

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

Board of Directors Regular Meeting
November 3, 2010

APPROVED MINUTES

CALL TO ORDER: Chairperson Brad Wagenknecht called the meeting to order at 9:45 a.m.

Roll Call: Chairperson Brad Wagenknecht; Vice Chairperson Tom Bates; Secretary John Gioia; and Directors Harold Brown, Chris Daly, Susan Garner, Carole Groom, Scott Haggerty, David Hudson, Ash Kalra, Carol Klatt, Liz Kniss, Nate Miley, Mark Ross, James Spring

Absent: Directors Dan Dunnigan, Jennifer Hosterman, Eric Mar, Pamela Torliatt, Gayle B. Uilkema, Ken Yeager and Shirlee Zane

PLEDGE OF ALLEGIANCE: Chairperson Wagenknecht led the Pledge of Allegiance.

PUBLIC COMMENTS: None

BOARD MEMBER COMMENTS: None

CONSENT CALENDAR (Items 1-4):

- 1. Minutes of October 6, 2010 Regular Meeting;**
- 2. Communications**
- 3. District Personnel on Out-of-State Business Travel**
- 4. Quarterly Report of Air Resources Board Representative – Honorable Ken Yeager**

Board Action: Vice Chair Bates made a motion to approve Consent Calendar Items 1, 2, 3 and 4; Director Spring seconded the motion; unanimously approved without objection.

COMMITTEE REPORTS AND RECOMMENDATIONS

- 5. Report of the Executive Committee Meeting of October 20, 2010**
Chair: B. Wagenknecht

The Executive Committee met on Wednesday, October 20, 2010 and approved the minutes of August 5, 2010.

The Committee received an update on the Strategic Facilities Planning Project—Phase II study findings with the primary objective of exploring alternative locations and a real estate strategy that best fits the needs of the District, MTC and ABAG. CB Richard Ellis presented study findings, consolidation alternatives, extensive financial analysis, and renovation costs for continued tenancy, disposition values, commute statistics, key planning drivers, and reviewed tables of consolidation criteria for the Oakland and San Francisco markets. Next steps are to take study findings to the

Boards of each of the three agencies. The Board will be provided with a presentation on December 1, 2010.

The Committee then received an update on the implementation of the District's CEQA Guidelines and thresholds of significance adopted by the Board at its June 2, 2010 meeting, an overview of District staff's coordination with local governments and stakeholders, regional agency collaboration, and the use and further refinement of technical tools and resources. The Committee reviewed Community Risk Reduction Plan (CRRP) pilot projects underway in San Jose and San Francisco, and discussed the development of Community Development Guidelines which will further refine mitigations in sources/receptors, and establish standard setbacks in CARE communities.

Public comment was received regarding possible unintended consequences relating to screening levels for affordable housing and infill development, potential conflicts between thresholds and housing element sites and Priority Development Areas (PDA's), and general concern regarding development of affordable housing in impacted areas. The Committee held discussion regarding the January 1, 2011 effective date for the risk and hazards thresholds for new receptors, and asked staff to continue to work with affordable housing representatives, and bring back the issue of possible extension of the January 1, 2011 deadline.

The Committee briefly discussed webcasting technology and unanimously recommended that staff issue an RFP and return to the Executive Committee with the cost to install webcasting equipment in the District Board Room.

The Committee then discussed video conferencing from the Fourth Floor Conference Room to two remote locations: the Santa Rosa Junior College in Santa Rosa, and the County of Santa Clara Building in San Jose. The Committee unanimously recommended that the Board of Directors approve a protocol for video conferencing that will allow remote interactions via both audio and video communication for Committee meetings held in the Fourth Floor Conference Room that do not include action items.

The Committee then received the Bay Area Air Quality Management District's Major Initiatives 2010 and 2011 (draft), which will be discussed at the Board Retreat in early 2011.

The next meeting of the Committee is at the Call of the Chair.

