



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

December 17, 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
DECEMBER 17, 2008
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance

Chairperson, Pamela Torliatt
Clerk of the Boards

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.

COMMENDATION/PROCLAMATION

The Board of Directors will recognize outgoing Board members.

The Board of Directors will recognize outgoing Advisory Council Chairperson, Louise Bedsworth, Ph.D. for her outstanding leadership on the Council this past year.

The Board of Directors will recognize Air District employees who have completed milestone levels of twenty-five (25) and thirty-five (35) years of service during the later half of 2008.

CONSENT CALENDAR (ITEMS 1 – 5)

Staff/Phone (415) 749-

1. Minutes of December 3, 2008

L. Harper/5073

lharp@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. Report of Division Activities

J. Broadbent/5052

jbroadbent@baaqmd.gov

Report of Division Activities for the months of July–September 2008

5. Notice of Proposed Amendments to the Air District's Administrative Code Division I- Operating Policies and Procedures of the Board of Directors, Section 2: Board of Directors, Officer – Duties; and Section 7: Advisory Council
J. Broadbent/5052
jbroadbent@baaqmd.gov

Notification is hereby given of proposed amendments to the Administrative Code Division I, Operating Policies and Procedures, of the Board of Directors, Section 2 Board Officer – Duties and Section 7.1: Advisory Council.

CLOSED SESSION

6. 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(s):

Pacific Steel Casting Company v. Bay Area AQMD, San Francisco Superior Court, Case No. CGC-08-48228
7. Report of Executive Committee Meetings of November 24, 2008 and December 5, 2008 on Public Employee Performance Evaluations Conducted

Pursuant to Government Code Section 54957, the Board will meet in closed session to receive Report of Executive Committee meetings of November 24, 2008 and December 5, 2008 on public employee performance evaluations conducted of the Executive Officer/APCO and the District Counsel.

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, January 7, 2009- 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.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's headquarters at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the Air District's website (www.baaqmd.gov) at that time.

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

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

DECEMBER 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Advisory Council Public Health Committee – (Meets 2 nd Wednesday Even Month) - CANCELLED	Wednesday	10	1:30 p.m.	Board Room
Board of Directors Stationary Source Committee (Meets 3 rd Monday Quarterly) - CANCELLED	Monday	15	9:30 a.m.	Board Room
Board of Directors Regular Meeting (Meets 1 st & 3 rd Wednesday of each Month)	Wednesday	17	9:45 a.m.	Board Room
Board of Directors Legislative Committee (Meets 4 th Monday of the Month) - CANCELLED	Monday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee (Meets 4 th Wednesday of each month) - CANCELLED	Wednesday	24	9:30 a.m.	4 th Floor Conf. Room

JANUARY 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting (Meets 1 st & 3 rd Wednesday of each Month)	Wednesday	7	9:45 a.m.	Board Room
Board of Directors Climate Protection Committee (Meets 3 rd Thursday every other Month)	Thursday	8	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee (Meets 3 rd Monday quarterly)	Monday	12	9:30 a.m.	Board Room
Advisory Council Retreat (Meets 2 nd Wednesday Every Other Month)	Wednesday	14	10:00 a.m.	Board Room
Board of Directors Regular Meeting/Retreat (Meets 1 st & 3 rd Wednesday of each Month)	Wednesday	21	9:45 a.m.	Claremont Hotel & Spa 41 Tunnel Road Berkeley, CA 94705
Board of Directors Mobile Source Committee – (Meets 4 th Thursday of each Month)	Thursday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Legislative Committee (Meets 4 th Monday of the Month)	Monday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee (Meets 4 th Wednesday of each month)	Wednesday	28	9:30 a.m.	4 th Floor Conf. Room

FEBRUARY 2009

<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	4	9:45 a.m.	Board Room
Board of Directors Regular Meeting (<i>Meets 1st & 3rd Wednesday of each Month</i>)	Wednesday	18	9:45 a.m.	Board Room
Board of Directors Legislative Committee (<i>Meets 4th Monday of the Month</i>)	Monday	23	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee (<i>Meets 4th Wednesday of each month</i>)	Wednesday	25	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee – (<i>Meets 4th Thursday of each Month</i>)	Thursday	26	9:30 a.m.	4 th Floor Conf. Room

HL - 12/9/08 (4:22 p.m.)
P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 8, 2008

Re: Commendations/Proclamations

RECOMMENDED ACTION:

Recognize the following outgoing Board members:

Director Erin Garner
Director Janet Lockhart
Director Jake McGoldrick
Director John Silva
Director Tim Smith

Recognize outgoing Advisory Council Chairperson, Louise Bedsworth, Ph.D. for her leadership on the Council this past year.

Recognize Air District employees who have completed service milestone levels of twenty-five (25) and thirty-five (35) years of service during the later half of 2008.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Employee Recognition Awards

25 Years of Service

Tamara Hirata

35 Years of Service

Ken Jensen

Gary Fend

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 10, 2008

Re: Board of Directors' Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Regular Board of Directors' meeting of December 3, 2008.

DISCUSSION

Attached for your review and approval are the draft minutes of the December 3, 2008 Regular 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– December 3, 2008

Call To Order

Opening Comments: Chairperson Pamela Torliatt called the meeting to order at 9:46 a.m.

Roll Call: Present: Chairperson Pamela Torliatt; Secretary Tom Bates, Harold Brown, Chris Daly, Dan Dunnigan, Erin Garner, Scott Haggerty, Yoriko Kishimoto, Carol Klatt, Janet Lockhart, Jake McGoldrick, Nate Miley, Mark Ross, Michael Shimansky and Gayle Uilkema

Absent: Directors John Gioia, Liz Kniss, John Silva, Tim Smith, Vice Chairperson Brad Wagenknecht, and Ken Yeager

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

Public Comment Period:

Francisco DeCosta stated his concerns regarding Bayview-Hunters Point.

Consent Calendar (Items 1 – 4)

1. Minutes of November 19, 2008
2. Communications
Information only.
3. Proposed Regulatory Agenda for 2009
*State law requires each Air District to publish a list of potential regulatory measures for the upcoming year. No regulatory measures can be brought before the Board that are not on the list, with specified exceptions. Consequently, the list contains all measures that **may** come before the Board in 2009.*
4. Consideration of Transmittal of Air District Comment Letter on the Proposed AB 32 Scoping Plan to the California Air Resources Board (ARB)
The Board of Directors considered transmittal of Air District comments on the proposed AB 32 Scoping Plan to the ARB.

Board Action: Director Brown moved approval of Consent Calendar Items 1, 2, 3 and 4; seconded by Director Shimansky; carried unanimously without opposition.

5. Update on Recent Actions by the Port of Oakland
Staff briefed the Board of Directors on recent actions taken by the Board of Port Commissioners at its meetings of November 19, 2008 and November 20, 2008.

Mr. Broadbent updated the Board of Directors on recent decisions of the Port Commissioners, stating that the Air District has been working with Port staff emphasizing the need for emission reductions from maritime operations. A decision was made at the Board Port of Commissioners meeting of November 19th to postpone \$5 million in funding already committed to the Air District for drayage truck clean up. Also, at the Port Maritime Committee meeting of November 20, 2008, a decision was made to pull consideration of user fees to fund emission reduction projects and infrastructure improvements, and pull consideration of the Maritime Air Quality Improvement Plan.

Staff has continued in their communications with Port staff and has met with the City of Oakland staff. There is also a coordinated effort with the California Air Resources Board and communication with community groups.

Given the Board of Port Commissioners' inaction at this time, an adjustment to the Mobile Source Committee recommendations regarding Port drayage truck funding will be needed to reduce the level of funding by \$5 million. With this change, staff recommends that the Board approve the Mobile Source Committee grant recommendations in order to reduce the health risks in the West Oakland community. In the near future, the Air District will have to consider the ramifications of the lack of user fee revenues from the Port of Oakland for emission reduction projects to reduce health risks in the West Oakland community.

Directors discussed and concurred that the news was a devastating blow to the Air District and to residents adjacent to the Port. They asked that a meeting be scheduled with Oakland's Mayor Dellums, acknowledged that the Port has already provided the Air District with \$2 million of the \$5 million, as outlined in the signed Memorandum of Understanding, and they further discussed the Port's economic position which has led to reductions in discretionary expenditures.

Directors further voiced concern over the lack of leadership at the Port, cited public health risks and progress made to date, suggested the Air District move forward with using its regulatory authority, and confirmed with Mr. Broadbent that staff's recommendation is to utilize the Air District's \$10 million share to offset the cost of the retrofits, which would benefit 650 trucks versus 750 trucks. Mr. Broadbent then discussed state law requiring all trucks meet the state standard by January 1, 2010, and he agreed with the suggested need to explore regulatory options.

Directors did not support the Port's request to amend the Memorandum of Understanding, requesting the issue be brought to the Ad Hoc Committee on Port Emissions.

A motion was made by Director Haggerty, seconded by Director Uilkema to take no action on staff's recommendation and move forward with the Memorandum of Understanding, as outlined. However, Mr. Broadbent requested that action by the Board of Directors should be taken under Item #7; the Report of the Mobile Source Committee. Director Haggerty and Uilkema withdrew their motion/second.

Board Action: Chair Torliatt directed Mr. Broadbent draft a letter to Mayor Dellums, indicate that the Air District will exert its regulatory authority, enforce the existing Memorandum of Understanding, not return the \$2 million already received by the Air District, not amend the recommendation of the Mobile Source Committee, forward the item to the Ad Hoc Committee on Port Emissions, and indicate that the Port is opening itself to a lawsuit which would ultimately cost time and money in attorney fees and not address clean up of the problem.

6. Report of the **Personnel Committee** Meetings of November 13 and 24, 2008
CHAIR: H. BROWN

Director Brown gave the report of the Personnel Committee, and said the Committee met on Thursday, November 13, 2008 and approved the minutes of July 31, 2008. The Committee conducted interviews of candidates to fill expired terms of office on the Advisory Council and to consider the reappointment of incumbent members. The Committee recommends Board of Directors' approval of the following candidates for a two-year term of office effective January 1, 2009 and expiring December 31, 2010:

Jonathan Ruel	Agriculture
Stanley Hayes	General Public
Neal Osborne	Community Planning
Jennifer Bard	Conservation Organization
Benjamin Bolles	General Contractor
Jane Martin	Public Health Agency
Sarah Martin-Anderson	Public Health Agency
Dorothy Vura-Weis	Public Health Agency
Rosanna Lerma	Registered Professional Engineer

The Committee also recommends Board of Directors' approval of the following incumbent re-appointments for a two-year term of office effective January 1, 2009 and ending December 31, 2010:

Louise Wells-Bedsworth	Transportation
Robert Bornstein	Colleges & Universities
John Holtzclaw	Conservation Organization
Robert T.P. Huang	Public Member

The Personnel Committee met again on Monday, November 24, 2008 and approved the minutes of November 13, 2008. The Committee conducted one interview of a candidate, who had previously not been interviewed, to fill an expired term of office on the Advisory Council in the General Contractor category, and recommends maintaining its current slate of

candidate recommendations to the Board of Directors. The next meeting of the Committee will be at the call of the Chair.

