

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109  
(415) 749-5000

Board of Directors' Regular Meeting  
December 2, 2009

### **APPROVED MINUTES**

**CALL TO ORDER:** Chairperson Pamela Torliatt called the meeting to order at 9:46 a.m.

Roll Call: Chairperson Pamela Torliatt; Vice Chairperson Brad Wagenknecht; and Directors Harold Brown, Chris Daly, Susan Garner, John Gioia, Carole Groom, Scott Haggerty, Yoriko Kishimoto, Carol Klatt, Liz Kniss, Eric Mar, Nate Miley, Mark Ross, James Spring, Gayle B. Uilkema and Ken Yeager

Absent: Secretary Bates; Directors Dan Dunnigan, Jennifer Hosterman, and Shirlee Zane

**PLEDGE OF ALLEGIANCE:** Chairperson Torliatt led the Pledge of Allegiance.

Chairperson Torliatt announced protocols for the public hearing and stated that there was overflow meeting capacity in the 4<sup>th</sup> Floor Conference Room.

#### **Public Comments:**

Cathy Helgerson spoke in opposition to Lehigh Southwest Cement Plant and distributed a copy of a letter she wrote to the Environmental Protection Agency (EPA) regarding the plant's permit renewal.

Bill Almon, QuarryNo.com, spoke in opposition to the Lehigh Southwest Cement Plant, requested that the old permit be withdrawn and that the EPA timeframe be re-started.

Barry Chang, City of Cupertino Councilmember, spoke in opposition to the Lehigh Southwest Cement Plant permit renewal, cited health risks and said he submitted correspondence to the Board.

Ray Davis, Los Gatos, spoke in opposition to the Lehigh Cement Plant's permit renewal.

Joyce Eden, West Valley Citizens Air Watch, spoke in opposition to the Lehigh Southwest Cement Plant and requested that the Air District write stringent rules that reduce pollution.

#### **Board Member Comments:**

Chairperson Torliatt requested a status for discussion of the Lehigh Southwest Cement Plant.

Executive Officer/APCO Jack Broadbent reported that staff has received considerable comment regarding the plant's permit renewal; staff plans to provide a briefing at the February 2010 Stationary Source Committee meeting and does not plan to make a decision until early 2010. Regarding

questions on the timeline of the EPA permit review and in response to the numerous comments from the public, he confirmed that staff is in conversation with the EPA and the clock has restarted which will provide additional time for filing petitions and/or comments.

Director Kishimoto thanked staff for the update and confirmed with Mr. Broadbent that the Board has the ability to direct staff to prepare rules that go beyond federal requirements, and that staff wants to better understand the regulation developed by the EPA, which is expected to be issued June 2010. Mr. Broadbent also clarified that additional regulations or retrofits to the facility can be proposed and considered by the Board at any time during the 5-year Title V permitting process.

Director Garner confirmed with Mr. Broadbent that details of the plant's monitoring program will be presented at the Stationary Source Committee meeting.

### **Commendations/Proclamations/Awards**

The Board of Directors recognized outgoing Advisory Council Chairperson, Harold M. Brazil, for his outstanding leadership on the Advisory Council this past year.

### **CONSENT CALENDAR (Items 1-5):**

1. Approval of Minutes of November 18, 2009 Regular Meeting (*removed by Director Daly*);
2. Communications
3. District Personnel Out-of-State Business Travel
4. Consider Revising the existing Job Classification of Facilities Manager to be titled Strategic Facilities Planning Manager
5. Approve Proposed Amendments to the Air District's Administrative Code Division III- Personnel Policies and Procedures-Section 3 adding a new subsection 3.12, entitled Fraud, Misconduct, and Dishonesty in the Workplace.

**Board Action:** Director Brown made a motion to approve Consent Calendar Items 2, 3, 4, and 5; Vice Chairperson Wagenknecht seconded the motion; carried unanimously without opposition.

1. Approval of Minutes of November 18, 2009 Regular Meeting (*removed*);

Director Daly referred to page 10, item 10 and requested it be amended to indicate that support was voiced for the consideration of the tiered approach by those Directors present.

**Board Action:** Director Daly made a motion to approve Consent Calendar Item 1, as amended; Vice Chairperson Wagenknecht seconded the motion; carried unanimously without opposition.

### **COMMITTEE REPORTS AND RECOMMENDATIONS:**

2. **Executive Committee Meeting**  
November 19, 2009  
Chair: P. Torliatt

The Executive Committee met on Thursday, November 19, 2009 and approved the minutes of September 24, 2009.

