



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
REGULAR MEETING  
MARCH 2, 2011

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7<sup>th</sup> 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.

## Public Comment Procedures

Persons wishing to make public comment must fill out a Public Comment Card indicating their name and the number of the agenda item on which they wish to speak, or that they intend to address the Board on matters not on the Agenda for the meeting.

**Public Comment on Non-Agenda Matters, Pursuant to Government Code Section 54954.3** For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to commencement of the meeting. The remainder of the speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

**Public Comment on Agenda Items** After the initial public comment on non-agenda matters, the public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.

Up to ten (10) speakers may speak for three minutes on each item on the Agenda. If there are more than ten persons interested in speaking on an item on the agenda, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. Speakers are permitted to yield their time to one other speaker; however no one speaker shall have more than six minutes. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

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

WEDNESDAY  
MARCH 2, 2011  
9:45 A.M.

BOARD ROOM  
7TH FLOOR

## CALL TO ORDER

Opening Comments  
Roll Call  
Pledge of Allegiance  
Oath of Office/Swearing-In of New Board Members

Chairperson, Tom Bates  
Clerk of the Boards

## PUBLIC COMMENT ON NON-AGENDA MATTERS

### **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

*For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.*

## CONSENT CALENDAR (ITEMS 1 – 4)

Staff/Phone (415) 749-

1. Minutes of February 2, 2011

L. Harper/5073  
[lharp@baaqmd.gov](mailto:lharp@baaqmd.gov)

2. Communications

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Information only.*

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

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto: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. Quarterly Report of Executive Office and Division Activities

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A summary of Board of Directors, Hearing Board and Advisory Council meeting activities for the second quarter is provided for information only. Also included, is a summary of the Executive Office and Division Activities for the months of October – December 2010.*

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

5. Report of the **Maritime Source & Ports Committee** Meeting of February 24, 2011  
CHAIR: N. MILEY  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

6. Report of the **Budget & Finance Committee** Meeting of February 24, 2011  
CHAIR: C. GROOM  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee may recommend Board of Directors approval to authorize the Executive Officer/APCO to enter into contract with Cypress Private Security for the Lobby Security.*

## **PRESENTATION**

7. Advisory Council Report on the October 13, 2010 Meeting on California's 2050 GHG Emission Reduction Target of 80% below 1990 Levels – Strategies and Technologies for the Transportation Sector  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Advisory Council will present a report and recommendations from its October 13, 2010 meeting on California's 2050 GHG emission reduction target of 80% below 1990 levels – strategies and technologies for the transportation sector.*

## **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)*

## **OTHER BUSINESS**

8. Report of the Executive Officer/APCO
9. Chairperson's Report
10. Time and Place of Next Meeting – 9:45 A.M. Wednesday, March 16, 2011 – 939 Ellis Streets, San Francisco, CA 94109

## **PUBLIC COMMENT ON NON-AGENDA MATTERS**

### **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

*Speakers who did not have the opportunity to address the Board in the first round of comments on non-agenda matters will be allowed three minutes each to address the Board on non-agenda matters.*

11. Adjournment

**CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109**

**(415) 749-5130**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://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](http://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**

**MARCH 2011**

<b><u>TYPE OF MEETING</u></b>	<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>ROOM</u></b>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(At the Call of the Chair)</i>	Thursday	3	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Public Outreach Committee</b> <i>(At the Call of the Chair)</i>	Thursday	3	11:00 a.m. Following Stationary Source Meeting	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Legislative Committee</b> <i>(At the Call of the Chair)</i>	Monday	7	9:45 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Climate Protection Committee</b> <i>(At the Call of the Chair)</i>	Monday	7	11:00 a.m. Following Legislative Meeting	4 <sup>th</sup> Floor Conf. Room
<b>Advisory Council Meeting</b>	Wednesday	9	9:00 a.m.	Board Room
<b>Board of Directors Personnel Committee</b> <i>(At the Call of the Chair)</i>	Monday	14	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(At the Call of the Chair)</i>	Wednesday	23	1:00 p.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i>	Thursday	24	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

**APRIL 2011**

<b><u>TYPE OF MEETING</u></b>	<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>ROOM</u></b>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	6	9:45 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(At the Call of the Chair)</i>	Monday	11	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	20	9:45 a.m.	Board Room

## APRIL 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i>	Thursday	28	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(At the Call of the Chair)</i>	Thursday	28	11:00 a.m. Following Mobile Source	4 <sup>th</sup> Floor Conf. Room

## MAY 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	4	9:45 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(At the Call of the Chair)</i>	Wednesday	25	1:00 p.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i>	Thursday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

HL – 2/23/11 (9:50 a.m.)  
P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Tom Bates and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 14, 2011

Re: Board of Directors Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Board of Directors Regular Meeting of February 2, 2011.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of February 2, 2011.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Board of Directors Regular Meeting  
February 2, 2011

## **DRAFT MINUTES**

**CALL TO ORDER:** Chairperson Tom Bates called the regular meeting to order at 9:48 a.m. without an initial quorum.

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

Roll Call: Chairperson Tom Bates; Vice Chairperson John Gioia; Secretary Ash Kalra; and Directors Carole Groom, Scott Haggerty, Jennifer Hosterman, David Hudson, Carol Klatt, Liz Kniss, Eric Mar, Nate Miley, Mark Ross, Pamela Torliatt, Gayle B. Uilkema, Brad Wagenknecht, Ken Yeager, and Shirlee Zane

Absent: Directors Harold Brown, Chris Daly, Susan Garner, and James Spring

Chairperson Bates suspended the regular meeting to the Special Meeting. He noted that a quorum had been established.

### **RECONVENE REGULAR MEETING:**

Chairperson Bates reconvened the regular meeting at 9:55 a.m.

### **PUBLIC COMMENTS:**

Evan Reeves, Center for Creative Land Recycling, voiced appreciation to the Board for extending the implementation date of CEQA thresholds for toxic air contaminants for new receptor projects to May 1, 2011, but strongly disagreed with the decision to leave the screening tools up on the District's public website while revisions are underway. He submitted a comment letter authored by Stephanie Shakofsky, Executive Director, that expanded upon their request to remove the screening tools and guidance from the website, and to direct staff resources toward assisting communities with the development of their Community Risk Reduction Plans (CRRPs).

### **BOARD MEMBER COMMENTS:**

Director Torliatt thanked the Board of Directors for their farewell wishes given to her at the January 19, 2011 Board Retreat. She announced this would be her last meeting, as the Petaluma City Council will be recommending and appointing City of Santa Rosa Councilmember, Susan Gorin, on February 10, 2011 to the District Board of Directors.

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

1. **Minutes of January 19, 2011 Regular Meeting;**
2. **Communications;**
3. **District Personnel on Out-of-State Business Travel;**
4. **Quarterly Report of Air Resources Board Representative-Honorable Ken Yeager;**
5. **Resolution Supporting the California Air Resources Board in Promoting Clean and Energy Efficient Motor Vehicles**

**Board Action:** Director Hudson made a motion to approve Consent Calendar Items 1, 2, 3, 4 and 5; Director Wagenknecht seconded the motion; unanimously approved without objection.

*Resolution No. 2011-02 was adopted supporting the California Air Resources Board's Leadership in Promoting Clean and Energy Efficient Motor Vehicles.*

**COMMITTEE REPORTS AND RECOMMENDATIONS**

**6. Report of the Budget & Finance Committee Meeting of January 26, 2011**

Chair: C. Groom

The Budget and Finance Committee met on January 26, 2011 and approved the minutes of December 8, 2010.

The Committee received the Financial Report for the second quarter for Fiscal Year 2010/11 and reviewed a comparison of budget to actual revenue, expenditures, investment balances, fund balances, and year end results.

The Committee received an overview of information from the first six months of the current fiscal year, reviewed reserve and OPEB funding levels per Board direction, current staff vacancies and utilization of staff resources. The Committee reviewed a breakdown of General Fund revenue. Permit fee revenues are projected to be \$1.0 million below the amount budgeted.

The Committee asked for a presentation of the cost recovery study once it has been completed.

The next meeting of the Budget and Finance Committee is at the Call of the Chair.

**Board Action:** Director Groom made a motion to approve the report of the Budget and Finance Committee; Director Uilkema seconded the motion; which carried unanimously without objection.

**7. Report of the Mobile Source Committee Meeting of January 27, 2011**

Chair: S. Haggerty

The Mobile Source Committee met on Thursday, January 27, 2011 and approved the minutes of November 18, 2010.

The Committee recommends the Board of Directors' approve the following:

- Carl Moyer projects with grant awards over \$100,000; and authorization for the Executive Officer/APCO to execute grant agreements;

- \$5 million in Mobile Source Incentive Funds for shore-power projects at the Port of Oakland; and authorization for the Executive Officer/APCO to execute grant agreements;
- Resolution authorizing the Executive Officer/APCO to execute all necessary agreements with the California Air Resources Board relating to the Air District's receipt of Carl Moyer Program funds for fiscal year 2010-2011 (Year 13); and allocation of \$5 in Mobile Source Incentive Funding for projects eligible for funding under Year 13 Carl Moyer Program;
- Award \$3.9 million in TFCA funds to: ECOTALITY, Coulomb Technology, AeroVironment and Clipper Creek as contractors for the Home Charger Rebate project; 2) ECOTALITY and AeroVironment as contractors for the Direct Current (DC) Fast Charger Deployment project; and 3) ECOTALITY as the contractor for Program Coordination; and authorize the Executive Officer/APCO to execute contracts with each of these contractors.

The next meeting of the Mobile Source Committee will be at the call of the Chair.

Director Bates said the shore power funding to the Port of Oakland is of particular significance, and he thanked staff for their work in advancing the funding.

Omar Benjamin, Executive Director, Port of Oakland, introduced Port Commissioner Margaret Gordon who thanked everyone for supporting the Port and for working to electrify docks which will reduce emissions in West Oakland.

Mr. Benjamin expressed his thanks for what the Board, staff and colleagues have done to support clean air. He said the Port and District built a plan together, they have banned dirty trucks, received support from the District on the truck retrofitting program and shore-power plan, and noted design work has already started. The Port anticipates breaking ground later this year, and they want to continue the relationship as they solidify the final Proposition 1B funding. He especially thanked Directors Haggerty and Miley and their coordinated efforts.

**Board Action:** Director Haggerty made a motion to approve the report and recommendations of the Mobile Source Committee; Director Hosterman seconded the motion; which carried unanimously without objection.

**CLOSED SESSION:**

The Board of Directors adjourned to Closed Session at 10:07 a.m.

**8. EXISTING LITIGATION (*Government Code Section 54956.9(a)*)**

*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):*

A.) Dura flame, Inc. v. Bay Area AQMD, California Supreme Court, Case No. S187990

B.) California Building Industry Association v. Bay Area AQMD, San Francisco Superior Court, Case No. RG 10548693

- C.) Som D. Gupta, et al. v. City of Union City, Bay Area AQMD, et al., Alameda County Superior Court, Case No. RG10552284
- D.) United States, et al. v. Pacific Gas & Electric Co., et al., United States District Court, N.D. Cal., Case No. C-09-4503 SI
- E.) Bay Area AQMD v. Frederick Lau, San Francisco County Superior Court, Case Nos. CCH-10-571

The Board of Directors reconvened in Open Session at 10:27 a.m.

Chairperson Bates announced that the Board of Directors met in Closed Session and no reportable action was taken. He stated the Personnel Committee would continue discussion on matters relating to Item 9; Performance Evaluation of the Executive Officer/APCO.

## **OTHER BUSINESS**

### **9. Report of the Executive Officer/APCO:**

Mr. Broadbent reported on the Spare the Air Season, stating it is the middle of the season, a total of 4 Spare the Air days had been called, and indicated that a full Spare the Air report will be returned to the Board in April.

Mr. Broadbent recognized Karen Schkolnick, recipient of an award from the Department of Energy for her work in clean air funding efforts.

Director of Strategic Incentives, Damian Breen reported that the award was from the East Bay Clean Cities Coalition portion of the Department of Energy's Clean Cities Program. Ms. Schkolnick was recognized for her outreach to promote electric vehicles and manage funding programs.

Mr. Broadbent stated Chairperson Bates has proposed the Board hold workshops throughout the year. Before all Board Members is a list of 5 workshop topics and dates proposed to be held through the course of the year, which are intended to provide a framework on various topics relating to air quality management, monitoring, tours of stations, the institutional and legal framework of the Environmental Protection Agency and California Air Resources Board, the District's authority, permitting, enforcement, and outreach and incentives discussion. He added that work is also underway by the Advisory Council relating to ultrafine particulates, which will be addressed.

### **10. Chairperson's Report:**

Chairperson Bates reported that while adjustments may need to be made, the proposed workshops will be instrumental in serving as educational forums.