Board Action: Director Brown made a motion to approve nine (9) appointments and four (4) reappointments to the Air District's Advisory Council effective January 1, 2009; seconded by Director Shimansky; carried unanimously without opposition.

7. Report of the **Mobile Source Committee** Meeting of November 19, 2008
CHAIR: T. SMITH

Director McGoldrick gave the report of the Mobile Source Committee, and said the Committee met on Wednesday, November 19, 2008 and as part of its actions approved the minutes of its October 23, 2008 meeting. The Committee then considered and recommends Board of Directors' approval of the Fiscal Year (FY) 2008/2009 Vehicle Buy-Back Program contractors, and authorization for the Executive Officer/APCO to execute contracts for vehicle scrapping and related services with Environmental Engineering Studies, Inc., Pick-N-Pull, and Pick Your Part. These companies will distribute, on a monthly reimbursement basis, up to \$7 million allocated to the Program this fiscal year.

The Committee then considered and recommended Board of Directors' approval of \$41,498,544 in funding for eligible projects under the California Goods Movement Bond Program, and authorization for the Executive Officer/APCO to execute all necessary contracts and contingencies to expend the requested funds.

Finally, the Committee received the results of an audit of the TFCA Regional Program for Projects ending June 30, 2006. The Committee recommends that the Board of Directors receive and file this report. The next meeting of the Mobile Source Committee is scheduled for Thursday, January 22, 2009.

Board Action: Director McGoldrick made a motion to approve A) the selection of Environmental Engineering Studies, Inc., Pick-N-Pull, and Pick Your Part as the vehicle scrapping contractors for the fiscal year (FY) 2008/2009 Vehicle Buy Back Program; and authorization for the Executive Officer/APCO to execute contracts for vehicle scrapping and related services with Environmental Engineering Studies, Inc., Pick-N-Pull, and Pick Your Part; B) \$41,498,544 in funding for eligible projects under the California Goods Movement Bond Projects and authorize the Executive Officer/APCO to enter into all necessary contracts to expend the requested funds; and C) Receive and file the results of the TFCA Audit Report #10, an audit of TFCA Regional Fund projects, including the auditor's findings and recommendations to improve the administration and fiscal management of the TFCA Program; seconded by Director Lockhart; carried unanimously without opposition.

Public Comment:

Roger W. Lowther, Co-Founder of CleanAir Logix, Inc., presented a PowerPoint presentation on a clean air proposal relating to cold ironing solutions for ocean going vessels. He discussed documented pollution reduction efforts and results, and said he hoped to work further with the Air District, the City of Oakland, and the Port of Oakland.

8. Report of the **Executive Committee** Meeting of November 24, 2008
CHAIR: P. TORLIATT

Chair Torliatt gave the report of the Executive Committee, and said the Committee met on Monday, November 24, 2008 and approved the minutes of September 29, 2008. The Committee received the Hearing Board Quarterly Report for the period of July 2008 through September 2008. The Committee received the Report of the Advisory Council activities for the period of July 2008 through November 2008. The Committee recommends that the Board of Directors approve the Advisory Council's Resolution on Climate Change and Regional Pollution

The Committee continued discussions relative to the role of the Advisory Council. Staff provided an update to the Committee on meetings and discussions held between the Advisory Council and the Executive Officer. The Committee provided direction to staff that will be brought back to the Board of Directors in the form of changes to the Air District's Administrative Code.

The Committee considered a Community Grant Program funding level which would fund local community projects. The goals of the program are to enhance public health, reduce sources of air pollution, provide education and outreach and allow communities to become part of the solution. Staff will develop the program's guidelines and target areas; issue a call for projects, and will present projects for the Committee's consideration and Board approval. The Committee unanimously recommends Board of Directors' approval of a \$250,000 funding level for implementation of the Community Grant Program.

The Committee then received an update from staff on the Production System, with a demonstration of search engine capabilities for permits, geospatial information and discussed the system's firewalls.

The Committee also received an update on the activities of the Joint Policy Committee from Bruce Riordan, Climate Change Coordinator. Mr. Riordan reported that the Joint Policy Committee adopted a Climate Protection Partnership policy. Mr. Riordan provided information to the Committee on the status of SB 375, the Air Resources Board hearing on the proposed AB 32 Scoping Plan, the Berkeley First program, and next steps to identify the top Climate Protection items the JPC should focus on in the next few years.

The Committee held a closed session to conduct public employee performance evaluations. A closed session will be agendized for the December 17th Board of Directors meeting. The next meeting of the Committee is scheduled for Friday, December 5, 2008 at 2:30 p.m.

Board Action: Director Torliatt made a motion to approve a funding level in the amount of \$250,000 for implementation of a Community Grant Program; seconded by Director Uilkema; carried unanimously without opposition.

PUBLIC HEARING

9. Public Hearing to Consider Adoption of proposed amendments to District Regulation 8, Rule 45: Motor Vehicle and Mobile Equipment Coating Operations and

amendments to Regulation 3: Fees, Schedule R: Equipment Registration Fees, and Adoption of a CEQA Negative Declaration.

Proposed amendments to Regulation 8, Rule 45 would reduce emissions from automobile refinishing and motor vehicle and mobile equipment coating by reducing the allowable VOC content in paints and cleaning solvents. The proposed amendments would also require mobile refinishers to register their operations with the District Proposed amendments to Regulation 3 would set registration fees for mobile refinishing operations.

Principal Air Quality Specialist, Victor Douglas, gave an overview of the request for the Board of Directors to consider adoption of proposed amendments to District Regulation 8, Rule 45: Motor Vehicle and Mobile Equipment Coating Operations and amendments to Regulation 3: Fees, Schedule R: Equipment Registration Fees, and adoption of a CEQA Negative Declaration. He noted that in the Bay Area, coating operations contribute to VOC sources from auto refinishing operations and mobile equipment coating. Coatings involve surface preparation, primers, topcoats and other coatings, and solvents are used for spray equipment cleaning and surface cleaning.

Mr. Douglas presented a series of photographs showing workers preparing surfaces, priming, a spray booth, color coat and clear coating operations, and drying equipment. He discussed the current Rule which was adopted in 1989 and amended in 1994 and 1999. The Rule affects auto body shops, mobile refinishers, coating manufacturers, and manufacturers of heavy equipment, and the Rule sets VOC limits for automotive coatings and other requirements such as transfer efficiency, operation and maintenance and recordkeeping.

The regulatory proposal is the result of Control Measure SS1 from the 2005 Ozone Strategy. It is based on ARB 2005 Suggested Control Measure, incorporates coating categories, VOC limits and other requirements from the SCM, as well as additional requirements for mobile refinishers and clients and said the effective date is October 2009.

He further presented proposed VOC limits by coating categories and noted that a few categories would not be effective until January 1, 2010. Mobile refinishing requirements require registration in lieu of a permit, notification, properly operated filtration systems, and recordkeeping, and he said it is expected that total emissions of 5.8 tons per day will be reduced to 3.8 tons per day.

Mr. Douglas then discussed costs and cost effectiveness, stating operators may need enhanced drying equipment and coatings cost may increase by 20%. Mobile refinisher registration fees are initially \$100 and annually; \$60, with a cost effectiveness of \$800 per ton.

Staff visited numerous auto body shops, met with manufacturers and distributors, consulted with the ARB, other districts, and the EPA, and three workshops were held in August. Responses included comments regarding the reasonableness of drying equipment, compliance dates and allow time to convert, clarified definitions and maintenance of sales consistent with current requirements.

Mr. Douglas noted that staff does not recommend an exemption for TBAC and said there have been no exemptions allowed in 2007 and 2008. He discussed the fact that health data has raised toxicity concerns, and the 1993 Board Policy does not exempt potential carcinogens. Staff recommends the Board adopt proposed amendments to Rule 8, Regulation 45: Motor Vehicle and Mobile Equipment Coating Operations and amendments to Regulation 3: Fees, Schedule R: Equipment Registration Fees, and adopt the CEQA Negative Declaration

Directors briefly questioned and confirmed the cost effectiveness of the amendment.

The public hearing was opened.

Public Comments:

Dr. John Budroe, Staff Toxicologist with the Office of Environmental Health Hazard Assessment, voiced concerns about potential health hazards of TBAC which shows cases of kidney and thyroid cancer in rats and causes of mutations and DNA bacteria, and he supported staff's recommendation.

Michael Veney, Sherwin-Williams, INPCA, Cleveland, thanked the Board and staff for their work on the Rule and requested an exemption for TBAC, stating that 49 other states have exempted the requirement, as well as other air districts. Without an exemption, he said the solvent would be unusable to them, it is not cost effective, and he requested the Board reconsider staff's recommendation.

The public hearing was closed.

Mr. Broadbent responded to public comment, stating that the Air District is fully aware of the concern and recommends that the Board not exempt TBAC at this time even though it sets us apart, as there is enough of a question regarding cancer risk.

Board Action: Director McGoldrick made a motion to adopt proposed amendments to Rule 8, Regulation 45: Motor Vehicle and Mobile Equipment Coating Operations and amendments to Regulation 3: Fees, Schedule R: Equipment Registration Fees, and adopt the CEQA Negative Declaration; seconded by Director Uilkema; carried unanimously without objection.

OTHER BUSINESS

10. Report of the Executive Officer/APCO

Mr. Broadbent reported on the Wood Smoke Program, stating it has created a great deal of interest. It was launched on November 1st and to date, 3 Spare the Air Nights were called on November 19, 24 and 25. Approximately 70 complaints were received each night, notification, advertisement and outreach were provided, staff was deployed, and hundreds of telephone calls were received regarding the program.

Directors discussed Contra Costa and Santa Clara newspaper editorials regarding the need for more notice, and requested that staff address the need for increased noticing and advertisements. Directors questioned statistics on the numbers of staff deployed on the 3 Spare the Air Nights. Mr. McKay reported that there were 8 inspectors, 18 warning letters were issued, and staff has been fielding telephone calls to assist people in understanding the process. Mr. Broadbent also distributed a chart showing wood smoke complaints by county.

11. **Chairperson's Report**

Chairperson Torliatt thanked the Board for the privilege to serve as Chair and reported that she has been working on milestones for the Board Retreat which will be held on January 21, 2009.