The Committee received the Quarterly Report of the Hearing Board for the period of July through September 2009.

The Committee received an update of survey results relative to potential relocation of the Air District headquarters and gave direction to staff to work with regional partners in issuing an RFP for the following: economic and real estate analyses of the existing building and potential other buildings, perform an energy audit of District headquarters building, and to determine the residual value of the existing building, determine zoning and construction requirements. The Committee gave direction to staff to also continue discussion among regional agencies, and to formulate a Request for Proposals (RFP).

The Committee then received a Joint Policy Committee progress report from Ted Droettboom, Regional Planning Program Director, who discussed the success of Climate Bay Area kick-off event, held on November 17, 2009, joint regional efforts, and financing and resource concerns for implementation of programs.

The Committee then discussed the Air District's role with the Joint Policy Committee (JPC) and policies on how the Bay Area will proceed for implementing SB 375 through modeling for transportation and land use.

The Committee recommends Board of Directors' approval of the Joint Policy Committee policies regarding SB 375.

The Committee then received an update of the EPA Title V Program Evaluation and reviewed program goals, applicability, permitting, and program requirements. EPA found that the District's program met and exceeded standards and made a few suggestions for improvement.

**Board Action:** Chairperson Torliatt made a motion to approve the report and recommendation of the Executive Committee; Director Kniss seconded the motion; which carried unanimously.

## **7. Personnel Committee Meeting**

November 23, 2009

Report given by Chairperson H. Brown

The Personnel Committee met on Monday, November 23, 2009 and approved the minutes of November 18, 2009.

The Committee considered recommending the re-appointment of five (5) Advisory Council Members whose terms will expire December 31, 2009 and held two (2) interviews of candidates for two current incumbent members who are not seeking re-appointment under the *Conservation Organization* category.

The Committee recommends that the Board of Directors re-appoint the following incumbents for new, two-year terms of office, effective January 1, 2010 through December 31, 2011:

Ken Blonski, Secretary  
Jeffrey Bramlett, Vice Chair  
Harold Brazil, Chair

Regional Park District  
Parks and Recreation  
Mass Public Transportation

Kraig Kurucz  
Kendal Oku

Industry  
Organized Labor

The Committee recommends the Board of Directors appoint Gary Lucks under the Conservation Organization category for a two-year term of office, effective January 1, 2010 through December 31, 2011, re-advertise for one vacancy in the Conservation Organization category, conduct outreach to advocacy groups in the recruitment process and schedule the next Personnel Committee meeting interviews prior to the January 6, 2010 Board of Directors meeting. The next meeting of the Personnel Committee is at the call of the Chair.

**Board Action:** Chairperson Brown made a motion to approve the report and recommendations of the Personnel Committee; Vice Chairperson Wagenknecht seconded the motion; which carried unanimously.

## **PUBLIC HEARING(S)**

### **8. Public Hearing to consider adoption of proposed amendments to Regulation 8, Rule 50: Polyester Resin Operations; and Adoption of a CEQA Negative Declaration**

Air Quality Specialist, William Saltz, provided an overview of polyester resin operations, regulatory proposal, and examples of composites falling under the regulation from the manufacturing industry, current and new limits for monomer content limits for gel coats and for resins which will become effective October 1, 2010, emissions inventory and emission reductions, compliance costs, and the rule development process. Staff recommendation is for Board of Directors' adoption of proposed amendments to Regulation 8, Rule 50: Polyester Resin Operations.

Chairperson Torliatt opened the public hearing.

#### **Public Comments:**

Ken Anderson, Kreysler & Associates, American Canyon, spoke of the educational and collaborative process of the Rule's amendment by Air District staff and supported amendments.

Chairperson Torliatt closed the public hearing.

#### **Director Comments/Questions:**

Director Spring referred page 20 of the staff report; "Table 2, Prices for Gel Coats and Resins, Current and Future" and confirmed the process undertaken and the support received from industry representatives in establishing pricing.

**Board Action:** Director Ross made a motion to adopt **Resolution No. 2009-13:** A Resolution of the Board of Directors of the Bay Area Air Quality Management District Amendment District Regulation 8, Rule 50: Polyester Resin Operations; and adopt a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for the Project; Director Haggerty seconded the motion; which carried unanimously.