Board Action: Chairperson Wagenknecht made a motion to approve the report and recommendations of the Executive Committee; Secretary Gioia seconded the motion; carried unanimously without opposition.

6. Report of the Public Outreach Committee Meeting of October 25, 2010

Chair: M. Ross

The Public Outreach Committee met on Monday, October 25, 2010 and, due to the lack of initial quorum, deferred approval of the minutes of July 21, 2010.

The Committee received an update on the 2010 Spare the Air Every Day Campaign. This year's campaign targeted young adults between the ages of 17-35. The Committee discussed the use of social media networks through Facebook and Twitter, received an overview of the year's campaign

elements, advertising and media highlights, discussed events held throughout the Bay Area, and reviewed results of the 2010 Great Race for Clean Air contest and public awareness survey results.

The Committee received an overview of the 2010/11 Winter Spare the Air Campaign which informs residents about the Wood Burning Rule. The Committee reviewed a comparison of enforcement statistics from the first two Winter Spare the Air seasons, the District's advertising approach which is built on previous years, expansion of a multi-cultural outreach strategy, and targeted advertisement throughout the Bay Area.

The Committee received an overview of a District-initiated assessment which analyzed current Limited English Proficiency (LEP) practices, guidance, and Bay Area demographics. Staff discussed current laws and guidance governing language access, presented statistics of Bay Area residents who speak English *less than very well*, and reviewed current District services provided to LEP populations and potential improvements. Next steps include development of a comprehensive Public Engagement Policy and Plan.

The Public Engagement Policy and Plan will provide the District with guidance and tools for engaging stakeholders. The Committee reviewed next steps and a timeline of actions.

Public comment was received from speakers who voiced support of development of the Public Engagement Policy and Plan.

The next meeting of the Public Outreach Committee is at the Call of the Chair.

Board Action: Chairperson Ross made a motion to approve the report of the Public Outreach Committee; Director Brown seconded the motion; carried unanimously without opposition.

7. Report of the Mobile Source Committee Meeting of October 28, 2010

Chair: S. Haggerty

The Mobile Source Committee met on Thursday, October 28, 2010 and approved the minutes of September 23, 2010.

The Committee discussed and considered recommending Board of Director's approval of the Carl Moyer Program projects with proposed grant awards over \$100,000. Recommended projects include four marine engines, and five off-road engines. Based on its review, the Committee recommends the Board of Directors authorize the Executive Officer/APCO to enter into these agreements.

The Committee then discussed and considered recommending Board of Directors' approval to accept up to \$6.7 million in Climate Innovation Program (CIP) grant funding from the Metropolitan Transportation Commission (MTC) for bicycle sharing pilot and electric vehicle (EV) charging infrastructure projects. These projects will deploy 1,000 bicycles along the Cal Trans Mass Transportation Corridor in a pilot project, and develop a regional public charger deployment plan. The Committee recommends that the Board of Directors authorize the Executive Officer/APCO to enter into agreements for the recommended projects.

The Committee also discussed and considered allocating \$5 million in Mobile Source Incentive Funds for the Lower Emission School Bus Replacement Program. This funding will replace 30 of the

highest emitting buses in service in the Bay Area. Based on this discussion, the Committee is requesting the Board of Directors approve the allocation of \$5 million in Mobile Source Incentive funds (MSIF) to fund public school bus replacement projects under the Lower-Emission School Bus Program (LESBP).

The next meeting of the Mobile Source Committee will be Thursday, November 18, 2010 at 9:30 a.m.

Board Action: Chairperson Haggerty made a motion to approve the report and recommendations of the Mobile Source Committee Meeting; Director Klatt seconded the motion; carried unanimously without opposition.

8. Report of the Nominating Committee Meeting of November 3, 2010
Chair: B. Wagenknecht

The Nominating Committee met on Wednesday, November 3, 2010 and approved the Nominating Committee minutes of November 4, 2009.

