

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

APPROVED MINUTES

Summary of Board of Directors
Executive Committee Meeting
9:45 a.m., Wednesday, November 22, 2010

- Call to Order - Roll Call:** Chairperson Brad Wagenknecht called the meeting to order at 9:50 a.m.
- Present:** Chairperson Brad Wagenknecht; Secretary John Gioia; Committee Members Susan Garner, Carole Groom, Scott Haggerty, Mark Ross, and Pamela Torliatt
- Absent:** Vice Chairperson Tom Bates; Committee Member Susan Garner and Gayle B. Uilkema
- Public Comment Period:** None.
- Approval of Minutes:** Approval deferred, due to lack of a quorum.

4. Quarterly Report of the Hearing Board – July 2010 – September 2010

Thomas Dailey, Hearing Board Chairperson, gave an update on the Hearing Board for the period of July through September 2010. Mr. Dailey stated the Hearing Board scheduled and processed 13 accusations and request for orders for conditional abatement. These orders were brought against gas station owners who have not complied with the vapor recovery requirements of the California Air Resources Board.

Thirteen hearings were scheduled, eleven were held, and two were withdrawn because the respondents complied with the vapor recovery equipment requirements. In addition, the Hearing Board held a Hearing Board Rules Update Workshop and received final written and verbal comments, including comments from the Air District staff, on August 12, 2010. New Hearing Board Rules are expected in 2011.

Mr. Dailey stated the Hearing Board received a status update on Vapor Recovery Compliance from District Counsel. The Hearing Board recognized how well orchestrated and organized the process around vapor recovery compliance has been.

Mr. Dailey stated that leadership starts from the top and that both Mr. Broadbent and Mr. Bunger should be recognized for how well organized this process has been, as it has allowed the Hearing Board to not be bogged down with repetitive details of the vapor recovery program, but rather to focus on individual cases.

Chairperson Wagenknecht asked how long an average case takes, and Mr. Dailey stated the shortest case was several hours, and one case lasted an entire day.

Committee Comments/Questions: None.

Public Comment:

Nyese Joshua, expressed concerned about a fire that occurred in Potrero Hill and the lack of follow up from the Air District.

Chairperson Wagenknecht requested a response from staff. Jack Broadbent informed the Committee that an incident report was filed for this incident, and staff will follow up with Ms. Joshua.

Committee Action: None; for information only.

3. Approval of Minutes

Committee Action: Director Haggerty made a motion to approve the October 20, 2010 minutes; seconded by Secretary Gioia; unanimously approved without objection.

5. Discussion on Board Policy Regarding Reimbursement for Expenses Related to Upcoming Travel to India

Jack Broadbent, Executive Officer/APCO, provided the Committee with background regarding reimbursement for expenses related to upcoming travel to India. Mr. Broadbent stated the Air and Waste Management Association is planning a trip to India relative to air quality issues. Interest has been expressed by Board Members in attending.

Mr. Broadbent indicated that staff is seeking Committee approval of a policy regarding reimbursement. Mr. Broadbent continued stating that for the trip to China, the Board elected to cover up to half of the expenses, but not more than \$10,000 total.

Committee Comments/Questions:

Chairperson Wagenknecht stated that past practice has been that the District covers half the cost. Mr. Broadbent replied the cost of the trip would be \$6,500. Director Torliatt said the maximum amount covered while in China was \$2,500 per individual and not half. Director Haggerty stated that if someone is attending on behalf of the Air District, the Air District should cover the costs. He expressed concern that if the District is considering covering only half the costs, it appears as if the trip is not worthy.

In addition, Director Haggerty said he did not feel that this is the right time to consider a policy. He stated that the trip appears to be a goodwill trip.

Director Ross said paying half would be okay as the trip does not warrant 100 percent reimbursement and added that there is value to the trip.

Director Gioia asked how many staff members were planning to attend, Mr. Broadbent replied that he would be the only staff attending. In addition, Director Gioia stated that if there is value in a Director attending, then one would assume that Director's costs would be paid in full.

Director Groom stated this is not the best time to spend money on travel, due to the fact the Air District may consider raising fees and the Air District chose to raise fees by 5 percent as property taxes remain down, not 10 percent.

Mr. Broadbent stated that this trip is connected with the Air & Waste Management Association (A&WMA), and that the Air District typically attends the A&WMA's Annual meeting. Mr. Broadbent stated the delegation to India was originally scheduled two years ago and then postponed due to the bombings in Mumbai.

Director Torliatt stated that the trip to China was educational and learned that the pollution that occurs in other countries is actually affecting everyone on a global level. Director Torliatt suggested the District cover \$2,500 as previously mentioned, and also said there would be value in Board Members being able to attend.