## **9. Public Hearing Continued from November 18, 2009 to Receive Testimony on Proposed Amendments to the District's California Environmental Quality Act (CEQA) Thresholds of Significance**

Chairperson Torliatt reviewed public hearing protocols with the Board of Directors, staff and the public.

Director Spring voiced concern over the guidelines' potential and economic impact to business, residents, and employees. Chairperson Torliatt acknowledged an overwhelming public attendance at the last Board meeting, submission of numerous written comments and the ability for Board Members to review the record prior to the Board making a decision on the matter.

Executive Officer/APCO Jack Broadbent gave a brief introduction regarding the proposed CEQA guidelines, acknowledged the numerous speakers at the November 18, 2009 meeting and stated that staff will summarize issues, provide responses, and provide recommended next steps.

Director of Planning and Research, Henry Hilken, discussed the need for updated CEQA guidelines for addressing greenhouse gases in CEQA documents and said many comments were received at the last public hearing involved maintaining a tiered approach. Staff recommends moving forward with the proposed risk thresholds recommendation and for the Board to take the following actions, which he briefly described:

- Formally adopt the CARE Impacted Community boundaries;
- Adopt a policy of "No Net Risk Increase" for CARE communities;
- Direct staff to identify baseline risk levels for each CARE community;
- Direct staff to conduct enhanced monitoring in CARE communities;
- Direct staff to continue targeting District grants in impacted communities;
- Adopt amendments to Regulation 2, Rule 5;
- Direct staff to further develop the Community Risk Reduction Plan (CRRP) concept for impacted communities including consideration of more stringent localized standards.

He discussed speaker suggestions from the November 18, 2009 meeting:

- Consideration of "no new net pollution", which is addressed as part of the CRRP;
- Expansion of the 1,000 foot zone of influence, and staff supports lead agencies considering large sources beyond the 1,000 foot radius;
- Consideration of a 24-hour PM2.5 threshold; Staff believes that short term construction impacts are addressed through modeling guidance and proposes adding clarifying language in guidelines by taking peak emissions from that period and applying them to the threshold;
- Clarification of how biogenic emissions of carbon dioxide from wastewater treatment plants and landfills are treated; staff agrees with the comment and will make it consistent with the District's Regulation 3. Certain biogenic emissions are exempt from the ARB and Air District's inventory of GHGs;
- GHG Threshold for construction; staff considered this in an earlier reiteration and decided it was truly a full lifecycle analysis of embedded carbon and energy and it is beyond the scope of the CEQA guidelines;
- Request for screening and thresholds for composting/recycling facilities, and staff recognizes there is existing California Integrated Waste Management Board guidance on odor management plans at facilities that is adhered to.

Mr. Hilken reviewed several comments relating to process:

- Meet with City and County staff, which is being done. Staff has met with elected officials and planning directors from Berkeley, Pleasanton, San Francisco, Sonoma, Contra Costa and staff is scheduled to meet with Napa County, Santa Clara jurisdictions and Daly City;
- No Project Alternative consideration: Staff believes this is already required by law but will add a statement to the guidelines encouraging lead agencies to consider a “no project” alternative.
- Update complies with CEQA process: Staff believes CEQA Guidelines do not constitute a project subject to CEQA review;
- Effective Date: Staff recommends adopting the thresholds as soon as possible, but upon approval, they would become effective 90 days after adoption by the Board of Directors.

Mr. Hilken acknowledged receipt of letters not included in the Board packet and received since November 1, 2009: Bay Area Clean Air Task Force, Bay Area Environmental Health Collaborative, Breathe California, Natural Resources Defense Council, Center for Biological Diversity, Transdef, BIA/Home Builders Association of Northern California, Western States Petroleum Association, Association of Environmental Professionals, Triad, City of Oakland, San Francisco Department of Public Health, and the California Integrated Waste Management Board.

He stated that a summary of recent comments not previously addressed is that GHG threshold is unachievable, GHG efficiency threshold not aggressive enough; however, staff feels the local risk and hazard threshold would capture localized impact from construction activity. Also, construction threshold is set too high and PM2.5 threshold should be based on additional health evidence, which Mr. Hilken said will be added to the justification document. The same commenter suggested that thresholds should be expressed not in terms of air pollutant concentrations but in terms of health outcomes such as the probability of mortality and hospitalizations, which can be reviewed and can be brought up with CAPCOA. There was a comment about clarifying how projects are consistent with the Sustainable Community Strategy under SB 375 and staff will clarify that this only captures mobile source emissions and the non-transportation source emissions would still need to be addressed. There was a request for a full-day Board workshop to discuss issues and concerns. Regarding the public process being confusing, staff has revised the thresholds in response to comments received; the current proposal was posted on November 2<sup>nd</sup> and has not changed. Staff will make it clear as to what is being proposed, complete what is being proposed and will then develop an implementation plan with cities and counties.