12. **Board Members' Comments**

Directors acknowledged those Board Members' expiring terms, and confirmed a recognition event would be scheduled for the December 17th Board of Directors meeting.

13. **Time and Place of Next Meeting** – 9:45 a.m., Wednesday, December 17, 2008- 939 Ellis Street, San Francisco, CA 94109.

14. **Adjournment** - The meeting adjourned at 11:10 a.m.

Lisa Harper
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 25, 2008

Re: Board Communications Received from December 3, 2008 through December , 2008

RECOMMENDED ACTION

Receive and file.

DISCUSSION

A list of Communications directed to the Board of Directors' received by the Air District from December 3, 2008 through December 16, 2008, if any, will be at each Board member's place at the November 3, 2008, Regular Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 1, 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 November 1 – November 30, 2008. Out-of-state travel is reported in the month following travel completion.

DISCUSSION

Anthony Fournier, Environmental Planner Supervisor, attended 2008 Annual West Coast Collaborative Partners Meeting in Seattle, WA November 5 – 6, 2008

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Linda J. Serdahl
Reviewed by: Jeffrey M. McKay

Memorandum

To: Chairperson, Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 10, 2008

Re: Report of Division Activities for the Months of July 2008 – September 2008

ADMINISTRATION AND INCENTIVES DIVISION - J. COLBOURN, DIRECTOR

Auditor Selection

The Board of Directors approved the award of a Master Services Agreement for Maze and Associates for the fiscal years ending June 30, 2008, through 2010.

Green Business

Enhanced the District's recycling and composting programs—received a smaller trash bin within the Willow Street Garage and a larger mixed recyclables bin to accommodate the increase in recyclable materials.

Board Room

The Board Room was renovated to accommodate two additional Board Members by October 1, 2008.

Carl Moyer Program

- September 8, 2008: The Air District has significantly improved processes and eliminated several major findings from the 2007 audit. The California Air Resources Board (ARB) is currently working on a letter to the District detailing any remaining issues.
- Mobile Source Committee recommended Board approval of \$20,756,901 in funding from a combination of Carl Moyer Program funds and Mobile Source Incentive Funds, July 9, 2008.

Lower Emission School Bus Program

- The Air District closed the LESBP for funding year 2000-2001, and 2005-2006, and returned approximately \$1,271,652 to CARB.
- Board of Directors approved reserving \$3.375 million in Mobile Source Incentive Funds to match funds from the School Bus Program portion of the California Goods Movement Bond, July 30, 2008.
- Opened call for applications August 1, 2008 and closed it on September 30, 2008. Air District has approximately \$11.6 million to allocate to public school bus replacement and bus retrofit projects.

TFCA Program Manager Fund

- Board of Directors approved 45 FY 2008/2009 County Program Manager projects totaling \$10.1 million, July 30.
- TFCA Program Manager/Air District Work Group met twice, to discuss the draft expenditure program agreements (July 23), and the new draft policies (September 30).

TFCA Regional Fund

Close of call for applications June 30, 2008. Received 76 applications totaling \$18.7 million in requested funding.

Bicycle Facility Program

Held BFP lottery August 5, 2008 because program was oversubscribed. Out of the 22 eligible projects, 8 were selected for award and a 9th was selected to receive partial funding.

Goods Movement Bond

- Mobile Source Committee recommended Board consideration of \$796,573 in Goods Movement Bond Funding to engage an administrative consultant to assist in program execution, July 9, 2008. Entered into contract with TIAX to provide administrative assistance, August 6, 2008.
- Submitted 3 grant applications to the EPA for \$1 million each for locomotive, harbor craft and port trucks, to use as match funds for the Goods Movement Program, June 30, 2008.
- Opened Grant Assistance Center at Port of Oakland, August 4, 2008.
- Entered into agreement with Port of Oakland in which the Port will contribute up to \$5 million to assist with the truck retrofit program, August 12, 2008.
- First year funding call for projects closed on August 15, 2008. Estimate approximately 1,500 applications received.
- Approximately 325 applications were received at the Port of Oakland Wharfinger trailer. The trailer was staffed by consultants (TIAX) and District staff, including Grants staff and Inspectors.

- Total Subscription: approximately \$62 million in subscription for \$31 million available.

Port of Oakland

Staff received a payment of \$2,000,000 which is the first of the \$5,000,000 promised by the Port of Oakland to support I-Bond monies.

Wood Smoke Rebate Program

- 362 rebates for gas stoves/inserts (\$200,000 out of \$400,000 expended)
- Reduced 2.4 tons of PM2.5 (estimated annual reduction)

COMPLIANCE AND ENFORCEMENT – K. WEE, DIRECTOR
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Enforcement Program

On July 29, 2008 staff attended the Contra Costa County CAER Emergency Notification Committee Meeting at the Contra Costa County Sheriff's Office. Also, Valero Refinery received a public nuisance citation for a heavy oil/acrid odor emanating from the waste water treatment plant as nine air pollution complaints were received. On August 13, 2008 staff attended a meeting with San Jose City Planning Department, Code Enforcement, Fire Department, District Attorney's Office, state Fish and Game, and EPA regarding compliance issues at San Jose Tallow, an animal rendering facility.

Compliance Assurance Program

On July 16th and 17th, 2008 staff attended the CAPCOA Vapor Recovery Committee Meeting in Sacramento. Staff participated in the monthly Trucker Work Group meetings this quarter at the Port of Oakland. On July 16, 2008 all five refineries submitted their Flare Minimization Plan annual updates. Staff completed review of the updates and determined they are complete and ready for a 30-day public comment period. Staff approved Chevron's Project-Specific FMP Update: Hydrogen Purity Improvements Project. Staff also updated and posted June and July '08 flare monitoring data and graphs to the District website.

Compliance Assistance Program

On August 5, 2008 staff attended the San Francisco Public Health Commission meeting on the Lennar BVHP Parcel A project. The Air District hosted CARB training for the State Portable Equipment Registration Program (PERP), Compliance Assurance Monitoring, and the CAPCOA Enforcement Managers meetings in August. Staff attended a half day customer service training hosted by the Air District's Human Resources Office and Visible Emissions Evaluation re-certifications for inspectors was conducted in September. Translation from Cantonese Mandarin and Spanish languages was provided for Division activities during the period.

ENGINEERING DIVISION – B. BATEMAN, DIRECTOR

Permit Activity Summary

In the 3rd quarter of 2008, 508 new permit applications were received: 287 standard New Source Review applications, 191 Gasoline Dispensing Facility applications, 26 Title V applications, and 4 Banking applications. During this period, the Division issued 153 Authorities to Construct and 399 Permits to Operate.

Engineering Division Permit Activity – 3 rd Quarter 2008			
Annual update packages started	1064	Permits to Operate issued	399
Annual update packages completed	1322	Exemptions	12
Total update pages entered	1073	Authorities to Construct denied	0
New applications received	508	New Companies added to Data Bank during the 3 rd quarter 2008	186
Authorities to Construct issued	153		

Toxics Program

A total of 112 Health Risk Screening Analyses (HRSAs) were completed in the 3rd quarter of 2008; the majority of these HRSAs were for diesel engine emergency generators, soil remediation projects, and gasoline stations.

Staff completed work on a Health Risk Assessment (HRA) for Sentinel Cremation Societies in Emeryville. Several new residential buildings have been built immediately adjacent to this crematory and Sentinel is now subject to the public notification requirements of the Air Toxics Hot Spots (ATHS) Program. Public notices are expected to be sent to affected members of the public in November. Sentinel will also conduct a community meeting with the public to discuss the results of the HRA.

Staff completed review of the Final Revised HRA for Pacific Steel Castings Company (PSC) in Berkeley. PSC is in the process of revising the HRA to correct several minor deficiencies identified by the District, and is expected to distribute public notices required by the ATHS Program in November.

Staff is working on updating the toxics emission inventory and HRA for Lehigh Southwest Cement Company (Cupertino) for the ATHS Program. The updated inventory will include data on speciation of toxic compounds in dust associated with raw materials and finished products.

Title V Program

EPA Region IX initiated an evaluation of the Air District's Title V permit program. The Program Evaluation consists of three parts: (1) a detailed written questionnaire covering a broad range of topics including (a) permit preparation and content, (b) monitoring, (c) public participation, (d) compliance, and (e) resources and internal management; (2) interviews with 27 different Air District staff members that work on various aspects of the program; and, (3) review of approximately 100 Title V permit application files. EPA indicated that the results of the Program Evaluation would likely be finalized in the first quarter of 2009.

Work continued on applications for renewal of Title V permits for the five Bay Area refineries. These are by far the largest and most complex Title V permits that the Air District issues, and substantial efforts will be required to update the permits based on changes in regulatory requirements and changes in permitted sources that have occurred at the facilities. The refineries submitted these applications in May 2008, and the Air District needs to take final action within 18 months of receipt of an application.

Permit Evaluation Program

Staff completed the evaluation of the permit application for Chevron's Energy and Hydrogen Renewal Project at their Richmond Refinery. The Air District issued an Authority to Construct for this project on September 19, 2008.

Staff continued work on the evaluation of permit applications for several large proposed power plants. These include the Russell City Energy Center (Hayward), the Gateway Generating Station (Antioch), the Marsh Landing Generating Station (Antioch), and the Willow Pass Generating Station (Pittsburg). All of these projects trigger requirements for Prevention of Significant Deterioration (PSD) air dispersion modeling analyses. Staff continued work to revise public notification procedures for PSD permits as a result of a recent EPA Environmental Appeals Board ruling.

The California Energy Commission (CEC) recently denied a license and certification for the proposed Eastshore Energy Center (Hayward), so the District will not be issuing an Authority to Construct for that power plant. The CEC cited concerns with aviation safety as the primary basis for their decision, indicating that the facility could potentially have interfered with planes using the nearby Hayward Executive Airport.

Mirant submitted an application in July 2008 to retrofit the three oil-fired peaking turbines at their Potrero Power Plant to natural gas primary fuel with oil backup, and to install Selective Catalytic Reduction and Oxidation Catalyst advanced emission controls. This project, if it receives the necessary approvals, will likely replace the following two proposed natural gas-fired simple cycle combustion turbine projects: (1) the 145-MW San Francisco Electric Reliability Project, and (2) the 48-MW San Francisco International Airport Combustion Turbine Project. The City and County of San Francisco, the permit applicant for these two projects, has requested that the Air District not take action to issue permits at this time, pending the outcome of the Mirant retrofit proposal.

A permit was issued to Pacific Steel Casting (Berkeley) for a project that will improve capture of emissions from the Electric Arc Furnace tap-out and Pouring and Cooling operations at their Plant 1. The project involves reconfiguring three ceiling vents directly above the main floor area. One vent will be permanently closed, and the other two vents will be fitted with collection hoods, and ducted to an existing baghouse and carbon adsorption unit.