Committee Action: Director Ross made a motion to recommend Board of Directors' approve travel reimbursement of \$2,500 per Board Member not to exceed \$10,000. If more than two Board Members attend, the monies will be divided equally amongst the attendees; Secretary Gioia seconded the motion. Vote 4-2: Ayes: Gioia, Ross, Torliatt, and Wagenknecht. Noes: Groom and Haggerty. Absent: Bates, Garner and Uilkema, motion in favor 4-2.

Public Comment:

None.

6. Status Report on Strategic Facilities Planning Project and Request to Issue RFP

Mr. Broadbent provided the Committee with an overview of the Air District's potential relocation. Mr. Broadbent expressed an interest to move forward in conjunction with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). At MTC's meeting last week, MTC agreed to move forward with a Request for Proposal (RFP), giving authorization to their staff to move forward for real estate transaction services to consider potential options to have all three agencies co-locate in either San Francisco or Oakland.

Mr. Broadbent expressed a need for the District to keep all options viable. Mr. Broadbent requested that the Committee authorize the request to issue an RFP in order to pursue the next steps and identify specific options in San Francisco and the Bay Area. Mr. Broadbent requested that the needs of the District be given consideration during this process.

Jeff McKay, Deputy Air Pollution Control Officer, provided the Committee with an overview informing the Committee of the need to develop an RFP. Mr. McKay stated what options within San Francisco would fill the District's needs. Currently, there are seven places within San Francisco. Mr. McKay stated that the District is looking at areas of 75,000+ square feet.

Committee Comments/Questions:

Director Torliatt asked if the Air District is planning to hire someone to help focus on this matter, and spend money to hire someone. Mr. McKay said the Air District would like to issue an RFP with an agency that would represent the District on a contingency basis.

Mr. Broadbent stated that the first option is to relocate with both MTC and ABAG. Mr. Broadbent stated he feels it would be appropriate to speak to staff in regard to what they would prefer as the Air District moves forward.

Director Haggerty expressed concern that it appears the Air District's focus is to stay in San Francisco, with no plans of moving to Oakland. Director Haggerty continued stating MTC plans to move forward, spending an estimate of \$100,000 for their own study. Director Haggerty also suggested all three agencies sit down and discuss their plans.

Director Torliatt said at ABAG's Executive Committee meeting, it was stated that the "Air District is only going to be in San Francisco, and that the analysis is biased toward San Francisco." Director Torliatt's response to ABAG was that the Air District will analyze all options, and the study is not biased. Director Torliatt also suggested that the District pay a real estate agent a finder's fee if they find something that is not listed by a real estate company in order to keep additional options available.

Chairperson Wagenknecht asked Mr. Broadbent to clarify the request of the Committee. Mr. Broadbent responded that staff would like authorization to move forward with issuing an RFP for a transaction on financial advisory services, in case the three agencies cannot get to the point where we can consolidate.

Mr. Broadbent reiterated the first and foremost option is to locate with both MTC and ABAG. Mr. Broadbent also expressed concerns about the comments expressed by ABAG. Mr. Broadbent continued, saying there is a need for strong leadership on behalf of the Chair of each agency. Lastly, Mr. Broadbent expressed the need to survey staff.

Committee Action: Director Haggerty made a motion to defer the Air District's RFP process for at least six months, and allow the joint process to move forward; and after six months if there is no progress, proceed to a dual track method; Secretary Gioia seconded the motion. Vote 5-1: Ayes: Gioia, Groom, Haggerty, Ross, and Torliatt. Noes: Wagenknecht. Absent: Bates, Garner and Uilkema, motion in favor 5-1.

Public Comment:

None.

7. Update on Implementation of the District's California Environmental Quality Act (CEQA) Guidelines

The Committee received an update on the implementation of the Air District's California Environmental Quality Act (CEQA) Guidelines. Mr. Broadbent briefed the Committee informing them that in June 2010, the Board of Directors adopted the CEQA thresholds and that the thresholds that deal with receptors and toxics have a future effective date. Mr. Broadbent stated the issues continue to be in impacted communities and that CEQA is a deterrent to infill development.

Henry Hilken, Director of Planning and Research described some of the work the Air District has done with various cities, counties and regional agencies and the next steps in the process.

Mr. Hilken stated one of the objectives of the CEQA Guidelines, which is to incorporate air quality considerations in local land use decision making. Mr. Hilken also emphasized interest in both Climate Action Plans and Risk Reduction Plans.

Mr. Hilken also said the Air District is recommending that Community Air Risk Evaluation (CARE) communities undertake risk reduction plans, but that other communities have begun this process on their own. For instance, San Pablo and Santa Clara have both proposed to develop risk reduction plans, which is resonating at the local level.