Director Comments/Questions:

Chairperson Torliatt confirmed that an early draft of the CEQA guidelines was out on September 4, 2009 and there was opportunity for comment. She confirmed that Air District staff will work with agencies regarding their concerns about certain projects potentially not being able to meet thresholds.

Director Haggerty questioned and clarified the District’s outreach provided to city and county planning staff, continuation of one-on-one meetings and concurred specific, and asked that targeted workshops be scheduled and held with planning departments. Mr. Broadbent supported the proposal as very solid and agreed that the State needs to adopt GHG thresholds. The District worked closely with CARB staff to establish thresholds; however, they did not move forward.

Director Gioia supported the suggestion for public outreach and workshops and believes the inclusion of risk reduction plans makes the proposal much more realistic. He discussed the flushing out of items which are now incorporated in the plan and likened this as an important step during the outreach provided to cities and counties.

Mr. Broadbent noted there are specific risk thresholds for siting new sources and receptors and a cumulative risk standard as well, but staff believes that the risk reduction plans serve as an alternative.

Director Gioia clarified that the Board's responsibility is to consider and adopt thresholds which are the criteria contaminants, GHGs and toxic air contaminant thresholds. The CEQA guidelines are somewhat of a living document and staff will incorporate relevant information into the guidelines, as needed over time. He noted that staff would initiate the risk reduction plans now and would return them to the Board for the six CARE communities over 2010, as each community's plan would be unique.

Director Uilkema believed that one of the major topics from planners regarding the risk reduction plans will be the land use planning implications of the boundaries, and she provided an example of someone purchasing a piece of property and that property being subject to the plan.

Director Daly questioned how to ensure the risk reduction plans will be as good in reducing risk in CARE communities as staff's original tiered approach. He suggested more stringent baselines be proposed in terms of thresholds and then allow communities to work on an overall plan to reduce risk as a better way to move forward than to just have across-the-board thresholds, which may affect certain agencies.

Mr. Broadbent recommended that subject to Board of Directors support, the Board could adopt the CEQA guidelines and staff could return at a subsequent Board meeting with an amendment for a tiered approach to the CEQA guidelines.

Director Ross questioned how realistic it was to coordinate workshops during a holiday period for most cities and counties, prior to the January 6, 2010 meeting. He noted that the Air District is a public health agency with scientific-based guidelines, and the Board addresses policy. There are exposures to contaminants which must be considered, as well as the public policy aspect of it. How this will work out planning-wise to achieve goals is very cumbersome but it has been done before, and he cited the flare monitoring process for refineries. He believed adjustments will need to be made and the matter will not be clear cut in one vote by the Board.

#### Public comments:

Janill Richards, Attorney General's Office, supported the work of the Air District and its work with local cities and counties to finalize GHG thresholds and recommendations for lead agencies with their CEQA obligations. She believed the task is difficult and said the District has done an excellent job of working with the data and the law to devise something that is legally defensible and has real environmental benefits, and which provides predictability for agencies and project proponents.

Director Yeager questioned what would occur if jurisdictions do not comply with thresholds, cited examples of new housing and commercial development, the effect of CEQA guidelines and questioned whether local land use authority was being taken away. He supported workshops for jurisdictions as well as for elected officials to better understand implications.

Mr. Broadbent said the Air District is not taking over local land use decisions, but needs to provide guidance for its nine Bay Area counties. He said the District regularly comments on CEQA documents, is trying to provide guidance on greenhouse gases, the thresholds of which are based on AB 32 and feels strongly that the approach is very sound. If agencies do not comply and if, after all necessary

mitigations, they find themselves above the thresholds, the local land use decision-maker can make a statement of overriding considerations, which currently occurs. District Counsel, Brian Bunger, further clarified the Air District's role and Deputy APCO, Jean Roggenkamp, reiterated that the Air District has had CEQA guidelines and thresholds in place since the early 1980's, as well as CARB guidelines.