Staff continues to assist CARB by compiling information needed to finalize the Bay Area portion of the Regional Haze State Implementation Plan (SIP). Based on CARB visibility modeling, it appears that only one Bay Area facility (Valero refinery in Benicia) will be subject to requirements for Best Available Retrofit Technology (BART) under federal Regional Haze regulations. Staff is working on BART determinations for various sources at the Valero facility to be included in the SIP.

Engineering Division staff began review of annual Flare Minimization Plan (FMP) updates for all five Bay Area refineries. A major effort is also underway to review outstanding Flaring Causal Reports. Twenty-nine reportable flaring events occurred during the period between June 2006 (when the District's Compliance Advisory on Causal Reports was issued) and May 2008.

Engineering Projects Program

Staff continued to develop policies, processes, procedures and use-cases as part of the Production System project. Two additional staff members have recently been assigned to the project as Production System activities increase.

Staff revised the BACT/TBACT Workbook for pumps and compressors. Staff also revised three Division policies, and finalized a new Permit Handbook chapter for asphaltic concrete plants. Finally, staff prepared draft website content for certified water heaters subject to Regulation 9, Rule 6.

LEGAL DIVISION – B. BUNGER, DISTRICT COUNSEL

The District Counsel's Office received 151 Violations reflected in Notices of Violation (NOVs) for processing.

Mutual Settlement Program staff initiated settlement discussions regarding civil penalties for 139 Violations reflected in NOVs. In addition, 10 Final 30 Day Letter(s) were sent regarding civil penalties for 13 Violation(s) reflected in NOVs. Finally, settlement negotiations by Mutual Settlement Program staff resulted in collection of \$80,704 in civil penalties for 93 violations reflected in NOVs.

Counsel in the District Counsel's Office initiated settlement discussions regarding civil penalties for 55 Violations reflected in NOVs. Settlement negotiations by counsel resulted in collection of \$706,150 in civil penalties for 37 violation(s) reflected in NOVs. In addition, the District collected \$14,035 from Zinsser Co. for violation of architectural coatings rules (no NOVs were associated with these penalties).

(See Attachment for Penalties by County)

OUTREACH AND INCENTIVES – L. FASANO

Public Information and Media

Spare the Air – The Air District issued nine Spare the Air advisories during the third quarter of 2008. Messages and tips for the Spare the Air Every Day campaign were finalized and creative work completed on production for the final TV spot, additional radio, billboard and print advertising. There were a total of 13 Spare the Air days during the 2008 Smog season. Press releases were issued each time, plus additional releases when conditions improved after several days of poor air.

Wildfires – The District issued several health advisories due to the smoke impacts from wildfires.

Wood Burning Rule – The Air District issued a press release regarding the passing of new restrictions on Regulation 6, Rule 3, regulating the use and sale of residential wood-burning devices to protect public health. Staff is working on a communications and outreach plan and working with contractors to develop a media campaign to educate the public about the new wood smoke rule. Television, radio, print, Internet, grassroots and outdoor advertising will be developed in the coming months.

Cool Globes – The Air District sponsored the Cool Globes exhibit at Crissy Field. Staff attended the kickoff event August 5, 2008 where Jack Broadbent was a featured speaker. Cool Globes is public art with a purpose, featuring custom-designed globes that depict simple solutions to global warming.

Alameda Green & Clean Parade – The District issued a press release regarding participation in the Alameda Green & Clean Fourth of July Parade. More than 25 Air District employees encouraged the public to make clean air choices by walking, biking and driving fuel efficient hybrids. The Air District won a 2nd place vehicle display for the *Spare the Air Every Day* wrapped hybrid vehicles and F-Cell car.

Oakland A's Game – The Air District sponsored the Oakland A's game on June 29 to promote the Spare the Air Every Day campaign. Executive Officer Jack Broadbent threw out the first pitch and Spare the Air Every Day messages were featured on the Oakland A's Radio Network, in the Oakland A's Magazine and on the scoreboard. During the game, staff provided information on the Air District's Spare the Air program, distributed informational material and was on-hand to answer general questions about the Air District.

Employer Summit – The Air District sponsored its 2nd Annual Employer Summit on

August 19. Attendees learned how to "blue" their business by starting or enhancing their company's clean air program. Representatives from the Air District and Cliff Bar, Genentech, Elder Creek Landscapes, and the Law Offices of Wendel, Rosen, Black & Dean offered ideas and shared experiences.

League of Women Voters – The August/September and October/November issues of the League of Women Voters Bay Area Monitor newsletter featured several articles written in consultation with Air District staff covering Air District-related topics such as the air quality impacts of the season's wildfires, our Spare the Air Employer Summit, the Maritime Improvement Plan, our new wood smoke rule, the East Bay Breathmobile and ALA's Healthy Air Walk. The Bay Area Monitor has a distribution list of about 4,000 residents.

District Invites the Public to Participate in Permit Process – The Air District issued a press release inviting interested members of the public to be on a mailing list to receive written notice of events relating to Prevention of Significant Deterioration permits.

Open Burning – The Air District issued a press release announcing the close of the permissible burn season for Double Crop Stubble within the Bay Area effective August 31, 2008. Open burn seasons for Marsh Management and for Stubble and Straw began September 1, 2008.

Breathmobile – The Air District issued a press release about the Breathmobile, a mobile asthma clinic co-sponsored by the Air District which made its Northern California debut September 18, 2008. The Air District was represented at the ribbon-cutting/press conference at Jack London Square in Oakland.

Media Inquiries and Coverage – Staff responded to hundreds of media inquiries regarding air quality, smoke impacts from Northern California wildfires, the wood smoke rule, Spare the Air advisories, Port of Oakland's Maritime Improvement Plan, diesel truck retrofitting, the Air District's Employer Summit, Russell City Energy Center, Honda port of entry project, impacts from Lennar operations in Bayview, the new federal ozone standard, lawnmower pollution, leaf blowers and go-cart regulations. Coverage included hundreds of individual stories in print, broadcast and Internet sources.

Public Inquiries – Staff responded to hundreds of calls from the public regarding air quality, the wood smoke rule, impacts from the wildfires, permits and the vehicle buy-back program.

Community Outreach Report

Events – Outreach staff participated in five community events in July, eight in August and seven in September. Air District materials were distributed and questions from the public were answered.

West Oakland Truck Count Survey – Outreach and Planning staff helped train and collaborated with community members and organizations like Wiltec Technologies, Sonoma Technologies and the West Oakland Environmental Indicators Project. After two months of planning, Air District staff and paid community members documented truck patterns, identified types of trucks and recorded license plate data for the two-week survey. The data will be used to enhance the Air District's understanding of cargo transport throughout the West Oakland community and serves as an additional Phase II study for the Air District's Community Air Risk Evaluation program. Staff has continued meeting with leaders of the West Oakland Environmental Indicators Project to discuss further collaborative effort.

2009 Bay Area Clean Air Plan Workshops – Staff coordinated the public outreach and logistics for the Multi-Pollutant Plan in Oakland. Outreach consisted of electronic notifications to the Air District's listserve of interested parties, community groups and health professionals. Staff helped organize and facilitate the meeting and was on-hand to address any questions and concerns.

Goods Movement Program/I-Bond Workshops – Staff assisted the Administrative Services and Incentives Division with public outreach and workshops for the Goods Movement Grant Program. Notices of workshops were sent to community groups and the Air District's Community Outreach Resource Teams. Resource team contacts sent additional notices of the workshops to chambers of commerce in Sonoma County and the cities of Hayward and Napa. In addition, staff helped with logistics for workshops in Richmond, Oakland and San Jose, attending and helping facilitate the Richmond workshop.

4th and Berry Meeting in San Francisco – The Air District participated in a community meeting at 255 Berry Street in San Francisco with CalTrain officials, neighborhood residents, building managers and developers, UCSF, and NRDC. The main topic of discussion was diesel particulate emissions, idling, and noise from CalTrain operations. The Air District has been actively meeting with the 4th and Berry group to discuss the Air District's Community Air Risk Evaluation (CARE) and grant programs as they relate to this community.

UCSF Mission Bay Day Care Meeting – Outreach and Enforcement staff met with Travis Clark, Paul Franke and Robert Frank with the University of San Francisco to discuss the day care center facility located in Mission Bay. Parents have raised concerns about the air quality impacts to children in and around Mission Bay. UCSF hopes the Air District can attend an upcoming meeting to address specific air quality concerns and provide air quality information as it relates to the Mission Bay region.

San Jose Green Vision Team – The Air District and the City of San Jose staff held a series of planning meetings and a work session in a collaborative effort to organize local businesses and communities into a new resource team. The team will work on projects designed to support the City of San Jose's Green Vision.

Santa Clara Fire Safe Council – Staff did a presentation in August on particulate matter and public health, looking at the short-term and long-term implications of both wood smoke from fireplaces and woodstoves and from this summer's wildfires. Eight members of the Fire Safe Council Executive Board and seven community members were present. Staff also made a similar presentation to the Mountain View chapter of Better Breathers Clubs.

Charter Property Casualty Underwriters Society – Staff gave a presentation in August to the Rohnert Park Chapter of the Charter Property Casualty Underwriters Society about the Air District's mission to protect public health and about ozone, PM2.5 and greenhouse gases. The focus was on air quality challenges and opportunities now and into the future.

Dublin School Spare the Air Kickoff – Staff showcased one the Air District's new Priuses wrapped with a *Spare the Air* message, posters and bookmarks to Dublin Elementary for the first day of school. The event was a kickoff of two weeks of *Spare the Air* messaging to students. Outreach staff greeted students and parents walking and biking to school and gave out 150 Power Down/*Spare the Air* bookmarks with energy conservation tips for at home and school.

CARE Task Force Meeting – Presentations at the September meeting included an overview of the Board-adopted resolution to continue reducing toxic air contaminants in impacted communities, land use guidance, regional toxics modeling results, and updates on the CARE Program and Mitigation Action Plan. Outreach staff presented regarding the community outreach efforts of the Air District and collaborative efforts with various businesses, nongovernment organizations and community representatives.

San Mateo County Resource Team Meeting – Staff organized, outreached and participated in the Air District's first meeting of the San Mateo County Air Quality Resource Team in September. Jack Broadbent presented an overview of the Air District; Director Jerry Hill provided information on San Mateo County specific priorities, and the team brainstormed project ideas to benefit the entire County.

The Future is Green CAPCOA Meeting – Staff set up and hosted a booth at the annual CAPCOA conference. At this event, staff employed new strategies for outreach including posters to highlight the Climate Protection Grant Program, CARE program and incentive programs, plus presence of a Prius decorated with the Air District's *Spare the Air Every Day* message. Several hundred middle and high school students, environmental activists, members of the general public and air quality professionals visited the booth to learn about the Air District's programs.