Implementation of the CEQA Guidelines include:

- Lead agencies are applying Air District's thresholds
- Mixed use and infill projects are demonstrating Greenhouse Gas (GHG) efficiency and are below GHG thresholds
- Cities are committing to developing GHG Reduction Strategies and Community Risk Reduction Plans (City of Santa Clara, San Pablo)
- Comment letters support good projects and project features
 - Redwood City Downtown Precise Plan – transit oriented development, innovative parking strategies, bicycle & pedestrian infrastructure
 - San Francisco GHG Reduction Strategy – already meeting GHG reduction targets beyond AB32, meets District's qualifying criteria
 - City of Dublin Climate Action Plan – implemented many climate friendly strategies to date with commitment to achieve AB32 targets

Various tools and resources include:

- GHG Mitigation Quantification Report
 - Numerous strategies and methodologies for GHG reductions
- Posting CEQA Comment Letters
 - Recommendations for analysis and mitigation measures on diverse CEQA projects
- Updated screening tables to evaluate road and highway impacts
- Video training for land use emission models

Mr. Hilken said the regional agency collaboration consists of the following:

- Ongoing work with ABAG & MTC
- Convened Air Quality/PDA workgroup
 - Identify air quality concerns in Priority Development Area (PDA) communities
 - Support plan level efforts to address air quality impacts and CEQA
 - Streamline CEQA review of PDAs
 - Coordinate with the SB 375 process
- Model to calculate benefits of transportation measures
 - Combines effects of different transportation measures
 - Supports development in PDAs

Results:

- Pilot projects underway in San Jose, San Francisco
 - Air District assisting with work plan development, emissions inventories, modeling

- Regular meetings and calls with local staff
- \$50,000 to SJ and SF to support local staff
- Making progress on modeling, mapping growth areas, and outreach plans
- Preparing local emission inventories (regionwide)
 - Detailed modeling inputs for stationary sources
 - Local road and highway traffic volumes & emissions

Mr. Hilken stated that the Air District is developing community development guidelines for all jurisdictions in the Bay Area, with the intent to streamline and simplify the air quality analysis process for any new development. In addition, based on inventories the District would be able to map setbacks for all roadways and freeways that would meet the thresholds.

The community development guidelines will:

- Simplify process for analyzing and mitigating risk and hazard impacts
- Standardize setbacks and mitigation measures for specific sources
- Integrate local land use planning with air quality issues
- Provide worksheet/checklist to streamline approach

Mr. Hilken also stated that Mr. Broadbent mentioned there were comments from some affordable housing advocates who expressed their concerns about how the thresholds may affect affordable housing sites. Staff does not believe that the thresholds deter affordable housing.

Risk and hazard screening approach include:

- Applied screening approach to affordable housing sites
 - Over 80% of sites pass screening. In addition the Air District will take further steps to minimize those potential conflicts or areas where affordable housing projects could be slowed down
- Working to clarify screening approach
 - Better explain conservative nature of screening tables
 - Provide detailed screening approach worksheet/flow chart
 - Continue to update and enhance inventory data
 - Provide data and technical assistance to local governments and stakeholders

Director Torliatt suggested adding the phrase “before going through the screening process, you can call our staff at,” prior to going through the screening process. Mr. Hilken replied the Air District will add this information and make it bold.

Mr. Hilken concluded that staff will recommend that the Board at its December 15, 2010 meeting further postpone implementing one threshold for risk and hazards for new receptors until May 1, 2011, as this will allow cities and counties additional time to become familiar with the tools.

Next steps include:

- Recommend that Board of Directors to change effective date for risk and hazard thresholds for new receptors

- Host local governments workshops
- Refine technical data and screening process
- Initiate technical working group

Committee Comments/Questions:

Chairperson Wagenknecht asked if non-profit housing developers would be invited to attend. Mr. Broadbent said they would be invited and that there have been meetings, and that they are also aware of the recommendation.

Director Ross asked about the 80% of sites that have passed screening. Mr. Hilken said the Air District was given a list of approximately 200 to 250 potential housing sites from all counties, with the exception of San Francisco. Jean Roggenkamp, Deputy Air Pollution Control Officer, stated in general plans there are sites that are designated for potential development.

Director Groom said the housing advocates felt that the CEQA Guidelines were just another opportunity for the anti-affordable housing groups to oppose development, and that Mr. Hilken has met with them which has proved beneficial.

Chairperson Wagenknecht stated that the bottom line is health.

Closed Session

The Executive Committee adjourned to Closed Session at 11:20 a.m.

POTENTIAL LITIGATION (Government Code Section 54956.9 (b))

Pursuant to Government Code Section 54956(b), a need exists to meet in closed session to discuss potential litigation regarding one matter.

Open Session

The Committee reconvened the Executive Committee Meeting at 11:40 a.m. District Counsel Brian Bunker stated there was no reportable action taken in Closed Session.

Committee Member Comments/Other Business: None.

Time and Place of Next Meeting: At the call of the Chair

Adjournment: The meeting was adjourned at 11:42 a.m.

ISI Vanessa Johnson

Vanessa Johnson
Executive Secretary