Director Garner received an explanation from Mr. Hilken of risk reduction plan processes for significant and needed infill projects in CARE communities. She voiced concerns with the proposed "no new net pollution" and asked staff to provide added guidance and revised language relating to the "just outside the 1,000 foot zone of influence". Mr. Hilken described the actual proposed wording and agreed staff works with local agencies when issues arise.

Director Mar noted his absence from the November 18<sup>th</sup> meeting, supported the strongest approaches in impacted communities, supported the tiered approach as an option, as well as the Air District providing informational workshops to cities and counties planning staff.

Director Kniss supported workshops, cited numerous public comments and the potential to lose a quorum of the Board, and she suggested the Board continue the matter further. Chairperson Torliatt asked to hear public comment and confirmed with Board Members their availability through early afternoon.

Dr. Rajiv Bhatia, San Francisco Department of Public Health, supported the Air District's work, generally supported the proposal's direction but voiced concern with the data used in determining the PM2.5 level and asked the Board to look at a health outcome number as a way to look at cumulative impacts and not a concentration-based number.

Gordon Mar, Bay Area Environmental Health Collaborative, supported the tiered approach, appreciates responsiveness of staff but remained disappointed with resistance to address problems involving regulation of point and stationary sources.

Lexus Wilson, Excel High School, Law and Government Academy, spoke of her 2 year old nephew's lead poison level when they lived in West Oakland which he no longer has now that they live by Lake Merritt, and asked the Board to take steps for healthier air.

Pamela Tapia, Excel High School, Law and Government Academy, spoke of her lifetime asthma conditions and impacted families.

Amber Hill, Excel High School, Law and Government Academy, presented a map of their neighborhood near I-580 and spoke of impacts from pollutions.

Michael Redemer, CEO, Hydrogen Solutions International, Danville, expressed concern regarding tiered approach, unintended consequences, and disincentives for business.

Joe LaClair, Chief Planner, BCDC, commended District staff on outreach efforts, supports adoption of guidelines, cited the issue of sea level rise, and supported ports as critical to the global economy.

Eric Brooks, Our City and San Francisco Green Party, cited the east Antarctic ice mass melting which is a signal that GHGs are increasing more rapidly, asked the District to include the tiered approach and set



the highest possible standard, and noted the Air District's standard is one held and able to be enforced by the San Francisco Board of Supervisors.

Gary Maier, AECOM, said they are a global engineering company with hundreds of employees in the Bay Area, spoke of economic difficulties, employee layoffs and delays in projects due to the cumbersome CEQA process. He voiced concern with setting boundaries which could hurt jobs and California's tax base.

Stephanie Reyes, Policy Director, Greenbelt Alliance, spoke on the significant impacts of not driving clean cars, supported growth in the right places and expeditious adoption of CEQA guidelines and GHG thresholds. She supported protecting and improving public health and encouraging sustainable infill development in Priority Development Areas (PDA's).

Shari Libricki, Principal and Air Quality Practice Area Leader, Environ, spoke of their testing of GHG emissions estimations from mixed use development for lead agencies and developers, the state of evolving science and voiced concern of unintended consequences if thresholds are adopted. She referred to the proposed 4.6 metric tons/service area/year threshold and discussed their evaluation of four infill developments with densities above 30 to 60 units per acre, stating that with the exception of the Pleasanton development near BART and the Oakland Area Path, none passed the District's efficiency thresholds. In a more aggressive approach adhering to guidelines, she could not determine what development would work and what would not, and looks forward to being able to work with staff.

Linda Weiner, Bay Area Clean Air Task Force, former Director of the American Lung Association and Advisory Council member, stated the cumulative impacts resolution was adopted after a long process of staff working with communities, and unless there are teeth in it, it is meaningless. She spoke of the Board's passage of precedent-setting, critical regulations over the years in the face of industry opposition, and felt the same could be done now. She supported development of a strong pollution reduction protocol, strengthening of public protections in CARE communities, and approval of CEQA guidelines and thresholds.

Tess Esther, Mothers Committee Coordinator, introduced Deon Taylor, Damond Isaacs, Chris Zine, Desean Atchan, Jermaine Jackson, Ed Perkins, Nick, Lee, Bobby, Russle and Lisa, who asked the Board to reduce toxic risks to their health in CARE communities, cited bloody noses, hospitalization for asthma and requested the Board reduce toxics in Bayview Hunter's Point and asked for justice now.

Marie Harrison, Green Action, spoke of young people's need to understand the District's process, asked to reduce all overburdened impacts to Bayview Hunter's Point community now and not to allow further impacts.