The Committee considered the 2011 Board Officers for the 2011 Term of Office, discussed Board Member interest, diversity of representation, and recommended the following Board Officers for 2011:

Chairperson Tom Bates
Vice Chairperson John Gioia
Secretary Ash Kalra

The next meeting of the Nominating Committee is at the call of the Chair.

Board Action: Chairperson Wagenknecht made a motion to approve the report and recommendations of the Nominating Committee; Director Brown seconded the motion; carried unanimously without opposition.

PRESENTATION

9. Advisory Council Report and Recommendations from the June 9, 2010 Meeting on California's 2050 GHG Emission Reduction Target – Control Technologies and Strategies for the Industrial and Electric Power Sectors

Advisory Council Member Mike Sandler said the Advisory Council spent several months working on the report and recommendations from the June 9, 2010 meeting on California's 2050 GHG emission reduction target for control technologies and strategies for the industrial and electric power sectors.

Mr. Sandler gave a PowerPoint presentation, reviewed key points provided by speakers as being carbon capture, sequestration, and cap and trade and briefly discussed what each involves in the context of reducing emissions from the industrial and electric power sectors to receive an 80% reduction in greenhouse gases below 1990 levels by 2050.

He said the Advisory Council reviewed the draft and new cap and trade regulation which has a 45-day comment period open until December 16, 2010. They discussed regulating upstream companies, the allocation of permits, beneficiaries of the permit value or auction revenues, offsets and cost

containment, as well as complaints from agencies regarding the current cap and trade systems, over allocation of permits, and equity issues.

Mr. Sandler reviewed the Advisory Council's recommendations:

Carbon Capture:

- Promote technologies
- Research alternative, lower carbon cement; work with cities
- Consider recognition of the use of lower net carbon footprint materials in materials and infrastructure projects.

Sequestration:

- Track progress, consider risks

Cap and Trade:

- Encourage carbon price (even beyond cost recovery)
- Support Health Impact Assessment recommendations

Director Comments/Questions:

Director Hudson questioned geologic risks of injecting carbon, recycled water, the existence of coal power plants, and the potential for using membrane technology. Mr. Sandler said with injection of water, there is not a worry that it will not come back up into the air. CO₂ is a gas and it flows differently.

Vice Chair Bates questioned and confirmed there was a small scale, coal power plant at Moss Landing which was created for study in their pilot project. There was a question regarding whether Calera is looking at their process for a natural gas plant and they indicated their first choice was to go with coal because it is a high CO₂ source and a big problem for climate change. Director Hudson believed there is one or possibly two small coal burning plants in Stockton which may or may not be in operation.

Mr. Broadbent referred to the CARB cap and trade rule and he noted that District staff will be commenting on the cap and trade rule.

Chairperson Wagenknecht thanked the Advisory Council for their recommendations, said he was impressed with speaker presentations and ensuing discussion.

Director Ross said CARB released their cap and trade regulations, which may overlay in the District's efforts. He noted that Proposition 26 requires 2/3 vote for a fee, and he asked Mr. Sandler whether this would affect cap and trade and the District. Mr. Sandler said Proposition 23 did not pass and AB 32 will continue. Proposition 26 passed which would change the definition of the fee and require voter approval. This could come up in terms of auctioning the permits depending on whether there are lawsuits, and it might force a vote in order to auction permits. Mr. Broadbent said staff would pose this question back to the Advisory Council, staff will comment on cap and trade, and CARB is considering it at their December Board meeting.

10. 2010-2011 Winter Wood Smoke Reduction Program

Air Quality Program Manager, Barbara Coler, gave a brief overview of the Wood Smoke Reduction Program. She said the program continues to be successful, it is critical to attain PM_{2.5} air quality standards, the District is protecting the Bay Area health by implementing the rule, and noted essential

program components include education and outreach, compliance assistance, and a robust enforcement program.

Ms. Coler reviewed survey results, key components of Regulation 6, Rule 3 which was adopted July 9, 2008, and said the District is in non-attainment for PM2.5. She presented a particulate matter pyramid of health effects, emphasizing this is the most serious health related air pollutant in the Bay Area because it causes immediate health effects. She reviewed wood smoke enforcement, complaints and warning letter statistics for the 2008/09 and 2009/2010 programs and reviewed 2010/2011 program highlights.