Chairperson Bates congratulated Director Ross in his re-appointment by the Contra Costa Mayors Conference to serve another two-year term on the Board of Directors.

Chairperson Bates canceled the February 16, 2011 meeting, and offered invitation for Mr. Townsend to comment.

Marland Townsend, Director, Bay Area Clean Air Foundation, said as a former Board Member, he is pleased to see the proposed list of workshop topics and to have witnessed such forward-thinking on the Board's part over the last several years.

Director Haggerty recognized Mr. Townsend's service, said he was pleased to see him still involved, and cited his impressive background.

- 11. Time and Place of Next Meeting:** 9:45 a.m., Wednesday, March 2, 2011 – 939 Ellis Street, San Francisco, CA 94109.
- 12. Adjournment:** The Board of Directors meeting adjourned at 10:35 p.m.

Lisa Harper  
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Tom Bates and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 22, 2011

Re: Board Communications Received from February 2 through March 1, 2011

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

A list of Communications directed to the Board of Directors received by the Air District from February 2, 2011 through March 1, 2011 if any, will be at each Board Member's place at the March 2, 2011 Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Tom Bates and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 17, 2011

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 January 29, 2011 through February 28, 2011. Out-of-state travel is reported in the month following travel completion.

DISCUSSION:

Barbara Coler, Air Quality Program Manager, attended the U.S EPA/Westar Residential Wood Smoke Workshop in Salt Lake City, Utah February 28, 2011 through March 3, 2011.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: David Glasser  
Reviewed by: Jack M. Colbourn

To: Chairperson Tom Bates and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 14, 2011

Re: Report of Division Activities for the Months of October 2010-December 2010

**ADMINISTRATION – J. COLBURN, DIRECTOR**

**Human Resources**

The Human Resources (HR) Office coordinated four recruitment exams including exams for Air Quality Technician, Clerk of the Boards, and two Advisory Council members. In addition, the HR Office conducted training sessions, including: various aspects of the Leadership Development Program Workshops; training on the deployment of Windows 7 and Office Suite 2010 Training for all employees in coordination with ISS; CalPERS Retirement Workshop; and LCW Labor Law Training. Furthermore, the HR Office is managing the design, development and delivery of training for the new Production System. The HR Office continues to administer payroll, benefits, safety, and labor/employee relations.

There was a security concern as several employees received threatening and/or harassing communications from one individual. As a result, the District increased its security measures by providing extra security guards and installing a metal detector. Moreover, the District is drafting security protocols which include procedures on handling and reporting threatening/ harassing communications.

There are currently 326 regular employees, 13 temporary employees and 37 vacant positions. There were 16 employee separations from October to December 2010.

**Strategic Facilities Planning**

**Alternative Headquarter Solutions:**

CBRE reported its study findings to the Strategic Facilities Planning Ad Hoc Committee on Friday, October 1 and to the Executive Committee at its October 20 meeting, for review and discussion.

The Board of Directors received the Phase II Study Findings at its December 1, 2010 meeting and unanimously authorized the Executive Officer/APCO to proceed with the next phase of the Strategic Facilities Planning Project for a joint regional government facility with the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG); to include the issuance of a Joint Request for Proposal with MTC as the lead agency.

The Request for Proposal was issued on December 3, 2010. Seven (7) responses to the RFP were received from Carpenter/Robbins Commercial Real Estate Services, Jones Lang LaSalle, CB Richard Ellis, Aegis & Cushman Wakefield, CM Commercial, the CAC Group and Carnish and Carey. The proposals were reviewed by a panel consisting of representatives from the three agencies. Based on the evaluation of the written responses, the panel conducted in-person, in-depth interviews with five of the seven firms, narrowing the final list to two (2) firms (AEGIS & Cushman Wakefield and CBRE). After the second round of interviews and comparative evaluation against the selection criteria, the panel recommended a contract with CBRE. The MTC Commission will review and consider authorizing the Executive Director to negotiate and enter into a contract with CBRE on behalf of the Agencies with compensation in the form of a commission paid by the seller and fully contingent upon the close of escrow services at its January 26, 2011 meeting.

### **Security**

A Request for Proposal was issued for lobby security. The RFP was released on October 21, 2010, and responses were due on November 22, 2010; Eight (8) responses were received from companies that attended a mandatory walkthrough.

The eight (8) proposals were then scored by a scoring panel comprised of Air District employees from several departments. Based on the final scores of the panel, the top three companies were invited back in for a second interview by a panel comprised of Air District staff and an outside panel member with security expertise. The second interview was held on December 13, 2010. After evaluating proposals, conducting interviews and checking references, Cypress Private Security and is recommended to receive the awarding of lobby security contract. The Board of Directors' will consider approval of the recommendation at its February 2, 2011 meeting.

Additional security protocols to ensure a safe environment for all employees were implemented throughout the last quarter; including metal detector screening in the lobby.

### **Finance Section**

- Coordinated work with Engineering Staff on the update for the Cost Allocation Report and Plan.
- Initiated work for the development of the FY 2011-2012 budget.

### **Business Office**

Develop Small Business program concept plan.

**COMPLIANCE AND ENFORCEMENT – K. WEE, DIRECTOR****Enforcement Program**

On October 10, 2010 the Tesoro Refinery had a fire occur on the surface of a tank containing process water for approximately 3 hours. A contractor working on the tank seal accidentally ignited a layer of diesel oil that floats on the water as a seal to keep sour gases and odors from escaping. An estimated 9,576 gallons of diesel fuel burned in the fire with 192 lbs. of NOx generated. On November 15, 2010 EPA Headquarters and Region 9 staff conducted a joint audit of the Valero Refinery along with District staff. The site audit lasted four days concluding on Thursday, November 18, 2010. On November 16, 2010 a small, 45-minute fire occurred at Sims Metal Management in San Francisco that resulted in three air pollution complaints from downwind residents in Bay View Hunters Point. To address community concerns about smoke impacts, staff initiated dialog with the SF Fire Department to discuss the department's shelter in place determination process. On December 15, 2010 staff met with San Mateo County Public Health and Belmont Fire Department regarding odor complaints received from Peterson Products, a Fiberglass Manufacturing plant, located in Belmont. Staff surveyed approximately 35 retail outlets to check for sale of non-compliant automotive coatings. Staff provided testimony to the Hearing Board during abatement hearings against 6 gas stations that had not complied with the deadline for installation of state-required vapor recovery equipment upgrades.

The District received 103,725 calls to the 877-4NO-BURN line and 682 alleged complaints regarding wood burning. Staff mailed out 416 informational packets to residences who had received complaints regarding wood burning. The District issued 2 *Winter Spare the Air Alerts (WSTA)* on December 1 and 12 resulting in 38 Warning Letters and 1 Notice of Violation. On November 9, 2010 staff met with the Environmental Justice Air Quality Coalition in Berkeley to discuss improvements to the air pollution complaint process.

**Compliance Assurance Program**

On October 6, 2010, staff attended the CAPCOA Vapor Recovery meeting in Sacramento and assisted ARB on its proposed outreach sessions to inform gas station operators, contractors, and California air district inspection staff about the new state-wide enforcement policy for In-Station Diagnostics (ISD) winter time overpressure alarms. On November 30, 2010 staff hosted two of these outreach sessions with ARB in Martinez and San Francisco. Staff participated in the monthly Trucker Work Group meetings at the Port of Oakland.

**Compliance Assistance Program**

On Thursday, November 4, 2010, staff gave a presentation at the Napa Viticulture Fair about District's Regulation 5 (Open Burning Rule) the proposed agricultural engine rule (Regulation 11, Rule 17). On Wednesday, November 10, 2010, staff gave a presentation at the Marin County Farmer's Bureau Meeting, Point Reyes Station about District's proposed agricultural engine rule. Compliance advisories were sent to polyester resin

operators and manufacturers on the new operational requirements and VOC limits (Regulation 8-50); to solid fuel manufacturers and providers regarding enforcement of the

solid fuel labeling requirements and provided sample labels for providers to use (Regulation 6-3); and to gasoline bulk terminals and bulk plants to alert facilities of new compliance deadlines, emission and reporting requirements (Regulation 8-33 and Regulation 8-39). Staff finalized and posted a Frequently Asked Questions (FAQ) document for Regulation 6-3: Wood-Burning Devices to provide the general public with guidance on the wood-burning rule. District staff continued compliance assistance to homeowners whose homes were damaged in the San Bruno fire. Staff attended the Asbestos NESHAP Task Force meetings and assisted in development of a new EPA guidance to address asbestos contamination following incidents such as the San Bruno fire.

**Operations**

Prior to the start of the *Winter Spare the Air Season*, staff sent out 564 reminder letters to residents who had received violation warning letters in the past 2 *Winter Spare the Air* Seasons. Staff finalized the 1-877-4NO-BURN phone system including the addition of Cantonese, Mandarin and Vietnamese languages and burn programs in Alaska and Arizona to the system. Visible emission evaluation training (VEE) certification for inspection staff was conducted by the District on November 15, 2010. On December 17, 2010 staff finalized the Naturally Occurring Asbestos Dust Mitigation Plan (ADMP) approval letter for the Crystal Springs Reservoir utility upgrade project in San Mateo County. The ADMP requires air monitoring because of the close proximity to sensitive receptors such as schools, day care centers, and hospitals: Staff approved 8 Prescribed Burn Smoke Management Plans (SMP) for burn projects in Alameda, Marin, San Mateo, Santa Clara, and Napa Counties. Staff completed the data verification and posting of flare monitoring data through October 2010.

**(See Attachment for Activities by County)**

**ENGINEERING DIVISION – B. BATEMAN, DIRECTOR**

**Permit Systems Program**

In the fourth quarter of 2010, 310 new permit applications were received: 252 standard New Source Review applications, 35 Gasoline Dispensing Facility applications, 19 Title V applications, and 4 Banking applications. During this period, the Engineering Division issued 117 Authorities to Construct and 389 Permits to Operate.

<b>4<sup>th</sup> Quarter 2010 Permit Activity</b>	
Annual update packages started	1,346
Annual update packages completed	1,079

Total update pages entered	1,218
New applications received	310
Authorities to Construct issued	117
Permits to Operate issued (new and modified)	389
Exemptions	9
Authorities to Construct denied	0
New Companies added to DataBank during the 4 <sup>th</sup> quarter 2010	98

### **Toxics Program**

A total of 76 Health Risk Screening Analyses (HRSAs) were completed during the 4<sup>th</sup> quarter of 2010. The majority of these HRSAs were for diesel engine emergency generators, with some gasoline stations and minor refinery projects.

Staff continued work assessing health risks from the Lehigh Southwest Cement Company (Cupertino) for the Air Toxics Hot Spots Program. Lehigh submitted a draft Health Risk Assessment (HRA) and, based on preliminary results, has decided to implement process modifications that will reduce mercury emissions by more than 50 percent by the second quarter of 2011. Lehigh will require additional equipment and/or process modifications that will reduce mercury emissions by more than 90 percent overall by 2013 as required under the Portland Cement NESHAP (National Emission Standard for Hazard Air Pollutants) promulgated last year by US EPA. Lehigh is revising their HRA to address the 50 percent and over 90 percent mercury emission reduction scenarios; the revised HRA is expected to be submitted in February 2011.

Engineering Division staff continued to provide data and assistance for implementation of the District's updated CEQA guidelines and thresholds of significance.

### **Title V Program**

The Title V permit renewals for the Valero Refinery, Valero Benicia Asphalt, Nustar Logistics, and C&H Sugar were issued in December 2010. The public comment periods were completed for the Title V permit renewals for the Tesoro, Chevron, and Shell refineries. The public comment period for the ConocoPhillips Refinery, Lehigh Southwest Cement Plant, and United Airlines Maintenance Facility will be completed in the 1<sup>st</sup> quarter of 2011.

On October 28, 2010, the District issued an administrative amendment to transfer the ownership of the Title V permit for New United Motor Manufacturing Inc. (NUMMI) to Tesla Motors Inc. District staff and Tesla also met to discuss changes to their existing permit which are required before Tesla can start producing their vehicles at the old NUMMI facility. Staff will continue to work with Tesla on these permit changes.

### **Permit Evaluation Program**

The Preliminary Determination of Compliance (PDOC) for the proposed Oakley Generating Station (Oakley) was issued on October 29, 2010. This proposed 624-megawatt natural gas-fired power plant consists of two gas turbines and one steam turbine in a combined-cycle configuration. The District is currently considering public comments received on this project and expects that the Final Determination of Compliance (FDOC) for this project will be issued in January 2011.

The FDOC for the proposed 200-MW Mariposa Energy Project (eastern Alameda County) was issued on November 24, 2010. This proposed “peaking” power plant consists of four simple-cycle gas turbines. The California Energy Commission (CEC) will hold an Evidentiary Hearing on this project in February 2011.