Michael Wright, Director of Community Planning, City of Concord, said they spent the last three years on their General Plan for 25% of their City that represents a closed military base, requested more direct outreach to city management staff, supported requests made for workshops and direct outreach, and asked that the January deadline be extended due to the strain on small city governments and furlough days.

Director Kniss voiced concern with maintaining a quorum of Board Members and made a motion to postpone adoption in December. Director Uilkema seconded the motion.

Anna Rikkelman, employee of Kleinfelder, former member of the Concord Naval Weapons Station Community Advisory Committee, said she lives near a CARE community, suggested broadening the definition of health to include improvement of economic and medical health, voicing concern over the potential loss of jobs.

Eyal Matalon, Pacific Institute and member of Ditching Dirty Diesel Collaborative, said the Coalition submitted a comment letter on October 23 urging the Board to adopt a tiered approach and recommended expansion of the 1,000 foot radius, clearly define “large sources” when considering those beyond 1,000 feet, submitted a map from the CARB Health Risk Assessment for West Oakland and a map outlining the proximity of magnet sources to various sensitive receptors, and requested that their definition be included in the guidelines; “magnet sources of diesel pollution, including Ports, rail yards, warehouses, and recycling centers.”

Dennis Bolt, WSPA, requested the Board to reject the tiered permit approach, voiced concern with the “no net increase” and uncertainties in the permit process, as well as boundaries around the 1,000 foot limit. He stated that those living near freeways will continue to be highly impacted by diesel, and guidelines and thresholds simply kill jobs which put families at risk.

Norman Haddick, WSPA, and electrical industrial consultant, voiced concern for the job market, discussed his role promoting job creation through service on the Contra Costa County Workforce Investment Board, and voiced concern regarding curtailing expansion of companies.

Joseph H. Guth, Legal Director, Science and Environmental Health Network, member of California EPA Cumulative Impacts and Precautionary Approaches Workgroup, said the only way to manage the cumulative environmental impacts on human health is to reduce the amount of emissions and pollution from each, individual facility. If not reduced, pollution and environmental damage will continue to increase. He supported the tiered approach, questioned whether communities will be able to set their own risk levels for new facilities, supported review by the District to review existing sources, and asked that a process be established.

Fatima Adcock, environmental student at Merritt College, CBE volunteer, voiced concern regarding pollution levels and health impacts, requested that the Board adopt the tiered approach, adopt a PM2.5 threshold that incorporates short-term impacts for part of the year, and ensure the zone of influence is expanded when major sources are nearby.

Anna Lee, CBE researcher, BAEHC and Ditch Dirty Diesel Collaborative, spoke of East Oakland’s pollution documented next to sensitive receptors, said their PM2.5 air monitoring shows exceedances over the California standard, discussed documentation showing over 1,000 trucks per day through the community, urged the Board to reinstate the tiered approach, asked that risk reduction plans not be alternatives but required, to expand zone of influence when a major source is nearby, and to include magnet sources in the guidelines definition of sources.

Ros Ruiz, BAEHC, requested inclusion of “no new net pollution”, requested enforcement mechanisms in risk reduction plans, and asked that Public Health Departments be provided outreach and education in addition to city and county agencies.

Director Kniss announced her departure at 12:33 p.m. and again reiterated her request that action not be taken in December. Chairperson Torliatt indicated that the matter would be considered in January, and

the Board took no action on Director Kniss' initial motion and Director Uilkema's second to the motion.

Wafaa Aborashed, Healthy San Leandro, BAEHC, said she just returned from Korea and Japan and briefly discussed their strong environmental agenda. She questioned policies that do not protect the health of fence line communities, asked the District to promote new technologies, cleaner industry, and to not approve permits for industry that pollutes.

Charlie Scrammas, PODER, referred to Mr. Bolt's comments and believed the decision is not a choice between jobs and health but rather that industry and development can adapt and retool. He spoke of poor land use planning, asked for "no net pollution" increases, a tiered approach, and adoption of CEQA guidelines and thresholds.

Kerrie Romanow, Assistant Director of Environmental Services Department, City of San Jose, said they are a CARE impacted community and if the poverty component is removed, there would be other Bay Area cities equally as polluted. She said they feel their concerns have been heard and addressed throughout the process and look forward in continuing collaboration with risk reduction plans. She spoke of San Jose's work with infill, green building, energy and water conservation, and said they are working on getting high speed rail and BART to their downtown core area and need innovation to help achieve those results.

