greenhouse Gas Mitigation: Landfill Gas
and Industrial, Institutional and Commercial Boilers, Steam Generators
and Process Heaters

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

On June 1, 2005 the Board of Directors adopted a resolution establishing a Climate Protection Program and acknowledging the link between climate protection and programs to reduce air pollution in the Bay Area. One of the Climate Protection initiatives identified by Air District staff and presented to the Ad Hoc Committee for Climate Protection at its February 23, 2006 meeting involved conducting a study of potential greenhouse gas reduction strategies from sources historically regulated by the Air District. The Board of Directors approved the contract with URS on June 6, 2006.

URS presented their findings, "Opportunities for Greenhouse Gas Emission Reductions from Bay Area Stationary Sources, Phase I," to the Climate Protection Committee on June 7, 2007. The Board of Directors approved a study on specific source categories for a Phase II contract with URS on June 20, 2007.

DISCUSSION

The Phase I study, "Opportunities for Further Greenhouse Gas Emissions Reductions for the BAAQMD Stationary Sources," identified the industries and source categories which most significantly contribute to greenhouse gas emissions and potential mitigation options for controlling those emissions. The evaluation qualitatively considered the effectiveness, costs, and impacts of each of the most promising options. The study also included a ranking of the most promising source categories for opportunities to reduce greenhouse gas emissions.

The Phase II study, "Greenhouse Gas Mitigation: Landfill Gas and Industrial, Institutional and Commercial Boilers, Steam Generators and Process Heaters," evaluates

mitigation strategies for these specific source categories. The report evaluates estimates of potential GHG reductions, potential GHG mitigation technologies, capital and operating costs for the technologies, and the cost effectiveness of the technologies. Mr. Mark Strehlow of URS will present a summary of the findings.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alex Ezersky
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson, Jerry Hill and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 10, 2008

Re: Report of the Stationary Source Committee Meeting of March 17, 2008

RECOMMENDED ACTION

Receive and file.

BACKGROUND

The Stationary Source Committee will meet on Monday, March 17, 2008.

The Committee will receive the following reports and presentations:

- A) Update on Regulation 6; Rule 3: Wood Burning Devices;
- B) Discussion of Proposed Amendments to Regulation 9; Rule 7: Nitrogen Oxides and CO from Industrial, Institutional, and Commercial Boilers, Steam Generators and Process Heaters; and
- C) Review of Proposed Amendments to Regulation 8; Rule 20: Graphic Art Printing and Coating Operations.

Attached are the staff reports presented in the Stationary Source Committee packet for your review.

Chairperson, Scott Haggerty will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Mary Ann Goodley

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and Members
of the Stationary Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 10, 2008

Re: Status Update on the Wood Smoke Rule Development

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

The Air District is proposing Regulation 6, Rule 3 to reduce particulate matter and visible emissions from wood-burning devices to help attain the National 24-hour PM_{2.5} standard. During the 07/08 winter, the Air District experienced 7 days over the 35 µg/m³ 24-hr national standard and ambient air monitoring data indicates that residential wood smoke contributes the largest fraction of PM_{2.5}, comprising up to 33% of peak winter PM_{2.5} levels. The Air District will likely be classified as non-attainment for the National standard, and cannot attain that standard without a wood smoke reduction rule.

At the December 3, 2007 Stationary Source Committee meeting, staff reviewed the proposed draft Regulation 6, Rule 3, "Wood-Burning Devices"; summarized the public workshop comments received to date; and identified next steps in the rule development process. The public comment period for the draft rule closed on December 10, 2007. Since that time, staff has reviewed all comments received during the public comment period, revised the proposed rule based on comments received, started the EIR process, and planned for the next round of informational public meetings.

DISCUSSION

Staff will provide the Committee with the following information:

- Background information on PM_{2.5};
- Public comment concerns & issues and District Response;
- Review of revised Regulation 6, Rule 3: Wood-Burning Devices;
- Draft schedule of the next round of informational meetings; and
- Next steps in the rule development process

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Paul Hibser
Reviewed by: Kelly Wee

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Stationary Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 5, 2008

Re: Proposed Amendments to Regulation 9, Rule 7: NO_x and CO from
Industrial, Institutional and Commercial Boilers, Steam Generators and
Process Heaters

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

Regulation 9, Rule 7 limits nitrogen oxides (NO_x) and carbon monoxide (CO) emissions from combustion devices such as boilers, steam generators and process heaters with heat ratings of 10 million BTU/hr or more. Control Measure SS 12 in the 2005 Ozone Strategy proposes to make the emission limits in this rule more stringent, and also to create emission limits for devices rated higher than 2 million BTU/hr.

DISCUSSION:

Staff will provide the Committee with the following information:

- Description of the affected facilities and equipment;
- Proposed amendments to Regulation 9, Rule 7, including measures to reduce greenhouse gas emissions;
- Estimated emissions reductions; and
- Next steps in the rule development process.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Julian Elliot
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Stationary Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 5, 2008

Re: Proposed Amendments to Regulation 8, Rule 20: Graphic Arts Printing and
Coating Operations

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

The 2005 Ozone Strategy Control Measure SS-2 identified Regulation 8, Rule 20 as providing opportunities for further VOC reductions from graphic arts printing and coating operations. Staff has identified standards in the graphic arts rule where existing VOC limits can be reduced. Also, cleaning solvents used in the industry that are not currently subject to the rule are proposed to be regulated to further reduce VOC emissions. Staff anticipates scheduling public workshops on the proposed amendments in April.

DISCUSSION

In this report, staff will present information on:

- Background on Bay Area printing and coating operations;
- Proposed amendments to Regulation 8, Rule 20;
- Potential VOC emission reductions; and
- Next steps in the rule development process.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: William Thomas Saltz
Reviewed by: Henry Hilken