On November 18, 2010, the EPA’s Environmental Appeal Board (EAB) issued a ruling on appeals of the PSD Permit issued by the District for the proposed Russell City Energy Center (Hayward). The EAB upheld the District’s permit decision on all issues raised by the five petitioners filing appeals. The District subsequently renewed the Authority to Construct issued for the project.

After receiving a District-issued compliance advisory in November 2010, most gasoline bulk terminals have submitted permit applications for installing back pressure monitors at their gasoline truck loading racks to prepare for the back pressure monitoring requirement in District Regulation 8-33 that becomes effective January 10, 2011. District staff has developed a standard permit condition regarding the correlation testing requirement which will be issued under all of these applications. In addition, to comply with the more stringent emission standard in Regulation 8-33, one terminal has obtained an Authority to Construct to upgrade its vapor recovery system.

### **Engineering Projects Program**

Staff continues to participate in the Production System database conversion project. Portal designs were completed for permit renewal, emissions/throughput update, and permit engineer, and on-line forms were completed for surface coating, graphic arts, dry cleaning, and general sources. Beta 1 testing of the customer portal including the auto body wizard, combustion form and abatement device form was completed by the core team, and initiated by the extended team. Beta 2 testing including surface coating, permit renewal and some engineering controls was initiated by the core team.

Staff prepared a comment letter, and provided testimony at a public hearing, on the California Air Resources Board (CARB) proposed Cap-and-Trade rule for GHG emissions, and proposed amendments to the mandatory GHG reporting rule. CARB subsequently took actions to address the District’s comments including completing 15-day rule changes to allow air districts to act as GHG emission and offset verifiers, and forming a joint air district/CARB advisory committee to work on cap-and-trade implementation issues.

<b>LEGAL DIVISION – B. BUNGER, DISTRICT COUNSEL</b>
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The District Counsel's Office received 81 violations reflected in Notices of Violation (NOVs) for processing.

Mutual Settlement Program staff initiated settlement discussions regarding civil penalties for 76 violations reflected in NOVs. In addition, two (2) Final 30 Day Letter(s) were sent regarding civil penalties for 5 violation(s). Finally, settlement negotiations resulted in collection of \$33,625 in civil penalties for 30 violations reflected in NOVs.

Counsel in the District Counsel's Office initiated settlement discussions regarding civil penalties for 42 violations reflected in NOVs. Settlement negotiations by counsel resulted in collection of \$226,150 in civil penalties for 136 violations reflected in NOVs.

**(See Attachment for Penalties by County)**

<b>COMMUNICATIONS AND OUTREACH – L. FASANO</b>
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### **News Releases**

The Air District issued 16 press releases and/or media advisories during the last quarter: (to view press control key and click link)

- 10/5/2010     [Media Advisory - \\$1.9 Million Clean Air Grant to Reduce Emissions at the Port of San Francisco](#)
- 10/7/2010     [Court of Appeal Rejects Duraflame challenge to Wood Burning Rule](#)
- 10/12/2010    [Air District issues Spare the Air Smog Alert](#)
- 10/19/2010    [Air District Announces Winners of the Bay Area's Great Race for Clean Air](#)
- 10/27/2010    [Permissive burn periods for Orchard Pruning/Attrition and Forest Management fires open](#)
- 10/28/2010    [Air District to lead pioneering bike-sharing program](#)
- 11/1/2010      [Winter Spare the Air Season Begins Today](#)
- 11/9/2010      [Media Advisory - Air District seeks public comment for proposed Oakley power plant](#)
- 11/24/2010    [NO Winter Spare the Air Alert issued for this Thanksgiving](#)
- 11/30/2010    [Winter Spare the Air Alert in effect for Wednesday, December 1](#)
- 12/11/2010    [Winter Spare the Air Alert in effect for Sunday, December 12](#)
- 12/13/2010    [Air District puts Cupertino air monitoring data online](#)
- 12/20/2010    [Vehicle retirement program goes statewide](#)
- 12/21/2010    [Permissive burn season closes for stubble and straw fires](#)
- 12/23/2010    [Prevent a Winter Spare the Air Alert this Christmas](#)
- 12/30/2010    [Air District wins legal challenge to wood burning rule](#)

## **Media Inquiries**

Staff responded to a number of media inquiries during this quarter, topics included:

- Spare the Air (*numerous media outlets*)
- Winter Spare the Air Alert (*numerous media outlets*)
- Valero Refinery (*Contra Costa Times*)
- Lehigh Cement (*San Francisco Chronicle, Los Altos Town Crier*)
- Tesoro Flaring Incident (*KPIX, KGO, NBC 11, KRON 4, KTVU 2, ABC 7, Contra Costa Times*)
- Novato Sanitary District (*Marin Independent Journal*)
- Electric Vehicles (*San Francisco Magazine, Bay Citizen, San Francisco Examiner*)
- Bike Sharing Pilot Program (*New York Times, San Francisco Chronicle, The Urban Transportation Monitor, San Francisco Magazine*)
- Pacific Steel Casting (*Daily Californian*)
- Odors from the Jovalon Barge (*Action Alameda News*)
- Bayview Hunters Point (*Academy of Science, Hunters Point Community Voice*)
- City of Richmond sewage treatment facility (*Contra Costa Times, KGO*)
- Golden Eagle Refinery (*Dow Jones*)
- Conoco Phillips Plant Upset (*Bay City News, KQED*)
- General Air District/Community Concerns (*Bay View Community Voice*)
- San Bruno Air Quality (*SF Examiner*)
- Shoreside Power (*Contra Costa Times, KTVU*)
- Dry Cleaning (*KGO 7*)
- Duraflame Ruling (*Contra Costa Times*)
- No on Prop 23/Refineries (*KQED*)

## **Media Highlights**

Below are highlights of media coverage of the Air District over the last quarter: (to view press control key and click link)

10/7/2010	<a href="#">Cruise ships gain access to S.F. power grid</a>	San Francisco Chronicle
10/9/2010	<a href="#">Crews contain tank fire at Tesoro refinery</a>	Contra Costa Times
10/11/2010	<a href="#">Duraflame loses court battle over 'Spare the Air'</a>	Palo Alto Online
10/12/2010	<a href="#">Spare the Air Day declared for Wednesday as late heat wave continues</a>	San Francisco Chronicle
10/21/2010	<a href="#">Odor complaints halt work at Richmond sewage plant</a>	San Jose Mercury News
10/22/2010	<a href="#">Bay Area Air Quality on KRON-SF (MyTV) - San Francisco, CA</a>	KRON 4 News
10/25/2010	<a href="#">Refinery still rebounding from Friday fire</a>	abc7news.com
10/27/2010	<a href="#">Bike-sharing project expected to begin next year</a>	San Francisco Chronicle
10/29/2010	<a href="#">Pacific Steel Odor Problems Persist, Despite Complaints</a>	Daily Californian

10/31/2010	<a href="#">Winter burn rules start for Marin, Bay Area on Monday</a>	Marin Independent-Journal
11/5/2010	<a href="#">What's that Richmond smell?</a>	San Jose Mercury News
11/5/2010	<a href="#">INLAND REGION: Check air quality before lighting fireplaces</a>	Press-Enterprise
11/11/10	<a href="#">Los Altos City Council Expresses 'Grave Concerns' About Local Cement Plant</a>	Los Altos Patch
11/12/2010	<a href="#">Bay Area Air Quality on KRON-SF (MyTV) - San Francisco, CA (Tesoro Incident)</a>	KRON 4
11/20/2010	<a href="#">Russell City Energy Center on Track for Construction Following Decision by Federal Environmental Appeals Board</a>	Reuters
11/26/2010	<a href="#">Cold snap harbinger of winter yet to come</a>	San Jose Mercury News
11/29/2010	<a href="#">Is state being burned by woodstoves?</a>	Daily Democrat
12/01/2010	<a href="#">Bay Area Air Quality on KGO-SF (ABC) - San Francisco, CA</a>	ABC 7 Morning News
12/01/2010	<a href="#">Late heat spoils banner low-smog year</a>	San Jose Mercury News
12/09/2010	<a href="#">San Joaquin air regulations upheld by court</a>	San Francisco Chronicle
12/15/2010	<a href="#">Bay Area Air Quality on KNTV-SF (NBC) - San Francisco, CA</a>	Today in the Bay – News
12/21/2010	<a href="#">Lehigh Southwest Cement discharges worry neighbors</a>	San Francisco Chronicle
12/24/2010	<a href="#">Please don't burn wood this weekend, Bay Area air quality officials advise</a>	San Jose Mercury News
12/28/2010	<a href="#">Oakland works to keep government jobs from leaving in 2011</a>	Oakland Tribune

### **Media Events**

***Walk ‘n’ Roll to School*** – The Communications Office worked with the Tri-Valley Air Quality Resource Team to promote the third annual Walk ‘n’ Roll to School campaign to promote walking and biking to school, encourage youth health and exercise, and reduce traffic congestion and traffic-related air pollution around schools. Four elementary schools in the Tri-Valley participated in the month-long program during International Walk to School Week, October 4, October 8, 2010.

***Shoreside Power Event*** - The Communications Office worked with the Port of San Francisco to celebrate new clean shoreside electric power for cruise vessels at Pier 27 at an event on October 5, 2010 Jack Broadbent was a featured speaker and highlighted the Air District’s role in helping to fund the project and reduce emissions at the Port of San Francisco.

***Cal Park Tunnel and Walkway*** – Staff attended a media event in Larkspur to celebrate the opening of the Cal Park Tunnel and Walkway that connects the San Rafael Transfer Station and the Larkspur Ferry Terminal in Marin County in December. The Air District provided funding for the project, which was highlighted during the celebration event.

### **Publications**

#### ***Urban Transportation Monitor***

Staff contributed to an article in the Urban Transportation Monitor in November regarding the new bike sharing program that will be administered by the District. The Urban Transportation Monitor is a monthly publication that reports on the latest developments in urban transportation.

#### ***Bay Area Monitor***

The October/November 2010 issue of the League of Women Voters Bay Area Monitor Newsletter featured an article written in consultation with District staff entitled, “Stalled Movement Gets a Jump-Start,” which covered the future of electric vehicles in the Bay Area and discussed the District’s recent grant allocation to fund charging stations throughout the region.

The December 2010/January 2011 issue of the League of Women Voters Bay Area Monitor Newsletter featured an article, written in consultation with District staff entitled “Pedaling into the Future” and featured the Air District’s bikesharing grant program.

The Bay Area monitor has a circulation of about 4,000 subscribers. The articles can be viewed online at <http://www.bayareamonitor.org/>.

### **Public Information Campaigns**

#### ***Spare the Air Every Day***

The summer Spare the Air Smog Season concluded in October, with the District issuing a total of ten smog alerts. The District exceeded air quality standards nine times during the 2010 Smog Season.

#### ***Winter Spare the Air***

The 2010/2011 Winter Spare the Air season began on Monday, November 1. The District issued two Winter Spare the Air Alerts and had one exceedance of air quality standards during the reporting period.

District conducted door to door outreach for the Winter Spare the Air Campaign in Fremont, San Mateo, Concord, San Rafael and Walnut Creek. Door hangers with information and survey questions about the campaign were also placed on 7,400 homes in Petaluma, Campbell and Lafayette. Approximately 800 surveys have been returned.

Staff met with members of Families for Clean Air, a Marin based organization which focuses on reducing wood burning in the Bay Area, to discuss the Winter Spare the Air Program on November 10, 2010.

***Smoking Vehicle Assistance Program***

Staff launched a five-week fall advertisement campaign for the Smoking Vehicle Assistance Program during October, which featured radio, online and cinema ads.

**Community Outreach**

***Limited English Proficiency Assessment*** - Staff published the *Assessment of Limited English Proficient Populations and Current Services* and presented the results to the Public Outreach Committee. The assessment reviews the language needs of Bay Area residents and current practices by the District to meet these needs. The document is available at: <http://www.baaqmd.gov/Divisions/Communications-and-Outreach/Community-Outreach/Community-Language-Assessment.aspx>

***Public Engagement Policy and Plan*** - The Air District issued a Request for Qualifications to develop a *Public Engagement Policy and Plan*. The RFQ opened on December 23, 2010 and closed on January 21, 2011. Staff anticipates making a contractor recommendation to the Board of Directors in early March. The RFQ is available at: <http://www.baaqmd.gov/~media/Files/Administration/RFP%20RFQ/RFQ%202010-008%20Public%20Engagement%20Plan.aspx>

***Meetings***

Staff met with Bay Area organizations to discuss air quality, community concerns and partnerships. These organizations include:

- African American Health Equity Council
- Bay Area Environmental Health Collaborative
- Chabot Space and Science Center
- Delta Diablo Sanitation District
- Environmental Justice and Air Quality Coalition
- Greenaction
- Prescott-Joseph Center
- The City of San Jose and the San Jose Sharks
- Toxic Triangle Coalition
- UCSF Pharmacy School

***Public Dialogue Workshop*** – Staff attended a workshop on Public Dialogue and Deliberation in Cupertino on October 29, 2010. Staff learned about local resources to begin creating action plans for improving public engagement in communities, including the principles, strategies, tools, and techniques that foster community problem solving skills.