Contra Costa Resource Team Meeting – Outreach and Planning staff facilitated the Contra Costa Environmental Justice Resource Team (CCEJ) meeting in September, featuring the Air District's program and 2009 Clean Air Plan. Staff networked with Richmond community members prior to the meeting, compiled an overview fact sheet highlighting Air District programs, and organized meeting logistics. Following presentations by Phil Martien and David Burch, members of the public provided feedback on community concerns and mitigation suggestions. Staff recorded community comments, concerns, and suggestions and will compile a complete list after the remaining CCEJ meetings are completed. A follow-up meeting with our consulting staff at

Community Focus held later focused on goals for team.

‘Protect Your Climate’ School Curriculum Trainings – Outreach and Planning staff attended the training session for teachers in Oakland and Pleasanton in September. Staff provided background information on the Air District, observed the training session, and participated in highlighted lessons from the curriculum with the teachers. Approximately 40 teachers were trained.

Lindsay Wildlife Museum Teacher Science Fair – Staff presented information about the Air District’s Youth Outreach Program at the annual Lindsay Wildlife Museum Teacher Science Fair in September in Walnut Creek. Staff spoke to teachers about the two Air District-sponsored curricula: the Clean Air Challenge (middle and high school) and Protect Your Climate (4-5th grades). Staff also presented information on the Air District’s *eCO2mmute Student Manual* for high school competitions to reduce greenhouse gases and *Cool the Earth* program that challenges students in grades K-8 to reduce their carbon footprints. Approximately 12 teachers requested copies of the curricula and/or to participate in teacher workshops in the Spring.

PLANNING DIVISION – H. HILKEN, DIRECTOR

Community Air Risk Evaluation (CARE) Program

Staff met with community and industry groups to develop a resolution on cumulative impacts of air pollution and on continuing to reduce air contaminants in impacted communities. The Board of Directors adopted the resolution on July 30, 2008. Staff conducted a survey of diesel truck activity in West Oakland, in cooperation with community groups, in order to more accurately identify local truck traffic in West Oakland. Staff convened a CARE Task Force meeting to discuss forming a working group to consider potential next steps for implementing the Board Resolution on cumulative impacts, to review recently completed toxics modeling, and to discuss the SF Department of Public Health’s recent work in developing land use guidance for development near busy roadways in San Francisco. Three new members were appointed to the Task Force: Kerrie Romanow, Assistant Director of Environmental Services, City of San Jose; Amy Cohen, Fellow at the Environmental Law and Justice Clinic at Golden Gate University School of Law; and Dr. Thomas Kirchstetter, staff scientist at the Lawrence Berkeley National Laboratory. Staff presented an overview of the CARE program and the CARE Mitigation Action Plan to MTC’s Minority Advisory Committee, to representatives of UCSF Environmental Health and Safety Services and parents of children attending the Child Care Center at Mission Bay, and to the Air District Advisory Council. During this quarter, staff announced a series of community meetings on the CARE Mitigation Action Plan, the 2009 Clean Air Plan, and grant-funded projects that reduce emissions in impacted communities. The first community meeting was held in Richmond on September 25.

Air Quality Planning Program

On behalf of the four regional agencies, staff submitted an application to MTC for funding of a regional Climate Action Campaign and truck emission reduction proposal in the T-2035 investment plan. Staff has finalized the Protect Your Climate curriculum for this year's roll-out and use by 43 teachers representing all nine Bay Area counties; staff has also placed the curriculum on the Air District's web site. Staff continued to collaborate with CARB on development of a statewide CEQA significance threshold for greenhouse gases. Staff continued tracking AB 32 implementation with the development of early action measures and the Scoping Plan. Staff assisted in the preparation of the draft CAPCOA Model Air Quality Element intended as a resource document for local governments to integrate climate protection policies and measures into their general plans. Staff has begun planning for the 2009 Climate Protection Summit by securing consultant services to assist with logistics and event planning activities.

Staff conducted the initial public workshops for development of the 2009 Clean Air Plan (CAP). As part of outreach associated with the CAP, staff has prepared a frequently asked questions flyer and established voicemail boxes with greetings in Spanish, Mandarin, Cantonese, and Vietnamese to enable the public to request information and provide input on the CAP. Staff continued to collaborate with MTC on the preparation of the T-2035 RTP update, including participating in the Partnership Ad Hoc Committee on developing performance measures to evaluate projects submitted to MTC for funding. Staff continued to participate in the FOCUS regional smart growth initiative in collaboration with ABAG, MTC, and BCDC. Staff submitted CEQA comment letters for an NOP for the City of San Pablo General Plan Update, the 49ers Stadium Project NOP in the City of Santa Clara, the DEIR for the Lowe's Shopping Center Project in the City of Concord, the DEIR for the Altamont Motorsports Park in Alameda County, the DEIR for the Honda Port of Entry in the City of Richmond, the City of Moraga Specific Plan DEIR, and the City of Concord Community Reuse Project DEIR.

Rule Development Program

Staff presented proposed amendments to Air District Regulation 9, Rule 7: Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional and Commercial Boilers, Steam Generators and Process Heaters to the Board of Directors at a public hearing on July 30, 2008. The Board adopted the amendments, along with concurrent amendments to Regulation 3: Fees, Schedule R: Equipment Registration Fees, and the Manual of Procedures, Volume I, Chapter 5: Boiler, Steam Generator and Process Heater Tuning Procedure. Staff hosted two public workshops in San Francisco and Oakland to discuss proposed amendments to Regulation 8, Rule 20: Graphic Arts Printing and Coating Operations. Staff hosted three public workshops in San Francisco, San Jose and San Pablo to discuss proposed amendments to Regulation 8, Rule 45: Motor Vehicle and Mobile Equipment Coating Operations. Staff presented an update of the proposed amendments to Reg. 8-20 and Reg. 8-45 to the Stationary Source Committee. Staff posted proposed amendments to Regulation 8, Rule 33 and 39, concerning Gasoline Bulk Terminals, Bulk Plants and Gasoline Delivery Vehicles in preparation for public workshops on October 6.

Research and Modeling Program

Staff completed regional toxics modeling and associated cancer risk evaluation for the CARE program. Staff continued to analyze and simulate particulate matter episodes captured during the California Regional Particulate Air Quality Study. Staff presented two technical papers at the Air and Waste Management Association's Annual Conference, on PM modeling and affects of climate change on Bay Area air quality. Staff participated in several Central California Ozone Study (CCOS) Technical Committee meetings. Staff continued working with UC Davis to study summertime ozone and wintertime PM transport between the Bay Area and the Central Valley. Staff assisted the Engineering Division in permit modeling for several sites, including: East Altamont Energy Center, Sentinel Crematory, Marsh Landing Generating Station, Hanson Cement, Willow Pass Generating Station and Pacific Steel Casting.

Special Projects

Staff continued work on preparing the Base Year 2005 emission inventory and refining future year's emissions and writing the methodology document. Staff continued working on updating the Bay Area GHG emissions inventory and responding to questions from staff in other Divisions. Staff is working with consultants to complete the verification of the Air District's in-house GHG inventory for the Climate Action Registry. Staff continues to collaborate with consultants in preparing the Bay Area Seaports Air Emission Inventory and participate in Task Force meetings. Staff attended ARB's public workshop on the proposed On-road Truck Regulation.

TECHNICAL DIVISION – G. KENDALL, DIRECTOR
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Air Quality

During the third quarter of 2008 ozone levels exceeded the 8-hr national standard on 6 days. The State 8-hr standard was exceeded on 9 days and the State 1-hr standard was exceeded on 6 days. This summer there were 11 exceedances of the 8-hr national ozone standard in the Bay Area. This compares with 2 exceedances last summer.

July through September had 4 periods when temperatures reached triple digits. This resulted in 13 hot days (days warmer than 98 degrees) during the quarter, and 16 hot days for the entire summer. Last year there were 6 hot days during the summer.

Smoke from wildfires was transported over the Bay Area from July 7th thru July 25th. Daily surface particulate levels varied with the strength of the westerly sea breeze during that period. Air District continuous PM_{2.5} monitors recorded 3 days with values above the national 24-hour PM_{2.5} standard: July 8th, 9th, and 10th. July 8th was a filter sample day (operating on a 1 in 3 day schedule), but the three filter-based samplers operating that day did not record any PM_{2.5} exceedances. The other 7 filter-based samplers operate on a 1 in 6 day schedule which missed this period.

Air Monitoring

All 31 air monitoring stations were operational from July 1st to September 30th 2008, with equipment operating on routine, EPA-mandated schedules.

Meteorology and Forecasting

Second quarter 2008 air quality data were quality assured and entered into the EPA Air Quality System (AQS) database. Staff continued to make daily air quality, Spare the Air, and burn forecasts. Staff attended a meeting with Chevron Refinery staff to discuss the Community Monitoring Program Chevron is developing. Staff conducted site inspections of the Ground Level Monitoring systems at ConocoPhillips, Valero, Shell and Tesoro Refineries.

Performance Evaluation

The Performance Evaluation (PE) group conducted regular, mandated performance audits of 111 monitors at 31 Air District air monitoring stations. PE staff completed performance audits on the Ground Level Monitoring networks at the Tesoro, Valero, and Chevron Refineries; all monitors passed the audits. Staff conducted episodic H₂S monitoring near Signature Solutions, Inc, in the vicinity of San Francisco International Airport. No violations were recorded.

Laboratory

In addition to routine ongoing analyses, two fallout samples and two source samples of coke (the suspected source of the fallout) were microscopically compared. The source samples were obtained from Tesoro and Koch Carbon. The fallout samples were collected in the vicinity of Marine Express, 69 S. East 3rd St., Pittsburg.

Two ambient air samples collected in the vicinity of a dry pond at P.G.& E./Shell in Bay Point were analyzed for toxic compounds.

One grab sample of cement from Rich Readymix Concrete Inc., Greenbrae was analyzed for nickel, copper, zinc, arsenic, cadmium and lead.

Source Test

Ongoing Source Test activities during July, August, and September of 2008 included Continuous Emissions Monitoring (CEM) Field Accuracy Tests, source tests, gasoline cargo tank testing, and evaluations of tests conducted by outside contractors. The ConocoPhillips Rodeo Refinery's open path monitor monthly reports for June, July, and August were reviewed. The Source Test Section continued its participation in the District's Rule Development efforts and Business System's Analysis for the new Production System.