Andy Katz, Breathe California, Co-Chair Bay Area Clean Air Task Force, stated staff has done an amazing job of pulling together issues and providing outreach to communities, stating he was surrounded by hundreds of planners at workshops and many issues have been responded to. The crowd's impact has more to do with staff not working out a tiered approach, asked for a "no new net loopholes result" in the language, and asked that concepts be enforceable, clear and objective.

Don Stock, Overaa Construction, Richmond, discussed the 50 employees laid off who were working on the Chevron renewal project, stated they have a reduced work force of 280 employees from 420, and voiced concerns of putting more burdens on refinery permitting processes.

Nehanda Imara, CBE, East Oakland, said information is not easily understood, has adult onset asthma and cannot afford to move from Oakland, and requested the Board make regulations stronger.

Shana Lazerow, staff attorney, CBE, cited CBE's lawsuit against the South Coast Air District relating to their offset program where (they) waived federal offset requirements for non-attainment pollutants for non-essential services and found not to be compliant with the Clean Air Act and CEQA when they tried to amend their rules.

Delphine Smith, Richmond, submitted written comments and asked that the Board make more strict and viable rules and guidelines in the best interests of the health of impacted communities.

Bob Glover, Home Builders Association of Northern California, supported additional workshops and outreach to provide planners, local officials and Board Members with an opportunity for open dialogue.

Debbie Woodward, Criterion Catalyst, Pittsburg, said she has learned a lot about CARE communities' development and boundaries, acknowledged diesel emissions and exposure and voiced concern about

unreasonable limits placed on a few communities which will impact jobs throughout the entire Bay Area.

Brian Mathews, Alameda County Waste Management Authority, clarified comments from the last Board meeting stating that they feel the threshold of significance for odors needs to be scientific, they do not believe a complaint history is a good indicator of potential impacts and not an indicator of predictive measures below which compliance could be achieved, asked that the same biogenic status be applied to composting as is applied to landfills and POTW's, thanked Air District staff interaction with the Authority in adopting more scientific standards and distributed a paper by Charles McGinley, AWMA, entitled *Enforceable Permit Odor Limits*.

Darin Ranelletti, Planner, City of Oakland, requested that the Board direct staff to prepare detailed timelines for both preparation and adoption of guidelines and risk reduction plans so the City can review and comment on those timelines before the Board adopts the thresholds.

Matt Vespa, Attorney for Center for Biological Diversity, said he attended the last Board meeting supporting GHG thresholds, thinks they are an important compromise and a step forward in regulating GHGs. He voiced concern about the workshop being a pretext for further delay and asked that January be the ultimate deadline for adoption.

Chairperson Torliatt closed the public comment period.

Chairperson Torliatt announced that the matter will return to the January 6, 2010 Board of Directors meeting, there will be an option on the tiered thresholds for Board consideration, there will be additional outreach and workshops scheduled which will occur with planning directors and local city/county agencies staff, and acknowledged requests made for additional clarification relating to land use and risk reduction plans.

Director Gioia requested the District also provide outreach to public health departments in addition to planners. He pointed out much discussion involves siting a source of pollution, and said one issue is that the rule also applies to new receptors. If communities exceed the cancer thresholds but wants to see new housing and mixed use development, the rule potentially makes it hard to achieve due to the need to make a statement of overriding consideration. He therefore would like to see details of the risk reduction plans address economic development, as well.

Director Garner confirmed the public comment period is closed; however, individuals could submit written comments at any time.

Mr. Broadbent acknowledged the Board's request to add another option included for a tiered approach for consideration by the Board.

#### **OTHER BUSINESS:**

#### **10. Report of Executive Officer/APCO:**

Mr. Broadbent reported on the calling of a Spare the Air Day on Thanksgiving Day, reported on deployment of staff and media outreach, noted comments from the public were received, and said there were no exceedances.

11. **Report of the Chairperson** – Chairperson Torliatt thanked everybody for their time and patience while working through issues relating to the public hearing.
12. **Time and Place of Next Meeting:** Regular Meeting - Wednesday, December 16, 2009 - 939 Ellis Street, San Francisco, CA 94109
13. **Adjournment:** The Board of Directors Meeting adjourned at 1:03 p.m.

*/s/ Lisa Harper*  
Lisa Harper  
Clerk of the Boards