***Behavior, Energy & Climate Change Conference*** – Staff participated in a full-day workshop on community-based social marketing to foster sustainable behavior change and attended a three-day conference focused on promoting behavior change through government, business and non-profit programs at the 2010 Behavior, Energy and Climate Change Conference in Sacramento in November, 2010.

***Climate Initiatives School and Youth Outreach Program*** – Staff reviewed proposals and served on a selection committee for the Climate Initiatives School and Youth Outreach Program during the month of November. The Metropolitan Transportation Commission and the Air District are working jointly to fund a regional youth climate education effort through a \$2.8 million RFP.

***CAPCOA Public Outreach Committee*** - The Communications and Outreach Office hosted a two-day meeting of the California Air Pollution Control Officer's Association Public Outreach Committee on December 8, 2010 and December 9, 2010.

***Regulation 17, Rule 11 Stationary Diesel Agricultural Engines Outreach*** – Staff mailed 1900 notices, in English and Spanish, for proposed draft Regulation 17, Rule 11, *Limited Use Stationary Compression Ignition (Diesel) Engines* to agricultural and environmental groups throughout the Bay Area in December. In addition, 500 notices were sent electronically to individuals and organizations affiliated with agricultural and environmental communities.

### **Resource Teams**

The Air District and contractors facilitated meetings of the following Air District teams during the reporting period.

- Sonoma County Air Quality Resource Team Meeting
- Santa Clara County Resource Team Meeting
- San Mateo County Resource Team Meeting
- San Jose Green Vision Resource Team
- Spare the Air Employer Program Leadership Committee

### **Community Events**

Staff represented the Air District and hosted informational booths at the following community events:

**San Francisco County:** Saturday, October 9, 2010, 8:30 am – 1:00 pm, **Breath of Life Walk**, Golden Gate Park, San Francisco

**San Mateo County:** Thursday, October 7, 2010, 10:00 am – 2:00 pm, **United Airlines Employee Commuter Fair**, SFO, Burlingame

**San Francisco County:** Saturday, October 9, 2010, 8:30 am – 1:00 pm, **Breath of Life Walk**, Golden Gate Park, San Francisco

**Contra Costa County:** Saturday, October 9, 2010, 11:00 am – 2:00 pm, **Open House @ Fire Station #6**, 1680 Refugio Valley Dr., Hercules

**San Francisco County:** Wednesday, October 13, 2010, 2:00 pm – 5:00 pm, **Health & Wellness Fair**, Lucas Films, Presidio, San Francisco

**Contra Costa County:** Thursday, October 14, 2010, 11:30 am – 1:30 pm, **City of Concord Employee Health & Safety Fair**, 5298 Clayton Road, Concord

**San Mateo County:** Friday, October 15, 2010, 7:30 pm – 9:30 pm, **Rascal Flatts: Nothing Like This Tour**, Shoreline Amphitheatre, Mountain View (rescheduled from 10/8/10)

**San Mateo County:** Saturday & Sunday, October 16, 2010 and October 17, 2010, 9:00 am – 5:00 pm, **Pumpkin Festival**, Main Street, Half Moon Bay

**Alameda County:** Thursday, October 21, 2010, 10:30 am – 1:30 pm, **Pleasanton Green Scene**, Hacienda Business Park, 400 Rosewood Drive, Pleasanton

**Alameda County:** Sunday, October 24, 2010, 10:00 am – 5:00 pm, **Dia de los Muertos**, Fruitvale Village, Oakland

**Napa County:** Thursday, November 4, 2010, 8:00 am – 3:30 pm, **Napa Valley Viticultural Fair**, Napa

**Santa Clara County:** Sunday, December 5, 2010, 11:00 am – 7:00 pm, **Holiday Parade Festival**, Plaza de Cesar Chavez, San Jose

**Alameda County:** Saturday, December 11, 2010, 5:00 pm – 9:00 pm, **Zoo Lights**, Oakland Zoo, Oakland

**PLANNING DIVISION – H. HILKEN, DIRECTOR**

**CARE Program**

Staff held numerous meetings and conference calls with the San Francisco Department of Public Health, the San Francisco Planning Department, and the San Francisco Mayor's Office to discuss the development of a pilot CRRP. Staff also participated in numerous conference calls with San Jose staff on their pilot CRRP. Staff assisted the American Lung Association in obtaining a grant to conduct outreach to the San Jose community during the CRRP development process. Staff made significant progress working with consultant Sonoma Technologies, Inc. to develop detailed local emissions inventories to support CRRPs and the CEQA Guidelines.

Staff held many meetings and conference calls with affordable housing advocates to discuss the CEQA guidelines and associated screening tables. Staff met with the Center for Creative Land Recycling (CCLR), the Non-Profit Housing (NPH) Association, and San Francisco Planning and Urban Research Association (SPUR) to discuss use of the CEQA screening tables and to answer questions concerning the application of the CEQA guidelines to affordable housing developments. Staff continued to refine the CEQA screening tables and guidance. Staff continued to assist with the review of CEQA documents.

Staff attended a workshop in Sacramento organized by the Coordinating Research Council on mobile source air toxic emissions; District staff sponsored and participated in two presentations. Staff provided comments to the Office of Environmental Health Hazard Assessment (OEHHA) on their public review draft report on Cumulative Impacts.

### **Air Quality Planning Program**

The District formed an Air Quality/PDA Working Group with MTC and ABAG and commenced regular meetings to identify and resolve air quality issues related to PDAs and the upcoming Sustainable Communities Strategy (SCS). Staff worked with consultants to develop a planning tool that models the individual and combined effects of transportation demand management strategies implemented by PDAs. Staff continued implementation of the CEQA Guidelines through meetings with staff from many local jurisdictions and presentations to numerous organizations; tracking the use of the CEQA Guidelines by lead agencies; responding to numerous inquiries from local governments and consultants; and drafting comment letters for projects. Staff provided CEQA comment letters on the following projects: The City of Oakland on its 325 7<sup>th</sup> Street DEIR Project; the City of Redwood City on its Downtown Precise Plan DEIR Project; the City of San Francisco on its 350 Mission Street DEIR Project; the City of San Francisco on its GHG Reduction Strategy; the City of Dublin on its Climate Action Plan; the City of Santa Clara on its 3105 Alfred Street Data Center MND Project; the City of San Francisco on its California Pacific Medical Center DEIR Project; Lawrence Berkeley National Lab on its Computer Research Center EA Project; the City of Union City on its Climate Action Plan; and Alameda County on its Amendment to County General Ordinance Code IS/ND Project. Staff participated in several meetings with affordable housing stakeholders to discuss their concerns with the District's risk and hazard CEQA thresholds and to assist in screening of proposed affordable housing development. The Board of Directors approved staff's recommendation to set May 1, 2011 as the effective date for the risk and hazards thresholds for new receptors.

Staff participated in monthly meetings of the Regional Advisory Working Group, composed of local planning directors and stakeholders, convened to provide input and guidance to regional agency staff in developing the SCS under SB 375. Staff worked with MTC staff to develop PM<sub>2.5</sub> performance targets for MTC to use for the RTP/SCS. Staff participated in monthly Inter-Agency Modeling Committee meetings regarding the regional modeling efforts being developed by ABAG and MTC to assist with the implementation of the SCS. Staff participated with the San Jose team in the Institute for Sustainable Communities "Climate Leadership Academy" on "Adaptation and Resilience." Staff regularly attends MTC's PM<sub>2.5</sub> Air Quality Conformity Task Force Meetings. Staff met with numerous municipalities, including the City of Dublin, Marin County, the City of Santa Clara, Napa County and San Mateo County to assist their development of Climate Action Plans.

### **Rule Development Program**

Staff presented proposed amendments to Regulation 9, Rule 10: Nitrogen Oxides and Carbon Monoxide from Boilers, Heaters and Steam Generators in Petroleum Refineries to the Board of Directors on December 15, 2010. The Board adopted the proposed amendments. A series of nine workshops were scheduled throughout the District in January, 2011 to discuss proposed new rule Regulation 11, Rule 17: Limited Use Stationary Compression Ignition (Diesel) Engines in Agricultural Use, which will provide alternative compliance dates to the CARB Air Toxics Control Measure for these engines. A workshop notice, draft rule, workshop schedule and CEQA Notice of Preparation for an Environmental Impact Report were posted on December 22, 2010. Staff contacted, and

made presentations on the proposed rule to, various agricultural associations, including the Agricultural Commissioner's office of each county, each county's Farm Bureau, the California Poultry Association, Livermore Valley Wine Growers Association, Napa Grape Growers Association, Sonoma County Grape Growers Association, Suisun Valley Grape Growers Association, and the Western United Dairyman's Association. Staff reported these efforts to the Stationary Source Committee.

Staff met with industry representatives and with community representatives to discuss progress on a new rule for metal melting facilities. A workshop is anticipated in February. Staff contacted vacuum truck industry representatives regarding a new rule limiting emissions from vacuum trucks in organic liquid service. A workshop on this rule is anticipated in February or March. Staff met with representatives of Lehigh Cement and continued to develop further information about toxic, criteria and secondary emissions from the facility to support a proposed rule limiting emissions from cement kilns. A workshop on the new draft rule is anticipated in March or April. The Board of Directors approved staff's proposed 2011 Regulatory Agenda.

### **Research and Modeling Program**

Staff hosted a Modeling Advisory Committee meeting to present the District's progress on particulate matter (PM) data analysis, emissions inventory development and modeling. Staff participated in several PM State Implementation Plan Coordination Group conference calls with ARB and neighboring districts. Staff continued to work with Pennsylvania State University to evaluate the Weather Research and Forecasting (WRF) model's performance for the Bay Area. Staff simulated air toxics concentrations for 2015, estimated the associated cancer risks for Bay Area residents, and compared the 2015 levels against previously estimated 2005 levels to support the CARE program. Staff attended a training course on the application of U.S. EPA's Environmental Benefits Mapping and Analysis Program (BenMAP). Staff continued working with staff at stopwaste.org to establish a meteorological measurement tower at Patterson Pass, where winds and temperatures will be monitored for studying pollutant transport between the Bay Area and the San Joaquin Valley. Staff assisted staff in the Engineering Division and the Rule Development Section by performing air quality modeling to study the effects of ammonia controls at the Hanson Permanente Cement facility in Santa Clara County. Staff continued to work on Chemical Mass Balance analyses using the latest PM sampling data to determine source contributions to Bay Area ambient PM levels.

## **STRATEGIC INCENTIVES – D. BREEN, DIRECTOR**

### **Goods Movement Program (GMP)**

As of December 31, 2010 the GMP had:

- Executed 338 trucks contracts as part of the Year 1 On-Road Truck Program.

- Signed a grant award with the California air resources Board (ARB) for \$20 million in GMP Year 2 funding for Shore Power projects.

### **Carl Moyer Program (CMP)**

In the CMP, staff submitted:

- A disbursement request to ARB for the remaining \$8 million in Year 12 funds.
- An application to ARB for \$10 million to participate in Year 13 of the program.

### **Grant Development**

The Division had a number of successes in securing new funding, these were as follows:

- Metropolitan Transportation Commission (MTC) awarded Climate Innovative Program grant funding for two Air District-sponsored projects: a Regional Bike Share Pilot (\$4,291,000) and an Electric Vehicle Infrastructure Deployment Project (EV) (\$2,376,000).
- ARB notified the District of an award of approximately \$182,000 in funding to implement an AB 118 Lawn and Garden Equipment Replacement (LGER) Project.
- The Bay Area Clean Air Foundation was successful in obtaining a \$0.5 million grant from the Reformulated Gasoline Settlement Fund for an electric vehicle car-sharing program.

### **Transportation Fund for Clean Air (TFCA) Program**

Staff undertook the following activities under the TFCA program:

- **Regional Bike Share Pilot:** Staff met several times to discuss the development of an memorandum of understanding (MOU) that provides the basis for regional partnerships under the combined TFCA/MTC grant with San Francisco Metropolitan Transportation Authority, Valley Transportation Authority, Redwood City, and the County of San Mateo.
- **EV Charging Infrastructure Deployment Program:** Staff met with potential partners, stakeholders, and experts in the field to develop the scope of this project. Examples include the San Francisco Public Utilities Commission, ECotality Nissan, City of Palo Alto, General Motors, Clipper Creek, Coulomb Technologies, and General Electric. As a result of these meetings, the Air District released an RFP for the program and conducted a pre-bidders workshop in December 2010.
- **County Program Manager:** Staff issued FY 2011/12 Guidance, cost-effectiveness worksheets, and funding estimates to TFCA County Program Managers.