Communications and Outreach Director, Lisa Fasano, presented the Winter Spare the Air (WSTA) program outreach, stating the District will continue to blanket the area with messaging and will target message to non-English speaking communities and those more likely to exceed the 24 hour standard. Staff will stress health impacts this year and expand multi-cultural outreach. She then presented a video of the campaign, an outreach map with various types of targeting with billboards, transit shelters, TV, radio, bicycle, family events, door to door, and Treasure Island banner advertising. Ms. Fasano then presented a video of WSTA commercial, and presented a map of outreach in the Bay area.

Ms. Fasano also indicated staff will be messaging with the Livermore Amador Valley Transit Authority (LAVTA). She said messages will be to Check Before You Burn, Call 1-877-4NO-BURN, Check with WSTA Alert status at www.sparetheair.org or www.baaqmd.gov, and listen for Alerts on local news and TV.

Director Comments/Questions:

Director Hudson stated LAVTA and County Connection are affiliated in how they provide transit to Pleasanton, Dublin and Bishop Ranch, and he asked about advertising on some of the Bishop Ranch Express buses with County Connection.

Director Ross commended staff with their approach, hoped that the program is institutionalized in people's minds, feels it has a lot of resonance with residents, and noted that 50% of people have reduced wood smoke burning.

Vice Chair Bates confirmed that 24 hour notice is provided when Spare the Air days are called, and it runs midnight to midnight.

Director Haggerty asked staff to focus on what he believes is a missed opportunity with barbeques. Ms. Fasano noted that outside fireplaces are included; however, cooking over a fire outdoors is exempt under the regulation.

Chairperson Wagenknecht stressed that education and broadening of the message will continue to resonate with people, and Directors agreed.

OTHER BUSINESS

11. Report of the Executive Officer/APCO:

- Staff is meeting with representatives of the affordable housing and development community regarding CEQA guidelines and will be recommending a series of actions at either the Board of Directors meeting on December 1 or 15, 2010. Part of the actions will include a recommendation to move the date of the toxics receptor portion which becomes effective January 1, 2011 and provide more time. Staff will be preparing additional

information that will serve to simplify the process of preparing CEQA analyses and refined inventory analyses.

- Staff is working with the new owners of the former NUMMI facility; Tesla, to transfer credits and in making sure the plant operates smoothly in building electric vehicles for the Bay Area.
- Staff is working closely with the Lehigh Cement community of Cupertino and others to address concerns. Staff will be going out with public process for Title V permit in late November/early December.
- The Air and Waste Management Association's People to People program 2011 delegation to India, which was assembled two years ago was canceled and postponed. He said A&WMA is now asking for delegates to join them in February 2011 and an email was sent to the Board to garner interest in being part of the delegation. The subject of Board expenses had been thoroughly discussed in 2007, and it was decided at that time to cover half the amount of total costs. He confirmed that the Board will be asked to make a decision no later than the end of November in order to properly plan and reported that three Directors had previously been scheduled to attend.
- Chairperson Wagenknecht requested staff to agendize the discussion about reimbursement for travel to India at the next Executive Committee meeting. Director Ross confirmed with Mr. Bunger that when the vote was taken for the last trip, the Board set aside a total amount of money which was divided amongst those who attended.

12. Chairperson's Report:

- Acknowledged the festivities of the San Francisco Giants' World Series parade which is being held downtown this date;
- The November 17, 2010 Board of Directors meeting is canceled.

13. Time and Place of Next Meeting: Regular Meeting - Wednesday, December 1, 2010, 9:45 a.m., Board Room, 939 Ellis Street, San Francisco, CA 94109

14. Adjournment: The Board of Directors meeting adjourned at 10:45 a.m.

/s/ Lisa Harper

Lisa Harper
Clerk of the Boards