STATISTICS

Administrative Services:**Accounting/Purchasing/Comm.**

General Checks Issued	1,739
Purchase Orders Issued	508
Checks/Credit Cards Processed	3,992
Contracts Completed	49
RFP's	4

Executive Office:

Meetings Attended	142
Board Meetings Held	2
Committee Meetings Held	10
Advisory Council Meetings Held	2
Advisory Council Committee Mtgs. Held	3
Hearing Board Meetings Held	0
Variances Received	6

Information Systems

New Installation Completed	29
PC Upgrades Completed	21
Service Calls Completed	644

Human Resources

Manager/Employee Consultation (Hrs.)	275
Management Projects (Hrs.)	180
Employee/Benefit Transaction	382
Training Sessions Conducted	17
Applications Processed	412
Exams Conducted	9
New Hires	7
Payroll Administration (Hrs.)	615
Safety Administration	82
Inquiries (voice/telephone/in-person)	908

Vehicle/Building Maintenance

Vehicle Services Completed	155
Requests for Building Services	254

Compliance and Operations Program

Asbestos Plans Rec'd	1,423
Coating and other petitions Evaluated	15
Open Burn Notifications Rec'd	23
Prescribed Burn Plans Evaluated	15
Smoking Vehicle Complaints Rec'd	3,078
Tank/Soil Removal Notifications Rec'd	15
Compliance Assistance Inquiries Rec'd	278
Green Business Reviews	18
Flare Notifications	18

Compliance Assurance Program

Industrial Inspections Conducted	3,360
GDF Inspections Conducted	988
Asbestos Inspections Conducted	646
Open Burning Inspections Conducted	5
Auto Body/Dry Cleaning Inspections Conducted	14

Engineering Division:

Annual Update Packages Started	1,064
Annual Update Packages Completed	1,322
Total Update Pages Entered	1,073
New Applications Received	508
Authorities to Construct Issued	153
Permits to Operate Issued	399
Exemptions	12
Authorities to Construct Denied	0
New Companies added to Databank during the 3rd Quarter 2008	186

Outreach & Incentives Division:

Presentations Made
Responses to Media Inquiries
Press Releases
General Requests for Information
Visitors

STATISTICS (continued)

Compliance and Enforcement Division:

Enforcement Program

Reportable Compliance Activity Investigated	148
Citizen Complaints Investigated	817
GDF Tags Issued	207
Violations Resulting in Notices of Violation	185
Violations Resulting in Notice to Comply	162
New Hearing Board Cases Reviewed	1

Technical Services:

3rd Quarter 2008 Ambient Air Monitoring

Days Exceeding Nat'l 24-hour PM _{2.5} Std.....	0
Days Exceeding Nat'l 24-hour PM ₁₀ Std.....	0
Days Exceeding Nat'l 24-hour PM ₁₀ Std.....	0
Days Exceeding the Nat'l 8-hour Ozone Std...	6
Days Exceeding the State 1-hour Ozone Std...	6
Days Exceeding the State 8-hour Ozone Std...	9

Ozone Totals, Jan.-Dec. 2008

Days Exceeding Nat'l 8-hour Ozone Std.....	11
Days Exceeding State 1-hour Ozone Std.....	9
Days Exceeding State 8-hour Ozone Std.....	17

Particulate Totals, Jan.-Dec. 2008

Days Exceeding Nat'l 24-hour PM _{2.5} Std.....	5
Days Exceeding the Nat'l 24-hour PM ₁₀ Std....	0
Days Exceeding State 24-hour PM ₁₀ Std.....	2

PM_{2.5} Winter Season Totals for 2007-2008

Days Exceeding Nat'l 24-hour PM _{2.5} Std.....	7
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3rd Quarter 2008 Agricultural Burn Days

July-Sept. Permissive Burn Days – North.....	50
July-Sept. No-Burn Days – North.....	42
July-Sept. Permissive Burn Days – South.....	50
July-Sept. No-Burn Days – South.....	42
July-Sept. Permissive Burn Days – Coastal...	55
July-Sept. No Burn Days – Coastal.....	37

Laboratory

Sample Analyzed.....	1,085
Inter-Laboratory Analyses.....	1

Technical Library

Titles Indexed/Cataloged	
Periodicals Received/Routed	

Source Test

Total Source Tests.....	247
Pending Source Tests.....	4
Violation Notices Recommended.....	9
Contractor Source Tests Reviewed.....	3,684

Continuous Emissions Monitoring (CEM)

Indicated Excess Emission Report Eval...	41
Monthly CEM Reports Reviewed.....	163
Indicated Excesses from CEM.....	19

Ground Level Monitoring (GLM)

July-Sept. Ground Level Monitoring SO ₂ Excess Reports.....	0
July-Sept. Ground Level Monitoring H ₂ S Excess Reports.....	0

These facilities have received one or more Notices of Violations
Report period: July 1, 2008 – September 30, 2008

Alameda County

Status Date	Site #	Site Name	City	Regulation Title
07/10/2008	C9327	76 Gas Station	Alameda	Gasoline Dispensing Facilities
08/06/2008	C8874	AM-PM Mini Market/ARCO Fac #2112	Alameda	Gasoline Dispensing Facilities
07/03/2008	B0887	C & C Drycleaner	Berkeley	Perc & Synthetic Solvent Dry Cleaning Operations
07/31/2008	T0514	Figueroa Tank Lines	Berkeley	Gasoline Bulk Terminals & Gasoline Delivery Vehicles
09/23/2008	C0367	Quik Stop	Castro Valley	Gasoline Dispensing Facilities
09/09/2008	C7480	Stop & Save	Castro Valley	Permit to Operate
07/18/2008	A3933	Kaiser Foundation Hosp, Facility Op Dept	Hayward	Permit to Operate
08/12/2008	A0200	Rohm and Haas Chemicals LLC	Hayward	Storage of Organic Liquids
07/18/2008	B9166	California's Gunit & Pool Plustering	Livermore	Authority to Construct; Permit to Operate
08/13/2008	C9920	Parthian Chevron	Livermore	Gasoline Dispensing Facilities
09/03/2008	A1190	Evergreen Oil, Inc	Newark	Public Nuisance
08/18/2008	C9369	76 branded Gas Station	Oakland	Permit to Operate
08/06/2008	C0540	ARCO Facility #02185 - BILLY J AMBERS INC	Oakland	Gasoline Dispensing Facilities
09/23/2008	D0209	ARCO Facility #09535 - KRISHAN K GOYAL	Oakland	Gasoline Dispensing Facilities
08/06/2008	C9508	Chevron #9-1851	Oakland	Gasoline Dispensing Facilities
08/29/2008	D0035	Omjai Corporation dba Lakeside Valero	Oakland	Permit to Operate
09/16/2008	C9006	76 Gas Station #5760	San Lorenzo	Gasoline Dispensing Facilities

Contra Costa County

Status Date	Site #	Site Name	City	Regulation Title
	M786			Particulate Matter & Visible Emissions
07/03/2008	9	Stroer Graff Inc	Antioch	
08/27/2008	B2967	TRC	Antioch	Failure to Meet Permit Conditions
07/29/2008	A0581	ST Shore Terminals LLC	Crockett	Major Facility Review (Title V); Storage of Organic Liquids
07/10/2008	C1359	EGC Service Station	El Sobrante	Permit to Operate
07/28/2008	C5797	Moe's Texaco	Lafayette	Gasoline Dispensing Facilities
08/18/2008	B0408	County Asphalt	Martinez	Failure to Meet Permit Conditions
09/26/2008	C9427	EASY SERV	Martinez	No Permits Posted; Gasoline Dispensing Facilities
09/23/2008	C8543	FASTSTOP	Martinez	Gasoline Dispensing Facilities
09/23/2008	N2467	Golden Gate Express	Martinez	Gasoline Dispensing Facilities
07/03/2008	A0011	Shell Martinez Refinery	Martinez	Standards of Performance for New Stationary Sources; Equipment Leaks; Storage of Organic Liquids
09/09/2008	B2758	Tesoro Refining and Marketing Company	Martinez	Flare Controls at Petroleum Refineries; Storage of Organic Liquids
07/18/2008	A0031	Dow Chemical Company	Pittsburg	Equipment Leaks

These facilities have received one or more Notices of Violations
Report period: July 1, 2008 – September 30, 2008
Continued

Contra Costa County

Status Date	Site #	Site Name	City	Regulation Title
07/18/2008	A0932	Quebecor World Pittsburg	Pittsburg	Failure to Meet Permit Conditions; Graphics Arts Printing & Coating Operations
09/03/2008	A0628	Chevron Chemical Company	Richmond	Gasoline Dispensing Facilities Standards of Performance for New Stationary Sources; Continuous Emission Monitoring & Recordkeeping Procedures; Parametric Monitoring & Recordkeeping Procedures;
09/15/2008	A0010	Chevron Products Company Dutra Materials/San Rafael Rock Quarry Inc	Richmond	Major Facility Review (Title V)
08/07/2008	A7053	Quarry Inc	Richmond	Particulate Matter & Visible Emissions
09/16/2008	A0745	Pacific Atlantic Terminals LLC	Richmond	Failure to Meet Permit Conditions; Storage of Organic Liquids
08/06/2008	C1620	Servo Gasoline & Snacks	Richmond	Failure to Meet Permit Conditions
09/02/2008	C7223	Stop & Save Gasoline	Richmond	Failure to Meet Permit Conditions; Gasoline Dispensing Facilities
10/15/2008	A1840	West Contra Costa County Landfill	Richmond	Solid Waste Disposal Sites Standards of Performance for New Stationary Sources; Major Facility Review (Title V); Equipment Leaks
08/27/2008	A0016	ConocoPhillips - San Francisco Refinery	Rodeo	
08/06/2008	C5810	USA #68208	San Pablo	Gasoline Dispensing Facilities
08/06/2008	D0362	Valero Refining Co SS#7272	San Pablo	Permit to Operate
08/18/2008	C7361	Sunol Super Stop	Sunol	Gasoline Dispensing Facilities

These facilities have received one or more Notices of Violations
Report period: July 1, 2008 – September 30, 2008
Continued

Marin County

Status Date	Site #	Site Name	City	Regulation Title
09/23/2008	C8039	Fairfax Gas	Fairfax	Gasoline Dispensing Facilities
07/29/2008	C6313	City of Mill Valley	Mill Valley	Gasoline Dispensing Facilities
09/02/2008	A0297	Vogue Cleaners, Inc	Mill Valley	Perc & Synthetic Solvent Dry Cleaning Operations
08/06/2008	C0558	Town of Tiburon	Tiburon	Failure to Meet Permit Conditions

Napa County

Status Date	Site #	Site Name	City	Regulation Title
07/03/2008	A1204	Masonry Products	Napa	Failure to Meet Permit Conditions

San Francisco County

Status Date	Site #	Site Name	City	Regulation Title
07/29/2008	S6567	SFD	San Francisco	Asbestos Demolition, Renovation & Mfg.