## **Vehicle Buy Back (VBB)**

The District suspended the VBB program as planned, on 12/31/10. Staff coordinated with the California Bureau of Automotive Repair (BAR) on a smooth transition for customers to the ongoing BAR retirement program. In 2010, the VBB program retired over 6,000 light-duty vehicles and over 50,000 light-duty vehicles over its 15 year lifespan from 1996 to present.

## **Outreach**

Staff engaged in outreach and stakeholder engagement throughout the quarter. Highlights include the following:

- Staff attended the West Coast Collaborative conference in San Francisco, 9/29 and 9/30. As part of the program for the conference, the Executive Officer/APCO moderated a panel on the co-benefits of reducing black carbon from heavy-duty diesel projects. Additionally, staff made on-site demonstrations of alternative fuel vehicles and grid/plug-in technology to participants.
- On 10/6, staff attended the launch of the Port of San Francisco \$5.2 million shore power project. This project was partially funded by the Air District (\$1.9 million).
- Staff presented and served on a discussion panel for the California Energy Commission staff and Statewide Plug-in Electric Vehicle (PEV) Collaborative PEV Infrastructure Joint Workshop, 10/19.
- Staff presented at the East Bay Clean Cities Grant Workshop in Berkeley, 11/2.
- Staff presented at the Joint Venture: Silicon Valley Network Public Sector Climate Task Force meeting in Menlo Park, 11/4.
- Staff presented grant program information on opportunities for on-road truck projects (Voucher Incentive Program and the Goods movement program) at a Clean Fleet Solutions workshop at the Port of Oakland, 11/18.

**TECHNICAL DIVISION – E. STEVENSON, DIRECTOR**

## **Air Quality**

During the fourth quarter of 2010, there were no exceedances of the national 8-hr ozone standard and one exceedance of the 8-hr State standard on October 14<sup>th</sup>. For the entire year, there were 9 days with exceedances of the 8-hr national ozone standard compared to 8 days in 2009

The Wintertime Spare the Air program started on November 1, 2010. There was 1 day, December 3, 2010, when the 24-hr national PM<sub>2.5</sub> standard of 35 µg/m<sup>3</sup> was exceeded compared to 4 days in the same period last year. This decrease could be the result of more wet and windy weather early in the winter season than occurred last year. The District's

Santa Rosa meteorological station recorded 10 inches of rain between November 1 and December 31, 2010 compared to 5 inches in the same period in 2009.

There were 2 Spare the Air Alerts in the 4<sup>th</sup> quarter and both days remained below the national standard (27  $\mu\text{g}/\text{m}^3$  on December 1, 2010 and 23  $\mu\text{g}/\text{m}^3$  on December 12, 2010). There were no Alerts issued for holiday periods in 2010 because of good vertical mixing on Thanksgiving and a storm moved across the Bay Area on Christmas.

### **Air Monitoring**

Four ozone monitors at Hayward, San Martin, Gilroy and Fairfield were shut down on December 1, 2010 during the low ozone season, as allowed under a waiver granted by the EPA. All 23 remaining air monitoring stations were operational from October 1, 2010 to December 31, 2010, with equipment operating on routine, EPA-mandated schedules. New instrumentation used to measure visibility began operating in December at the Vallejo and San Rafael monitoring sites to potentially provide information on wood smoke contributions to  $\text{PM}_{2.5}$ . In addition, a three month study began on November 3, 2010 in cooperation with the Planning Division to evaluate  $\text{PM}_{2.5}$  composition at five monitoring locations in Napa, Vallejo, Concord, San Francisco & Livermore.

Audits were performed at 8 locations by the California Air Resources Board Quality Assurance Section during November and December. All monitors at all locations met or exceeded operational requirements and there were no audit findings.

### **Meteorology and Forecasting**

The third quarter 2010 air quality data were quality assured and entered into the U.S. EPA Air Quality System (AQS) database. Staff continued to make daily air quality, Winter Spare the Air Alert, open burn, and marsh burn forecasts. A \$200,000 EPA National Environmental Information Exchange Network grant was awarded to the Air District for further development of the Data Management System for ambient air quality data gathering and processing. A contract to Sonoma Technology Inc, has been awarded to continue structural improvements. DMS will be the data of record as work continues. Additional web pages were created to provide data and information to the Cupertino community supplied by the temporary monitoring station located near the Lehigh cement facility.

### **Performance Evaluation**

The Performance Evaluation Group (PEG) conducted regular, mandated performance audits on 101 analyzers at 28 District Air Monitoring Stations. Ground Level Monitoring (GLM) audits of Hydrogen Sulfide ( $\text{H}_2\text{S}$ ) and Sulfur Dioxide ( $\text{SO}_2$ ) monitors were conducted on ConocoPhillips SRAR, Shell Oil, and ConocoPhillips Carbon Plant. All 9 of the GLM locations met the District's performance criteria.

PEG assisted North Coast Unified AQMD with their audit report submittals to USEPA. Hydrogen Sulfide sampling in Alameda and at the Richmond Sewage Treatment Plant were conducted and no violation levels were measured at either location.

“Shut Down” audits were conducted at Fremont and Berkeley monitoring sites. In addition, several single analyzer audits were conducted at air monitoring locations due to seasonal shutdowns of ozone analyzers.

### **Laboratory**

In addition to routine ongoing analyses, six ambient air samples collected in the vicinity of the Tesoro Refinery power outage of December 9, 2010 were analyzed for toxic air contaminants.

Also, ten ambient air samples collected in the vicinity of the Tesoro Refinery flaring event of November 10, 2010 were analyzed for toxic air contaminants.

One ambient air sample collected in the vicinity of the Sims Metal Management Recycling Plant, San Francisco fire of November 16, 2010 was analyzed for toxic air contaminants.

Seven ambient air samples collected in the vicinity of the Conoco Phillips Refinery flaring event of October 22, 2010 were analyzed for toxic air contaminants.

### **Source Test**

Ongoing Source Test activities during October, November, and December of 2010 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 September, October, and November 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	1,334
Purchase Orders Issued	501
Checks/Credit Cards Processed	3,490
Contracts Completed	32
RFP's	3

**Executive Office:**

Meetings Attended	161
Board Meetings Held	4
Committee Meetings Held	12
Advisory Council Meetings Held	2
Hearing Board Meetings Held	12
Variances Received	14

**Information Systems**

New Installation Completed	1
PC Upgrades Completed	12
Service Calls Completed	829

**Human Resources**

Manager/Employee Consultation (Hrs.)	300
Management Projects (Hrs.)	500
Employee/Benefit Transaction	500
Training Sessions Conducted	13
Applications Processes	128
Exams Conducted	4
New Hires	1
Payroll Administration (Hrs.)	580
Safety Administration	300
Inquiries (voice/telephone/in-person)	5,400

**Strategy Facility Planning/Library/Vehicle**

Requests for Facility Services	120
Titles Indexed/Cataloged	
Periodicals Received/Routed	
Vehicle Request(s)/Maintenance	70
Pool Vehicle Requests	84

**Compliance Assistance and Operations Program**

Asbestos Plans Received	1,114
Coating and other Petitions Evaluated	6
Open Burn notifications Received	303
Prescribed Burn Plans Evaluated	8
Tank/Soil Removal Notifications Received	32
Compliance Assistance Inquiries Received	200
Green Business Reviews	12
Refinery Flare Notifications	66

**Compliance Assurance Program**

Industrial Inspections Conducted	1,426
Gas Station Inspections Conducted	219
Asbestos Inspections Conducted	460
Open Burning Inspections Conducted	48
PERP Inspections Conducted	51
Mobile Source Inspections	666
Grants Inspections Conducted	483

**Engineering Division:**

Annual Update Packages Started	1,346
Annual Update Packages Completed	1,079
Total Update Pages Entered	1,218
New Applications Received	310
Authorities to Construct Issued	117
Permits to Operate Issued	389
Exemptions (apps. Submitted deemed exempt)	9
Authorities to Construct Denied	0
New Companies added to Databank during the 4 <sup>th</sup> Quarter 2010	98

**Communications and Outreach Office:**

Presentations Made	5
Responses to Media Inquiries	80
Press Releases and Advisories	16
General Requests for Information	945
Events staffed with Air District booth	13
Visitors	0

<b>STATISTICS (continued)</b>
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**Compliance and Enforcement Division:****Enforcement Program**

Violations Resulting in Notices of Violation	76
Violations Resulting in Notice to Comply	123
New Hearing Board Cases Reviewed	11
Reportable Compliance Activity investigated	161
General Complaints investigated	651
Smoking vehicle complaints received	1,840
Woodsmoke complaints received	722
Mobile Source Violations	11

**Technical Services:****4th Quarter 2010 Ambient Air Monitoring**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std.	1
Days Exceeding Nat'l 24-hour PM <sub>10</sub> Std.	0
Days Exceeding Nat'l 24-hour PM <sub>10</sub> Std.	1
Days Exceeding the Nat'l 8-hour Ozone Std.	0
Days Exceeding the State 1-hour Ozone Std.	0
Days Exceeding the State 8-hour Ozone Std.	1

**Ozone Totals, Jan.-Dec. 2010**

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

**Particulate Totals, Jan.-Dec. 2010**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std.	6
Days Exceeding the Nat'l 24-hour PM <sub>10</sub> Std.	0
Days Exceeding State 24-hour PM <sub>10</sub> Std.	2

**PM<sub>2.5</sub> Winter Season Totals for 2009-2010**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std.	1
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**4th Quarter 2010 Agricultural Burn Days**

Oct.-Dec. Permissive Burn Days – North	70
Oct.-Dec. No-Burn Days – North	22
Oct.-Dec. Permissive Burn Days – South	72
Oct.-Dec. No-Burn Days – South	20
Oct.-Dec. Permissive Burn Days – Coastal	74
Oct.-Dec. No Burn Days – Coastal	18

**Laboratory**

Sample Analyzed	1,143
Inter-laboratory Analyses	3

**Source Test**

Total Source Tests	155
Pending Source Tests	5
Violation Notices Recommended	5
Contractor Source Tests Reviewed	3,551
Outside Tests Observed	7
Violation Notices Recommended After Review	12

**Continuous Emissions Monitoring (CEM)**

Excess Emissions Reports Evaluated	27
Monthly Reports Reviewed	141
Violation Notices Recommended [Excesses Detected]	7

**Ground Level Monitoring (GLM)**

Oct.-Dec. Ground Level Monitoring SO <sub>2</sub> Excess Reports	0
Oct.-Dec. Ground Level Monitoring H <sub>2</sub> S Excess Reports	8

**These Facilities have received one or more Notices of Violations  
Report period: October 1, 2010 – December 31, 2010**

**Alameda County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
10/08/2010	C9576	ConocoPhillips #2611104	Alameda	Gasoline Dispensing Facilities
11/01/2010	C9330	Harborbay 76 Service	Alameda	Gasoline Dispensing Facilities
10/08/2010	C9796	ARCO Facility #00414 - SHAZADA KHAN	Berkeley	Gasoline Dispensing Facilities
11/19/2010	A0123	Berkeley Asphalt Co	Berkeley	Failure to Meet Permit Conditions
10/08/2010	C0070	Berkeley Touchless Carwash	Berkeley	Gasoline Dispensing Facilities
12/21/2010	B0887	C & C Drycleaner	Berkeley	Perc & Synthetic Solvent Dry Cleaning Operations
11/08/2010	C9392	Unocal #5484	Castro Valley	Gasoline Dispensing Facilities
12/27/2010	C9608	El Monte RV Center (Attn: Don Price)	Dublin	Gasoline Dispensing Facilities
12/27/2010	C5960	Unocal #7176	Dublin	Failure to Meet Permit Conditions
11/10/2010	D0718	Fremont Gasoline	Fremont	Gasoline Dispensing Facilities
11/08/2010	C6183	Western Dealer Holding Co , LLC	Fremont	Gasoline Dispensing Facilities
12/27/2010	A5493	A & K Body Paint	Hayward	No Permit to Operate
12/16/2010	C7564	A&M Gas Station	Hayward	Gasoline Dispensing Facilities
11/29/2010	C0278	Breakwater 76 Attn: Christina Jo	Hayward	Gasoline Dispensing Facilities
10/08/2010	C9014	Engineer's Associates Inc.	Hayward	Gasoline Dispensing Facilities
12/16/2010	C8026	Quick Gas N Shop	Hayward	Gasoline Dispensing Facilities
10/08/2010	D0419	Valero Refining Co SS#7105	Hayward	Gasoline Dispensing Facilities
11/19/2010	A8885	Printegra	Livermore	Graph Arts Printing & Coating Operations
10/08/2010	C8281	Springtown Gasoline	Livermore	Gasoline Dispensing Facilities
12/06/2010	A0062	A B & I Foundry	Oakland	Failure to Meet Permit Conditions; Major Facility Review (Title V); Parametric Monitoring & Recordkeeping Procedures
11/01/2010	C8866	Alaska Gasoline	Oakland	Gasoline Dispensing Facilities
10/08/2010	C0698	China Town 76 Unocal #0752	Oakland	Gasoline Dispensing Facilities
10/08/2010	C8978	Coliseum 76	Oakland	Gasoline Dispensing Facilities
10/08/2010	C9284	ConocoPhillips #2611117	Oakland	Gasoline Dispensing Facilities
11/19/2010	B8612	Due Torri Coffee	Oakland	No Permit to Operate
11/19/2010	A0591	East Bay Municipal Utility District	Oakland	Major Facility Review (Title V)
12/28/2010	B0587	Harry Clewans	Oakland	Wood Products Coatings
10/22/2010	A5075	Holiday Cleaners	Oakland	Perc & Synthetic Solvent Dry Cleaning Operations
12/07/2010	A3490	Johnson Plating Works Inc.	Oakland	Hexavalent Chrome Plating
10/08/2010	D0035	Lake Merritt Gasoline - Sanjiv N	Oakland	Gasoline Dispensing Facilities
11/08/2010	C8444	Lakeshore 76 - Sam Ng	Oakland	Gasoline Dispensing Facilities
12/29/2010	A5957	Mary's Cleaners	Oakland	Perc & Synthetic Solvent Dry Cleaning Operations
10/27/2010	T1548	The ReUse People of America (TRP)	Oakland	Asbestos Demolition, Renovation & Mfg.
12/03/2010	B0794	WFG-Fuller Funerals Inc.	Oakland	No Permit to Operate

**These facilities have received one or more Notices of Violations**  
**Report period: October 1, 2010 – December 31, 2010**  
**Continued**

**Alameda County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
11/01/2010	D0914	Piedmont Valero Service Center	Piedmont	Gasoline Dispensing Facilities
12/27/2010	C8834	Castlewood Country Club	Pleasanton	Gasoline Dispensing Facilities - Phase I requirement
A50946A	C8835	Castlewood Country Club	Pleasanton	Gasoline Dispensing Facilities - Phase I requirement
10/27/2010	U3114	SOMA Environmental Engineering, Inc.	Pleasanton	Failure to Meet Permit Conditions
12/27/2010	B0655	Vintage Hills Cleaners	Pleasanton	Perc & Synthetic Solvent Dry Cleaning Operations
10/08/2010	C9936	Bancroft 76	San Leandro	Gasoline Dispensing Facilities
12/29/2010	C8617	Bay Fair Unocal 76	San Leandro	Gasoline Dispensing Facilities
11/15/2010	C8867	Bayview Shell #136019	San Leandro	Gasoline Dispensing Facilities
10/08/2010	C5765	Sunko - Attn: Niken Patel	San Leandro	Gasoline Dispensing Facilities
10/08/2010	C9006	76 Gas Station #5760	San Lorenzo	Gasoline Dispensing Facilities
11/01/2010	C9285	Tosco Marketing SS #11119	Union City	Gasoline Dispensing Facilities

**Contra Costa County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
10/08/2010	C1109	A-Street Union 76	Antioch	Gasoline Dispensing Facilities
12/07/2010	U4712	Keith Reyome	Antioch	Illegal Open Burning
10/08/2010	C9586	Lone Tree Shell	Antioch	Gasoline Dispensing Facilities
11/19/2010	A2320	Oak View Memorial Park	Antioch	Particulate Matter & Visible Emissions
12/28/2010	U4082	Patricia Grant	Bay Point	Illegal Open Burning
11/19/2010	B1918	Tri-Valley Oil & Gas Co	Bethel Island	Natural Gas and Crude Oil Production Facilities
10/08/2010	C9121	Concord Avenue Shell	Concord	Gasoline Dispensing Facilities
10/08/2010	D0479	Gasco	Concord	Gasoline Dispensing Facilities
10/08/2010	A7662	Monument Cleaners	Concord	Perc & Synthetic Solvent Dry Cleaning Operations
10/08/2010	C9677	Nonstop Investment Inc.	Concord	Gasoline Dispensing Facilities
12/30/2010	A0581	ST Shore Terminals LLC	Crockett	Major Facility Review (Title V)
11/19/2010	U3183	Clair / Wanda Clements	El Sobrante	Particulate Matter & Visible Emissions
11/01/2010	C9003	ConocoPhillips #2705761	Lafayette	Gasoline Dispensing Facilities
11/29/2010	D0517	Lafayette Valero	Lafayette	Gasoline Dispensing Facilities
11/19/2010	A0011	Shell Martinez Refinery	Martinez	Major Facility Review (Title V); NSPS; Marine Vessel Loading Terminals; Storage of Organic Liquids

**These facilities have received one or more Notices of Violations**  
**Report period: October 1, 2010 – December 31, 2010**  
**Continued**

**Contra Costa County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
12/03/2010	B2758	Tesoro Refining and Marketing Company	Martinez	Limitations on Hydrogen Sulfide; Major Facility Review (Title V).
12/06/2010	A0031	Dow Chemical Company	Pittsburg	Continuous Emission Monitoring & Recordkeeping Procedures; Major Facility Review (Title V)
12/03/2010	A3244	GWF Power Systems, LP (Site 2)	Pittsburg	Failure to Meet Permit Conditions
12/06/2010	A4618	Keller Canyon Landfill Company	Pittsburg	Solid Waste Disposal Sites Landfill Surface Requirements
10/08/2010	C8271	Pittsburg Shell	Pittsburg	Gasoline Dispensing Facilities
10/27/2010	C9660	Chevron #6817	Pleasant Hill	Gasoline Dispensing Facilities - Phase I
11/19/2010	A0010	Chevron Products Company	Richmond	Continuous Emission Monitoring & Recordkeeping Procedures; NSPS; Organic Compounds: Misc Operations; Equipment Leaks; NOx & CO from Boilers, Steam Generators & Process Heaters in Petroleum Refineries.
11/19/2010	A0016	ConocoPhillips - San Francisco Refinery	Rodeo	Major Facility Review (Title V); Storage of Organic Liquids
10/08/2010	C9295	ConocoPhillips #2709143	San Ramon	Gasoline Dispensing Facilities
11/01/2010	C9299	San Ramon 76	San Ramon	Gasoline Dispensing Facilities
10/08/2010	C8371	San Ramon Bedrock	San Ramon	Gasoline Dispensing Facilities

**Marin County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
10/08/2010	C7948	Unocal SS #7380	Mill Valley	Gasoline Dispensing Facilities
12/03/2010	A2053	Sausalito-Marín City Sanitary District	Sausalito	Failure to Meet Permit Conditions

**Napa County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
11/19/2010	U2237	Bergin Glass	Napa	No Authority to Construct; No Permit to Operate
12/03/2010	C8262	KAFV, Inc.	Napa	Gasoline Dispensing Facilities - Phase I testing requirements

**These facilities have received one or more Notices of Violations**  
**Report period: October 1, 2010 – December 31, 2010**  
**Continued**

**San Francisco County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
10/08/2010	C2297	Arco Facility #82084	San Francisco	Gasoline Dispensing Facilities
11/08/2010	C9923	Fisherman's Wharf Union 76	San Francisco	Gasoline Dispensing Facilities
10/08/2010	C9485	Junipero Serra 76 - Double AA Corp	San Francisco	Gasoline Dispensing Facilities
11/08/2010	C2362	Pacific Convenience	San Francisco	Gasoline Dispensing Facilities
10/08/2010	C2159	Precise Auto dba Precise Chevron	San Francisco	Gasoline Dispensing Facilities
11/01/2010	C2532	Sunset 76 Service Station #255468	San Francisco	Gasoline Dispensing Facilities
10/27/2010	A4665	Sunshine Cleaners	San Francisco	Perc & Synthetic Solvent Dry Cleaning Operations
10/08/2010	C9106	Tosco Facility #4200	San Francisco	Gasoline Dispensing Facilities
10/08/2010	C2175	Union 76 branded gasoline station	San Francisco	Gasoline Dispensing Facilities
11/01/2010	C9732	Unocal #1063	San Francisco	Gasoline Dispensing Facilities
12/08/2010	C8962	Unocal #5458	San Francisco	Gasoline Dispensing Facilities
10/08/2010	C2354	Unocal #5459	San Francisco	Gasoline Dispensing Facilities

**San Mateo County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
11/17/2010	A9864	One Hour Martinizing	Belmont	Perc & Synthetic Solvent Dry Cleaning Operations
11/08/2010	C9546	Airport 76	Burlingame	Gasoline Dispensing Facilities
12/01/2010	C9651	Hillside Unocal 76	Colma	Gasoline Dispensing Facilities
10/08/2010	C9424	Foster City Touchless Car Wash	Foster City	Gasoline Dispensing Facilities
11/01/2010	C6342	ConocoPhillips #254354	Menlo Park	Gasoline Dispensing Facilities
11/24/2010	B1668	Gas Recovery Systems, Inc.	Menlo Park	NOx excess
11/08/2010	C7964	George & Bob's Service	Menlo Park	Gasoline Dispensing Facilities
10/08/2010	D0344	Marsh Road Valero	Menlo Park	Gasoline Dispensing Facilities
10/26/2010	B1092	Membrane Technology & Research Inc.	Menlo Park	No Authority to Construct; No Permit to Operate
11/08/2010	C9889	Menlo Park Beacon	Menlo Park	Gasoline Dispensing Facilities
10/08/2010	C0013	Pacifica Chevron	Pacifica	Gasoline Dispensing Facilities
10/08/2010	C9199	Fifth Avenue Unocal #253810	Redwood City	Gasoline Dispensing Facilities
11/08/2010	C8799	Gas at Jefferson	Redwood City	Gasoline Dispensing Facilities
11/01/2010	C9945	Gustavo Greco #250915	Redwood City	Gasoline Dispensing Facilities
12/22/2010	U3130	Tech-Star Industries	Redwood City	Excess VOCs
10/08/2010	D0113	Valley Market & Gas	Redwood City	Gasoline Dispensing Facilities
10/08/2010	D0503	Progressive Operating Co , LP	San Bruno	Gasoline Dispensing Facilities
11/08/2010	C9310	Rollingwood 76 - Sahbhagi Corp	San Bruno	Gasoline Dispensing Facilities

**These facilities have received one or more Notices of Violations**  
**Report period: October 1, 2010 – December 31, 2010**  
**Continued**

**San Mateo County Continued**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
10/27/2010	T2703	Beth / Ramon Sanchez	San Carlos	Particulate Matter & Visible Emissions
10/26/2010	U3185	Michael Adams / Lauren Zeiger	San Carlos	Particulate Matter & Visible Emissions
10/27/2010	Q3878	Peninsula Hauling & Demolition	San Carlos	Asbestos Notification Requirement
12/16/2010	C9847	Conoco Phillips #253294	San Mateo	Gasoline Dispensing Facilities
11/1/2010	C3264	Crystal Springs 76	San Mateo	Gasoline Dispensing Facilities
10/8/2010	D0752	Pacific Fuel & Auto Service, Inc.	San Mateo	Gasoline Dispensing Facilities
10/8/2010	C9938	San Mateo Auto Care	San Mateo	Gasoline Dispensing Facilities
10/8/2010	D0453	San Mateo Gas Co	San Mateo	Gasoline Dispensing Facilities
11/8/2010	C8635	Union 76	San Mateo	Gasoline Dispensing Facilities
12/2/2010	C8500	South San Francisco Unified School District	South San Francisco	Gasoline Dispensing Facilities
12/3/2010	C6044	United Parcel Service	South San Francisco	Failure to Meet Permit Conditions

**Santa Clara County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
10/27/2010	U3184	Rusty / Ruby Sweet	Campbell	Particulate Matter & Visible Emissions
11/01/2010	C9934	Tosco Fac#3879	Campbell	Gasoline Dispensing Facilities
11/01/2010	C9315	Conoco Phillips #2611220	Cupertino	Gasoline Dispensing Facilities
11/08/2010	C9323	Homestead 76	Cupertino	Gasoline Dispensing Facilities
10/26/2010	A0017	Lehigh Southwest Cement Company	Cupertino	Major Facility Review (Title V)
11/08/2010	C9119	Steven's Creek Unocal	Cupertino	Gasoline Dispensing Facilities
10/22/2010	C9082	AGM-Gilroy	Gilroy	Gasoline Dispensing Facilities; No Permit to Operate; No Authority to Construct
10/26/2010	B1328	Olam West Coast, Inc.	Gilroy	Failure to Meet Permit Conditions
10/08/2010	C9313	ConocoPhillips Company	Los Gatos	Gasoline Dispensing Facilities
10/08/2010	C9249	Los Gatos Union 76	Los Gatos	Gasoline Dispensing Facilities
12/23/2010	B9227	Town of Los Gatos	Los Gatos	Failure to Meet Permit Conditions
10/08/2010	A8296	Ford Cleaners	Milpitas	Perc & Synthetic Solvent Dry Cleaning Operations
11/01/2010	C9316	Hai Tung Nguyen #2611223	Milpitas	Gasoline Dispensing Facilities