San Mateo County

Status Date	Site #	Site Name	City	Regulation Title
08/07/2008	C7072	G & G Greco #254519	Belmont	Gasoline Dispensing Facilities
09/02/2008	A9864	One Hour Martinizing	Belmont	Perc & Synthetic Solvent Dry Cleaning Operations
08/12/2008	A1351	City of Burlingame, Waste Water Treatment Plant	Burlingame	Failure to Meet Permit Conditions
09/08/2008	C7964	ConocoPhillips #253652	Menlo Park	Gasoline Dispensing Facilities
07/16/2008	C8999	Canyon Gas & Propane	Redwood City	Permit to Operate
08/06/2008	A4177	New A-1 Cleaners	San Mateo	Perc & Synthetic Solvent Dry Cleaning Operations
09/17/2008	T1338	Double AA	South San Francisco	Gasoline Bulk Terminals & Gasoline Delivery Vehicles
08/12/2008	A1257	Genentech, Inc	South San Francisco	Failure to Meet Permit Conditions

These facilities have received one or more Notices of Violations
Report period: July 1, 2008 – September 30, 2008
Continued

Santa Clara County

Status	Date	Site #	Site Name	City	Regulation Title
	08/27/2008	B2183	Metcalf Energy Center	Coyote	Major Facility Review (Title V)
	07/31/2008	T0548	Crown E. Ranch	Morgan Hill	Open Burning
	09/16/2008	T1337	SFD	Morgan Hill	Open Burning
	08/18/2008	K5765	O'Grady paving Inc	Mountain View	
	07/02/2008	T0022	Blaine Settle	San Jose	Motor Vehicle & Mobile Equip Coating Operations
	08/04/2008	B1670	Gas Recovery Systems, Inc	San Jose	Major Facility Review (Title V); NOx & CO from Stationary Internal Combustion Engines
	07/14/2008	B3289	Los Esteros Critical Energy Facility	San Jose	Parametric Monitoring & Recordkeeping Procedures;
	09/03/2008	C0541	Petro America	San Jose	Major Facility Review (Title V) Permit to Operate
	09/10/2008	S9287	Raisch Products	San Jose	Asbestos Demolition, Renovation & Mfg.
	08/21/2008	A0107	Reed & Graham, Inc	San Jose	Failure to Meet Permit Conditions
	09/03/2008	C9561	T & T Auto Service and Gas Station	San Jose	Gasoline Dispensing Facilities
	09/03/2008	C3780	Western States Oil	San Jose	Gasoline Dispensing Facilities
	08/29/2008	T1047	Yanez Tree Service	San Martin	Open Burning
	09/10/2008	T1246	Calhoun Brothers Grading and Paving	Santa Clara	Asbestos Demolition, Renovation & Mfg.
	08/18/2008	A0041	Owens Corning Insulating Systems, LLC	Santa Clara	Major Facility Review (Title V)
	08/29/2008	A9209	Proto Paint	Santa Clara	Permit to Operate
	08/25/2008	B4991	Silicon Valley Power Von Raesfeld Power Plant	Santa Clara	Major Facility Review (Title V)

Solano County

Status	Date	Site #	Site Name	City	Regulation Title
	07/17/2008	T0285	Bart Price	Benicia	Open Burning
	07/15/2008	B2626	Valero Refining Company - California	Benicia	Public Nuisance; Major Facility Review (Title V); Storage of Organic Liquids
	08/12/2008	A7618	Ashland Chemical Company	Fairfield	Public Nuisance
	07/03/2008	T0033	Austin Jansen Construction	Fairfield	Asbestos Demolition, Renovation & Mfg.
	09/03/2008	B1381	Carter & Company	Vallejo	Permit to Operate

These facilities have received one or more Notices of Violations
Report period: July 1, 2008 – September 30, 2008
Continued

Sonoma County

Status Date	Site #	Site Name	City	Regulation Title
09/16/2008	B8750	Alvarado Street Bakery	Petaluma	Authority to Construct; Permit to Operate; New Source Review
07/03/2008	C8364	Tesoro	Petaluma	Gasoline Dispensing Facilities
08/21/2008	C9139	Redwood Shell	Rohnert Park	Gasoline Dispensing Facilities
08/18/2008	C9879	A & J Gas	Santa Rosa	Permit to Operate
08/21/2008	D0029	B & G Gas & Food Mart/Fast Lane Gas & Food	Santa Rosa	Permit to Operate; Gasoline Dispensing Facilities
08/06/2008	C7098	Fast & Easy Mart	Santa Rosa	Permit to Operate
07/03/2008	R0038	Gildardo A. Olivares	Santa Rosa	Open Burning
09/16/2008	R9095	North Bay Corp.	Santa Rosa	Authority to Construct; Permit to Operate
08/20/2008	A0869	Redwood Coast Petroleum	Santa Rosa	Gasoline Bulk Terminals & Gasoline Delivery Vehicles
10/16/2008	S8727	Santa Rosa Stainless Steel	Santa Rosa	Authority to Construct; Permit to Operate

Closed NOV's with Penalties by County July 2008 – September 2008

Alameda

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
76 Gas Station	C9327	Alameda	\$400	1
Berkeley Forge & Tool Inc	A0819	Berkeley	\$3,000	1
Dent Pro Colors	S8726	Berkeley	\$650	1
University Arco	C0121	Berkeley	\$400	2
Tomra Pacific, Inc	B1776	Fremont	\$1,224	2
Western Digital Corporation	A8391	Fremont	\$600	1
Synergy Enterprises	R3973	Hayward	\$7,750	7
Parthian Chevron	C9920	Livermore	\$850	2
Vasco Valero Inc	D0258	Livermore	\$500	1
Waste Management of Alameda County	A2066	Livermore	\$500	1
ARCO Facility #02185 - BILLY J AMBERS INC	C0540	Oakland	\$200	1
Chevron #1740	C0773	Oakland	\$1,000	1
Coast Litho	S4108	Oakland	\$1,500	2
Eagle Gas	C0192	Oakland	\$1,000	3
Horizon Lines, The Horizon Eagle	S6352	Oakland	\$3,000	1
Oakland Bag, Inc	B7715	Oakland	\$40,000	3
SF-Oakland Auto Truck Plaza	C7074	Oakland	\$300	2
Akido Printing Inc	B8270	San Leandro	\$780	2

Total Violations Closed: 34

**Closed NOV's with Penalties by County
July 2008 – September 2008 – continued**

Contra Costa

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Stroer Graff Inc	H0019	Antioch	\$500	1
State of California	A8930	Byron	\$750	1
Carone and Company Inc.	R7591	Concord	\$1,800	1
SFPP, L P	A4022	Concord	\$37,000	5
County Asphalt	B0408	Martinez	\$6,000	4
ARCO - RICHMOND	A0057	Richmond	\$750	1
BP West Coast Products, LLC	A0057	Richmond	\$15,000	2
Superstop	C6594	Rodeo	\$1,500	2
Valero Refining Co SS#7272	D0362	San Pablo	\$500	1

Total Violations Closed: 18

Marin

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Kwick Serve-Corte Madera	C5664	Corte Madera	\$1,500	2
City of Mill Valley	C6313	Mill Valley	\$1,000	1
Novato Shell - Shell Oil Products	C1843	Novato	\$600	1
Kunst Bros Painting	D1978	San Rafael	\$750	2

Total Violations Closed: 6

**Closed NOV's with Penalties by County
July 2008 – September 2008 – continued**

Napa

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Masonry Products	A1204	Napa	\$3,000	1
Steve Simi	S8610	Napa	\$500	1

Total Violations Closed: 2

San Francisco

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Alex Toddler	S5959	San Francisco	\$1,200	2
Ellis Brooks Chevrolet	C2693	San Francisco	\$1,000	2
Lennar BVHP, LLS	R9439	San Francisco	\$515,000	2
Pacific Heights Chevron	C8824	San Francisco	\$1,000	1

Total Violations Closed: 7

San Mateo

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
G & G Greco #254519	C7072	Belmont	\$250	1
Environmental Services Agency	D0076	San Mateo	\$750	1
Global Power Group Inc (Toys "R" Us)	B5403	San Mateo	\$1,250	1
Proline Auto Body Service	R7346	San Mateo	\$1,750	3
San Mateo Gas Co	D0453	San Mateo	\$750	1

Total Violations Closed: 7

**Closed NOV's with Penalties by County
July 2008 – September 2008 – continued**

Santa Clara

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
International Disposal Corporation of Calif	A9013	Milpitas	\$3,000	2
George Chiala Farms (agricultural parcel)	S8092	Morgan Hill	\$800	1
Cardinal Cogen, Inc	A1629	Palo Alto	\$5,000	1
California Kitchen	B5013	San Jose	\$500	1
City Gas	C0402	San Jose	\$800	1
ConocoPhillips #2611229-Chalal Enterprise	C0834	San Jose	\$250	1
Reed & Graham, Inc	A0107	San Jose	\$1,500	1
Santa Clara Valley Health & Hospital System	A0475	San Jose	\$1,000	1
SFPP, LP	A4020	San Jose	\$9,500	2
Spartan Station	C4239	San Jose	\$400	1
TEP Construction	R5467	San Jose	\$1,000	1
Valero Refining Company	D0387	San Jose	\$500	1
Hill Mfg, LLC	A2826	Santa Clara	\$1,400	4
HSR, Inc	S7560	Santa Clara	\$1,200	2
Maaco Collision Repair & Auto Painting	A5246	Sunnyvale	\$1,000	1
Qwest Communications Corporation	B4682	Sunnyvale	\$1,400	1
Spansion LLC	A0592	Sunnyvale	\$9,500	3
Valero Sunnyvale	D0467	Sunnyvale	\$500	1

Total Violations Closed: 26

**Closed NOV's with Penalties by County
July 2008 – September 2008 – continued**

Solano

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
SFD	S8560	American Canyon	\$750	1
L & R Truck Trailer & Bus Painting	A9963	Benicia	\$500	1
Rodriquez, Lupes	F4301	Fairfield	\$2,150	1
Lodi Gas Storage LLC	B7657	Suisun City	\$800	2
Advance Construction	S1307	Vallejo	\$2,000	2

Total Violations Closed: 7

Sonoma

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Alvarado Street Bakery	B8750	Petaluma	\$4,000	3
Sonoma County Department of Public Works	A2254	Petaluma	\$8,000	4
Tesoro	C8364	Petaluma	\$1,000	1
Redwood Shell	C9139	Rohnert Park	\$750	1
Save Mart Supermarkets	C0867	Rohnert Park	\$1,250	3
Ahlborn Structural Steel	S7282	Santa Rosa	\$1,500	2
Redwood Coast Petroleum	A0072	Santa Rosa	\$1,000	1
Santa Rosa Junior College	B5870	Santa Rosa	\$1,000	1
Sears	B6229	Santa Rosa	\$50,000	1
Rai Gas Station Inc	C0912	Sonoma	\$500	1
Peter Slusser	P0022	Windsor	\$1,000	2