**These facilities have received one or more Notices of Violations**  
**Report period: October 1, 2010 – December 31, 2010**  
**Continued**

**Santa Clara County Continued**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
12/27/2010	A5771	J C Cleaners	Milpitas	No Permit to Operate
12/02/2010	C0823	Pump N Go	Morgan Hill	Gasoline Dispensing Facilities
11/01/2010	C7164	Jim Davis Texaco	Palo Alto	Gasoline Dispensing Facilities
11/24/2010	C9991	Palo Alto Chevron	Palo Alto	Failure to Meet Permit Conditions; No Permit to Operate
10/27/2010	Q3992	R&M Properties	Palo Alto	Asbestos Demolition, Renovation & Mfg.; No Survey Conducted
10/08/2010	C7495	Alum Rock Valero	San Jose	Gasoline Dispensing Facilities
10/08/2010	C9217	American Gas & Oil Corporation	San Jose	Gasoline Dispensing Facilities
10/22/2010	D0367	Berry Blue Valero	San Jose	Gasoline Dispensing Facilities
12/21/2010	A4521	Bret Harte Cleaners	San Jose	Perc & Synthetic Solvent Dry Cleaning Operations
10/26/2010	A2049	Central Concrete Supply Company, Inc.	San Jose	Particulate Matter & Visible Emissions
10/08/2010	C4232	Chevron #8247	San Jose	Gasoline Dispensing Facilities
12/23/2010	E0346	Crema Coffee Company	San Jose	No Permit to Operate; No Authority to Construct
11/01/2010	C0060	Gas Depot at Winchester	San Jose	Gasoline Dispensing Facilities
10/08/2010	C9723	Gas N' Go	San Jose	Gasoline Dispensing Facilities
12/03/2010	C5214	Hansra Gas & Mart	San Jose	Gasoline Dispensing Facilities - Phase I testing requirements
12/02/2010	C0541	Petro America	San Jose	Gasoline Dispensing Facilities
10/08/2010	C9696	Petromart Retail Group	San Jose	Gasoline Dispensing Facilities
10/08/2010	C6186	Reco Gas and Minimart	San Jose	Gasoline Dispensing Facilities
10/08/2010	C9394	Sunrise 76 - Satnam Petroleum In	San Jose	Gasoline Dispensing Facilities
11/01/2010	C5339	San Martin Gas & Mart	San Martin	Gasoline Dispensing Facilities
10/18/2010	A0299	Killarney Cleaners	Santa Clara	Perc & Synthetic Solvent Dry Cleaning Operations
10/08/2010	C8173	Performance Petroleum, Inc - 76	Santa Clara	Gasoline Dispensing Facilities
11/08/2010	C4436	Stevens Creek Union	Santa Clara	Gasoline Dispensing Facilities
11/08/2010	C8181	T&K Gas Station Corp	Santa Clara	Gasoline Dispensing Facilities
10/08/2010	C9606	Unocal Service Station #4425	Santa Clara	Gasoline Dispensing Facilities
10/08/2010	C9321	BP Facility #11231	Sunnyvale	Gasoline Dispensing Facilities
10/08/2010	C6437	Sunnyvale Olympic	Sunnyvale	Gasoline Dispensing Facilities

**These facilities have received one or more Notices of Violations**  
**Report period: October 1, 2010 – December 31, 2010**  
**Continued**

**Solano County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
11/19/2010	B2626	Valero Refining Company - California	Benicia	Public Nuisance
12/28/2010	A2039	Potrero Hills Landfill, Inc.	Suisun City	New Source Review
10/08/2010	D1182	BPG Pacific, LLC - Manouchehr Shahab	Vallejo	Gasoline Dispensing Facilities
10/26/2010	C0484	Chevron Lighthouse	Vallejo	Failure to Meet Permit Conditions; No Permit to Operate
11/08/2010	C7976	Fairgrounds Union 76	Vallejo	Gasoline Dispensing Facilities

**Sonoma County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
12/28/2010	U4923	Joe Mathews	Petaluma	Illegal Open Burning
10/08/2010	D0198	Metron Super Gas	Petaluma	Gasoline Dispensing Facilities
10/08/2010	D1011	Petaluma Gas Outlet	Petaluma	Gasoline Dispensing Facilities
11/19/2010	B6205	Goode Printing & Mailing	Rohnert Park	Graph Arts Printing & Coating Operations
12/27/2010	C9076	Bennett Valley 76 - Attn: Tony	Santa Rosa	Gasoline Dispensing Facilities
11/19/2010	B5523	Daniel O Davis Inc.	Santa Rosa	Failure to Meet Permit Conditions
11/19/2010	B8072	Donaldson Property	Santa Rosa	Failure to Meet Permit Conditions
12/28/2010	A8598	Santa Rosa Memorial Park	Santa Rosa	Failure to Meet Permit Conditions
12/03/2010	A2157	Syar Industries Inc.	Santa Rosa	Failure to Meet Permit Conditions
11/01/2010	C5069	North Gate Gas	Sebastopol	Gasoline Dispensing Facilities
12/29/2010	U4936	Richard Rydingsward	Sebastopol	Illegal Open Burning
11/01/2010	C0912	Rai Gas Stations, Inc.	Sonoma	Gasoline Dispensing Facilities
11/01/2010	C8467	Redwood Station	Sonoma	Gasoline Dispensing Facilities

**Out of Area Counties**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
12/16/2010	U4810	Chahal Trucking	Stockton	Gasoline Bulk Terminals and Gasoline Delivery Vehicles
12/03/2010	U4670	Au Technologies, Inc.	Taylor	No Permit to Operate; No Authority to Construct
12/16/2010	N1032	KAG West, LLC	West Sacramento	Gasoline Bulk Terminals and Gasoline Delivery Vehicles

## Closed Notice of Violations with Penalties by County October 1, 2010 – December 31, 2010

<b>Alameda</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
76 Gas Station #5760	C9006	San Lorenzo	\$500	1
A B & I Foundry	A0062	Oakland	\$5,900	2
A&M Gas Station	C7564	Hayward	\$500	1
Adams Precision Screen Printing, Inc	A2629	San Leandro	\$500	1
Alaska Gasoline	C8866	Oakland	\$1,000	1
ARCO Facility #00414 - SHAZADA KHAN	C9796	Berkeley	\$500	1
Bancroft 76	C9936	San Leandro	\$500	1
Bayview Shell #136019	C8867	San Leandro	\$500	1
Berkeley Touchless Carwash	C0070	Berkeley	\$500	1
Breakwater 76 Attn: Christina Jo	C0278	Hayward	\$1,000	1
China Town 76 Unocal #0752	C0698	Oakland	\$500	1
Coliseum 76	C8978	Oakland	\$500	1
ConocoPhillips #2611104	C9576	Alameda	\$500	1
ConocoPhillips #2611117	C9284	Oakland	\$500	1
ConocoPhillips #2611270	C9330	Alameda	\$500	1
Dublin Auto Wash	C0897	Dublin	\$550	1
Emerald Packaging Inc	A7688	Union City	\$1,000	1
Engineer's Associates Inc	C9014	Hayward	\$500	1
Family Cleaners	A9648	Pleasanton	\$250	1
Fremont Gasoline	D0718	Fremont	\$500	1
Holiday Cleaners	A5075	Oakland	\$250	1
Lake Merritt Gasoline - Sanjiv N	D0035	Oakland	\$500	1
Lakeshore 76 - Sam Ng	C8444	Oakland	\$500	1
Lido Auto Care Inc	C9280	Newark	\$500	1
Newark Chevron	C8521	Newark	\$500	1
Piedmont Valero Service Center	D0914	Oakland	\$500	1
Pleasanton Police Department	C7854	Pleasanton	\$700	1
Quick Gas N Shop	C8026	Hayward	\$500	1

**Closed Notice of Violations with Penalties by County**  
**October 1, 2010 – December 31, 2010**  
**Continued**

<b>Alameda (cont'd)</b>				
Republic Services Vasco Road, LLC	A5095	Livermore	\$11,000	6
Springtown Gasoline	C8281	Livermore	\$500	1
Star Pacific Inc	B0898	Union City	\$1,000	1
Sunko - Attn: Niken Patel	C5765	San Leandro	\$500	1
Tosco Marketing SS #11119	C9285	Union City	\$500	1
Unocal #5484	C9392	Castro Valley	\$500	1
Valero Refining Co SS#7105	D0419	Hayward	\$500	1
Waste Management of Alameda County	A2066	Livermore	\$5,000	2
Western Dealer Holding Co , LLC	C6183	Fremont	\$500	1
		<b>Total Violations Closed:</b>		<b>44</b>
<b>Contra Costa</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
A-Street Union 76	C1109	Antioch	\$500	1
Concord Avenue Shell	C9121	Concord	\$500	1
ConocoPhillips #2705761	C9003	Lafayette	\$500	1
ConocoPhillips #2709143	C9295	San Ramon	\$500	1
Gasco	D0479	Concord	\$500	1
Lafayette Valero	D0517	Lafayette	\$1,000	1
Lone Tree Shell	C9586	Antioch	\$500	1
Lone Tree Valero	C5907	Antioch	\$500	1
Monument Cleaners	A7662	Concord	\$250	1
Nicolas Hudson	U1812	Pittsburg	\$400	1
Nonstop Investment Inc	C9677	Concord	\$500	1
Pittsburg Shell	C8271	Pittsburg	\$500	1
San Ramon 76	C9299	San Ramon	\$500	1
San Ramon Bedrock	C8371	San Ramon	\$500	1
SFPP, L P	A4022	Concord	\$8,500	1
Social Security Administration	B7433	Richmond	\$1,000	1
		<b>Total Violations Closed:</b>		<b>16</b>

**Closed Notice of Violations with Penalties by County**  
**October 1, 2010 – December 31, 2010**  
**Continued**

<b>Marin</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Redwood Landfill Inc	A1179	Novato	\$500	2
<b>Total Violations Closed:</b>				<b>2</b>
<b>Napa</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
VCS #5	C7248	Saint Helena	\$500	1
<b>Total Violations Closed:</b>				<b>1</b>
<b>San Francisco</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Arco Facility #82084	C2297	San Francisco	\$500	1
Auto Body Experts	B1106	San Francisco	\$300	1
Chevron Station	C2159	San Francisco	\$500	1
Coach American-Franciscan Lines	U3231	San Francisco	\$300	1
Fisherman's Wharf Union 76	C9923	San Francisco	\$500	1
Junipero Serra 76 - Double AA Corp	C9485	San Francisco	\$500	1
MiraLoma Auto Care Inc	C5338	San Francisco	\$500	1
Pacific Convenience	C2362	San Francisco	\$500	1
Sam Truong 76 - Sam Truong	C9656	San Francisco	\$500	1
Sunset 76 Service Station #255468	C2532	San Francisco	\$500	1
Tosco Facility #4200	C9106	San Francisco	\$500	1
Union 76 branded gasoline statio	C2175	San Francisco	\$500	1
Unocal #1063	C9732	San Francisco	\$500	1
Unocal #5458	C8962	San Francisco	\$500	1
Unocal #5459	C2354	San Francisco	\$500	1
<b>Total Violations Closed:</b>				<b>15</b>

**Closed Notice of Violations with Penalties by County**  
**October 1, 2010 – December 31, 2010**  
**Continued**

<b>San Mateo</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Airport 76	C9546	Burlingame	\$500	1
Columbus Salame Company	T7610	South San Francisco	\$55,000	1
Conoco Phillips #253294	C9847	San Mateo	\$500	1
ConocoPhillips #254354	C6342	Menlo Park	\$500	1
Crystal Springs #255427	C3264	San Mateo	\$500	1
Fifth Avenue Unocal #253810	C9199	Redwood City	\$500	1
Foster City Touchless Car Wash	C9424	Foster City	\$500	1
Gas at Jefferson	C8799	Redwood City	\$500	1
George & Bob's Service	C7964	Menlo Park	\$500	1
Gustavo Greco #250915	C9945	Redwood City	\$500	1
Hillside Unocal 76	C9651	Colma	\$1,000	1
KNK Petroleum Inc dba Triton Ga	D0452	Daly City	\$500	1
Marsh Road Valero	D0344	Menlo Park	\$500	1
Menlo Park Beacon	C9889	Menlo Park	\$500	1
One Hour Martinizing	A9864	Belmont	\$500	1
Pacific Fuel & Auto Service, Inc	D0752	San Mateo	\$500	1
Pacifica Chevron	C0013	Pacifica	\$500	1
Progressive Operating Co , LP	D0503	San Bruno	\$500	1
Rollingwood 76 - Sahbhagi Corp	C9310	San Bruno	\$500	1
San Mateo Auto Care	C9938	San Mateo	\$500	1
San Mateo Gas Co	D0453	San Mateo	\$500	1
SFPP, LP	A4021	Brisbane	\$16,000	1
Union 76	C8635	San Mateo	\$500	1
Valley Market & Gas	D0113	Redwood City	\$500	1
Xtra Oil Company	C3305	South San Francisco	\$250	1
<b>Total Violations Closed:</b>				<b>25</b>