Total Violations Closed: 20

**Closed NOV's with Penalties by County
July 2008 – September 2008 – continued**

District Wide

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Rino	B2611	Ukiah	\$750	1
Williams Tank Lines/Mike Stewart	B2758	Stockton	\$3,500	1
KAG West, LLC	A4021	West Sacramento	\$4,000	1

Total Violations Closed: 3

ACRONYMS AND TERMINOLOGY

ABAG	Association of Bay Area Governments
AC	Authority to Construct issued to build a facility (permit)
AMBIENT	The surrounding local air
AQI	Air Quality Index
ARB	[California] Air Resources Board
ATCM	Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BANKING	Applications to deposit or withdraw emission reduction credits
BAR	[California] Bureau of Automotive Repair
BARCT	Best Available Retrofit Control Technology
BIODIESEL	A fuel or additive for diesel engines that is made from soybean oil or recycled vegetable oils and tallow. B100=100% biodiesel; B20=20% biodiesel blended with 80% conventional diesel
BTU	British Thermal Units (measure of heat output)
CAA	[Federal] Clean Air Act
CAL EPA	California Air Resources Board
CCAA	California Clean Air Act [of 1988]
CCCTA	Contra Costa County Transportation Authority
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CMA	Congestion Management Agency
CMAQ	Congestion Management Air Quality [Improvement Program]
CMP	Congestion Management Program
CNG	Compressed Natural Gas
CO	Carbon monoxide
EBTR	Employer-based trip reduction
EJ	Environmental Justice
EIR	Environmental Impact Report
EPA	[United States] Environmental Protection Agency
EV	Electric Vehicle
HC	Hydrocarbons
HOV	High-occupancy vehicle lanes (carpool lanes)
hp	Horsepower
I&M	[Motor Vehicle] Inspection & Maintenance ("Smog Check" program)
ILEV	Inherently Low Emission Vehicle
JPB	[Peninsula Corridor] Joint Powers Board
LAVTA	Livermore-Amador Valley Transit Authority ("Wheels")
LEV	Low Emission Vehicle
LNG	Liquefied Natural Gas
MPG	Miles Per Gallon

MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards (federal standards)
NO _x	Nitrogen oxides, or oxides of nitrogen
NPOC	Non-Precursor Organic Compounds
NSR	New Source Review
O ₃	Ozone
PM _{2.5}	Particulate matter less than 2.5 microns
PM ₁₀	Particulate matter (dust) less than 10 microns
PM _{>10}	Particulate matter (dust) over 10 microns
POC	Precursor Organic Compounds
pphm	Parts per hundred million
ppm	Parts per million
PUC	Public Utilities Commission
RFG	Reformulated gasoline
ROG	Reactive organic gases (photochemically reactive organic compounds)
RIDES	RIDES for Bay Area Commuters
RTP	Regional Transportation Plan
RVP	Reid vapor pressure (measure of gasoline volatility)
SCAQMD	South Coast [Los Angeles area] Air Quality Management District
SIP	State Implementation Plan (prepared for <i>national</i> air quality standards)
SO ₂	Sulfur Dioxide
TAC	Toxic Air Contaminant
TCM	Transportation Control Measure
TFCA	Transportation Fund for Clean Air [BAAQMD]
TIP	Transportation Improvement Program
TMA	Transportation Management Association
TOS	Traffic Operations System
tpd	tons per day
Ug/m ³	micrograms per cubic meter
ULEV	Ultra low emission vehicle
ULSD	Ultra low sulfur diesel
USC	United States Code
UV	Ultraviolet
VMT	Vehicle miles traveled (usually per <i>day</i> , in a defined area)
VTA	Santa Clara Valley Transportation Authority
ZEV	Zero Emission Vehicle

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 10, 2008

Re: Notice of Proposed Amendments to the Air District's Administrative
Code, Division I Operating Policies and Procedures of the Board of
Directors, Section 2 Board of Directors, Officers – Duties; and Section 7
Advisory Council

RECOMMENDED ACTION

None at this time. This item is a notice of Proposed Amendments to the Air District's Administrative Code, Division I Operating Policies and Procedures of the Board of Directors, Section 2 Board of Directors, Officers – Duties; and Section 7 Advisory Council. These proposed amendments define the meetings and role of the Advisory Council and the duties of the Chairperson of the Board of Directors relative to the Advisory Council. The proposed revisions are indicated in underline and strikethrough in the attached proposal.

BACKGROUND

In accordance with provisions of the Administrative Code governing amendments to the Code, notice is hereby given at the Board of Directors regular meeting of December 17, 2008, that the Board of Directors will consider at its next regular meeting, amendment of the code to define the meetings and role of the Advisory Council and the duties of the Chairperson of the Board of Directors relative to the Advisory Council.

The Executive Committee of the Board of Directors met on September 29, 2008 and considered a revised meeting approach and role for the Advisory Council and directed the Executive Officer/APCO to discuss this matter with the Advisory Council. Following meetings with the Advisory Council, and separately with the officers of the Advisory Council, the Executive Officer/APCO presented a revised meeting approach and role for the Advisory Council at the November 24, 2008 meeting of the Executive Committee of the Board of Directors. Based on that presentation, at its November 24, 2008 meeting, the Executive Committee unanimously recommended Board of Directors' approval of revised meeting approach and role for the Advisory Council. Subsequently, at its December 3, 2008, regular meeting, the Board of Directors unanimously approved the

recommendation of the Executive Committee and directed staff to present this proposed amendment to the District's Administrative Code

DISCUSSION

This noticing action will start the process of amending the Air District's Administrative Code to revise the meeting approach and role of the Advisory Council and clarify the role of the Chairperson of the Board of Directors relative to the Advisory Council.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian C. Bunger
Reviewed by: Jean Roggenkamp
Jeffrey McKay

Attachment(s)

Proposed Amendments to Administrative Code

SECTION 2 BOARD OF DIRECTORS, OFFICERS - DUTIES

2.2 CHAIRPERSON.

The Chairperson shall take the chair at the hour appointed for the meeting and call the District Board to order. In the absence of the Chairperson, the Vice-Chairperson shall call the Board to order and serve as temporary Chairperson. Upon arrival of the Chairperson, the Vice-Chairperson shall relinquish the chair upon the conclusion of the business then pending before the Board. In the absence, or self-determined inability to act, of the Chairperson, or the Vice-Chairperson when the Chairperson is absent, the Board Secretary shall call the Board to order and serve as temporary Chairperson. Upon arrival of the Chairperson or Vice-Chairperson, the Secretary shall relinquish the Chair upon the conclusion of the business then pending before the Board. In the absence, or self-determined inability to act, of the Chairperson, Vice Chairperson or Secretary, members of the Board of Directors shall, by an order on the Minutes, select one of their members to act as temporary Chairperson. Upon the arrival or resumption of ability to act, the Chairperson or Vice-Chairperson shall resume the Chair, upon the conclusion of the business then pending before the Board. It shall be the duty of the Chairperson to attend all meetings of the Bay Area Air Quality Management District Advisory Council.

SECTION 7 ADVISORY COUNCIL

7.1 ACTIVITIES OF COUNCIL.

A. The Advisory Council shall meet as a full Council a total of nine (9) times each year, for the following purposes: In or around January of each year the Advisory Council shall meet in a retreat format to consult with the Executive Officer/APCO to consider topics for four (4) meetings in a symposium format at which presentations and discussion on specific topics shall take place. The topics for these four (4) meetings may include, but are not necessarily limited to, the following topics: (a) current developments in health information related to air quality; (b) current developments in technologies and techniques for control of air emissions from stationary sources; (c) current developments in technologies and techniques for control of air emissions from mobile sources; and (d) current developments related to air quality in land use planning and transportation planning. Each of these four (4) meetings shall be followed by one meeting (for a total of four (4) additional meetings) at which the presentations made and materials received at the topical meeting are discussed and a report for the Board's consideration on the specific topic is agreed upon.

B. For any single additional meeting, if at least two-thirds (2/3) of the seated members of the Advisory Council determine by a vote taken in a regular meeting of the Advisory Council, or if at least two-thirds (2/3) of the seated members of the Board of Directors determine by a vote taken during a regular meeting of the Board of Directors, that such additional meeting is necessary, the Advisory Council may meet at such additional times and occasions as the Advisory Council, itself, or the Board of Directors shall determine is necessary.

C. The Advisory Council shall make recommendations and reports to the Board of Directors on ~~such~~ the matters considered at its meetings as the Council determines to be advisable and in such manner and form as the Council determines advisable. The

Advisory Council shall consider and report to the Board on specific matters which may be referred to the Council by the Board of Directors or by the Executive Committee of the Board of Directors. The members of the Advisory Council are selected because of their eminence in their professions and fields of endeavor and as representatives of interest groups in the community. The Advisory Council shall consider for the Board of Directors matters which come before the Council to arrive at the best advice upon which the Council may agree, which advice may include the technical, social, economic, environmental and fiscal aspects of such issues.

D. No more than four (4) Advisory Council members shall attend meetings other than meetings of the Advisory Council and meetings of the Board of Directors or Board of Directors' Committees at the District's expense.

7.2 TERM OF OFFICE.

The terms of office for members of the Advisory Council are fixed by Health and Safety Code Section 40263.

7.3 LIMITS ON TERM OF OFFICE.

Effective with appointments for terms on the Advisory Council commencing on January 1, 1992, and thereafter, it is the policy of the Board of Directors that members with twelve (12) consecutive years of membership on the Council not be re-appointed to the Council, except that such members who were serving on the Council on the date of adoption of this policy may be appointed to one additional term. A member not re-appointed because of having served twelve (12) consecutive years on the Council shall again be eligible for appointment after an absence of two years from the Council.

7.4 EXPENSE REIMBURSEMENT.

Members of the Advisory Council shall be reimbursed for actual and necessary expenses incurred by them in attending meetings of the Advisory Council and meetings and public hearings conducted by the Board of Directors. Mileage, tolls, parking fees, meals and other incidental expenses will be allowed at the same rate as is allowed to Members of the Board of Directors provided that receipts are presented pursuant to Section II-5.6.

7.5 OTHER EXPENSES.

Other expenses may be allowed after prior specific approval ~~of~~ by a majority of the ~~Executive Committee or the~~ Board of Directors.

7.6 CLERK CERTIFICATION OF ATTENDANCE AND EXPENSES.

The Clerk of the Boards shall certify to the Director of Administrative Services the attendance and the expense reports of members of the Advisory Council.