**Closed Notice of Violations with Penalties by County**  
**October 1, 2010 – December 31, 2010**  
**Continued**

<b>Santa Clara</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Alum Rock Valero	C7495	San Jose	\$500	1
American Gas & Oil Corporation	C9217	San Jose	\$500	1
Barefoot Coffee Roasters, Inc	B8725	San Jose	\$1,000	1
Berry Blue Valero	D0367	San Jose	\$500	1
BP Facility #11231	C9321	Sunnyvale	\$500	1
Capitol Nissan	C9813	San Jose	\$750	1
Chevron #4259	C4124	San Jose	\$500	1
Chevron #8247	C4232	San Jose	\$500	1
Chevron #9-5771	C3876	San Jose	\$1,250	2
Coast Oil Company, LLC	C0265	Gilroy	\$1,000	2
Conoco Phillips #2611220	C9315	Cupertino	\$500	1
ConocoPhillips Company	C9313	Los Gatos	\$500	1
Ford Cleaners	A8296	Milpitas	\$250	1
Gas Depot at Winchester	C0060	San Jose	\$500	1
Gas N' Go	C9723	San Jose	\$500	1
George's Auto Repair	C4512	Sunnyvale	\$500	1
Hai Tung Nguyen #2611223	C9316	Milpitas	\$500	1
Homestead 76	C9323	Cupertino	\$500	1
Jim Davis Texaco	C7164	Palo Alto	\$500	1
Killarney Cleaners	A0299	Santa Clara	\$250	1
Los Gatos Union 76	C9249	Los Gatos	\$500	1
Metcalf Energy Center	B2183	Coyote	\$1,000	1
Microsoft Corporation	B5200	Santa Clara	\$1,500	2
Performance Petroleum, Inc - 76	C8173	Santa Clara	\$500	1
Petro America	C0541	San Jose	\$500	1
Petromart Retail Group	C9696	San Jose	\$1,000	1
Reco Gas and Minimart	C6186	San Jose	\$500	1
San Martin Gas & Mart	C5339	San Martin	\$500	1

**Closed Notice of Violations with Penalties by County  
October 1, 2010 – December 31, 2010  
Continued**

<b>Santa Clara (cont'd)</b>				
SFPP, LP	A4020	San Jose	\$24,000	1
SFPP, LP	G6387	San Jose	\$15,000	1
Silicon Valley Power Von Raesfeld Power Plant	B4991	Santa Clara	\$5,000	1
Stevens Creek Union	C4436	Santa Clara	\$500	1
Steven's Creek Unocal	C9119	Cupertino	\$500	1
Sunnyvale Olympic	C6437	Sunnyvale	\$500	1
Sunrise 76 - Satnam Petroleum In	C9394	San Jose	\$500	1
T&K Gas Station Corp	C8181	Santa Clara	\$500	1
Tosco Fac#3879	C9934	Campbell	\$500	1
Unocal Service Station #4425	C9606	Santa Clara	\$500	1
Westak Inc	B1411	Sunnyvale	\$1,200	1
<b>Total Violations Closed:</b>				<b>42</b>
<b>Solano</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
BPG Pacific, LLC - Manouchehr Shahab	D1182	Vallejo	\$500	1
Fairgrounds Union 76	C7976	Vallejo	\$500	1
Potrero Hills Landfill, Inc	A2039	Suisun City	\$4,500	3
<b>Total Violations Closed:</b>				<b>5</b>

**Closed Notice of Violations with Penalties by County  
October 1, 2010 – December 31, 2010  
Continued**

<b>Sonoma</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Cabrera Auto Body	B9978	Santa Rosa	\$500	1
City of Petaluma Water Recycling Facility	B6616	Petaluma	\$2,000	2
Marc Ripley	U1622	Sebastopol	\$375	1
Metron Super Gas	D0198	Petaluma	\$500	1
North Gate Gas	C5069	Sebastopol	\$500	1
Petaluma Gas Outlet	D1011	Petaluma	\$500	1
Rai Gas Stations, Inc	C0912	Sonoma	\$500	1
Reality Custom Painting	U1383	Rohnert Park	\$250	1
Redwood Station	C8467	Sonoma	\$1,000	1
Schlegel, Joshua	F6041	Sebastopol	\$1,500	1
<b>Total Violations Closed:</b>				<b>11</b>
<b>District Wide</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Allterra Environmental Inc.	B8152	Santa Cruz	\$2,000	1
East West Inc.	U3232	Swannanoa	\$300	1
KAG West, LLC	A0049	West Sacramento	\$15,000	3
<b>Total Violations Closed:</b>				<b>5</b>

## 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 <sub>x</sub>	Nitrogen oxides, or oxides of nitrogen
NPOC	Non-Precursor Organic Compounds
NSR	New Source Review
O <sub>3</sub>	Ozone
PM <sub>2.5</sub>	Particulate matter less than 2.5 microns
PM <sub>10</sub>	Particulate matter (dust) less than 10 microns
PM <sub>&gt;10</sub>	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 <sub>2</sub>	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 <sup>3</sup>	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 Tom Bates and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 22, 2011

Re: Report of the Maritime Sources & Ports Committee Meeting of February 24, 2011

RECOMMENDED ACTIONS

None; Informational only.

BACKGROUND

The Maritime Sources & Ports Committee will meet on Thursday, February 24, 2011. The Committee will receive the following presentations:

- A) Update on Port Truck Program
- B) Update on Shore-Power at Bay Area Ports
- C) Update on Mobile Source Enforcement program

Attached are the staff reports presented in the Maritime Sources & Ports Committee Meeting packet.

Chairperson Nate Miley will provide an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

- A) None. The Air District receives funding for the administration of incentives under both the I-Bond and MSIF programs.
- B) None. The Air District receives funding for the administration of incentives under both the I-Bond and MSIF programs.
- C) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Lisa Harper  
Approved by: Jennifer C. Cooper

Attachment(s)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Miley and  
Members of the Maritime Sources and Ports Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 11, 2011

Re: Update on the Port Truck Program

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RECOMMENDED ACTION

None. Informational item, receive and file.

BACKGROUND

On December 7, 2007, as part of its efforts to reduce emissions at California ports, the California Air Resources Board (ARB) enacted an Air Toxics Control Measure (ATCM) to reduce emissions from on-road heavy-duty (>33,000 lbs.) diesel-fueled trucks operating at ports and intermodal rail yards.

On December 17, 2010, the ARB considered a number of significant changes that would expand the trucks subject to this rule and also considered extending the rule deadline for Phase 2 requirements (an explanation of this requirement is provided below). Staff will discuss the December 2010 decisions made by ARB and how they affect grant funding.

DISCUSSION

In December 2010, ARB considered 4 principal amendments to the drayage truck regulation. These proposed amendments were as follows:

1. Inclusion of noncompliant trucks operating outside of port and rail yard grounds that engage in “dray-off” activities under the requirements of the regulation.
2. Inclusion of the drayage truck regulation into the larger on-road truck and bus fleet regulation.
3. Inclusion of Class 7 (>26,000 lbs.) drayage trucks under the Phase 2 requirements of the drayage truck regulation.
4. Delay the Phase 2 regulatory requirements that mandate drayage trucks operate with 2007 MY emissions standard engines from January 1, 2014 to January 2017.

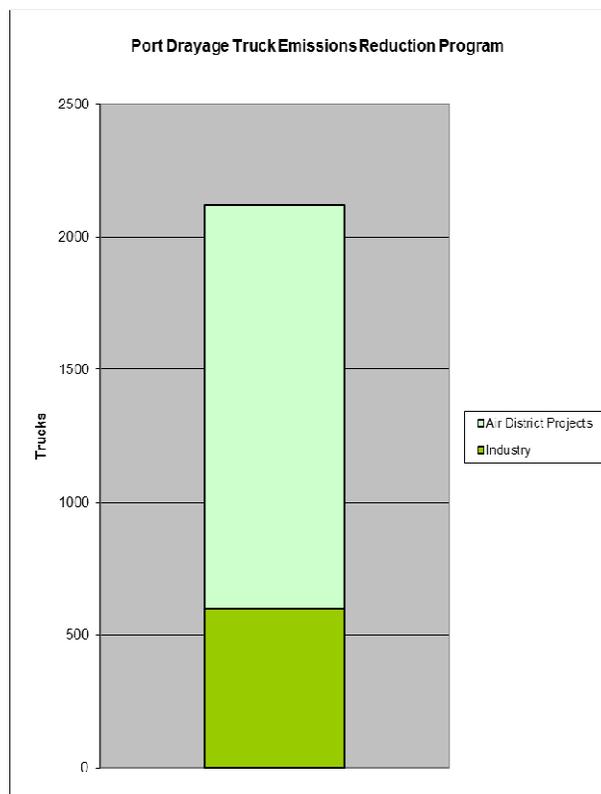
Based on its deliberations, ARB decided to accept amendments 1 through 3, and to reject the 4<sup>th</sup> amendment. This decision has a number of significant impacts:

- **More trucks are now subject to the drayage rule:** Under the provisions above, the drayage truck rule has been expanded to cover Class 7 trucks and any truck that hauls a cargo container from California rail or intermodal facility without that cargo being broken down (i.e. the cargo container opened and its constituents distributed for further transportation).
- **The "dray off" loophole has been closed:** ARB's action has closed the "dray off" loophole which had allowed noncompliant trucks to receive cargo just outside of port boundaries as a circumvention of the regulation. This particular issue will be discussed as part of the briefing provided to the Committee in Agenda Item 6.
- **The Phase 2 requirements of ARB's regulation remain in place:** Perhaps the most significant impact of the ARB's decision will be the renewed requirement that all trucks accessing California ports and intermodal facilities will be required to have 2007 MY emissions standard engines by January 1, 2014.

### **Impacts on Grant Funding**

In August of 2010, the Air District completed its highly successful port drayage truck emissions reduction program. See Table 1 below:

**Table 1 - Port Drayage Truck Emissions Reduction Program Results**



As part of this program, the Air District upgraded 1,522 trucks (1,319 truck retrofits and 203 truck replacements) at the Port of Oakland (Port). Based on ARB's December actions, all of the vehicles retrofitted as part of that program must be upgraded to 2007 MY emissions standard engine trucks by December 31, 2013. This poses a number of challenges for the Air District's grant program:

- **Availability of California Goods Movement Bond (I-Bond) funding:** At present, the Air District is eligible to receive \$65 million from the I-Bond program. ARB has informed staff that drayage trucks currently under I-Bond contracts will not be eligible for the \$30 million to be received in fiscal year 11/12 (dependent on the California bond sales). With only \$35 million available to the Air District the final year of the I-Bond program, staff believes that a) insufficient funds will be available to address upgrading all of the currently retrofitted trucks (staff believes that approximately \$54 million would be necessary to complete this upgrade) and b) a repeat of the crisis that surrounded the implementation of the Phase 1 drayage truck requirements in 2010 is probable.

In response to the 2010 crisis, ARB allocated additional I-Bond funding to address drayage trucks. ARB has committed to engaging in a dialogue with the Air District to address this issue in the upcoming months but to date no concrete commitments have been received on the availability of additional funds for drayage truck replacements.

- **Carl Moyer and MSIF are not available to Port Trucks:** ARB has not revised its Carl Moyer guidelines to allow port drayage trucks to be eligible for funding. This also prevents the Air District from funding replacement projects using Mobile Source Incentive Funds. Additionally, while Transportation Fund for Clean Air (TFCA) monies could be used to match I-Bond funding; those funds are significantly committed to both electric vehicles and shuttles in the upcoming two years.
- **Expanded number of trucks needing help:** Based on staff's review of the drayage truck regulation, it appears to have been significantly expanded to close the dray off loop hole. From an air quality improvement perspective, this is a positive change. This expansion, however, has had the consequence of making even more trucks subject to the rule. For example a truck picking up cargo that has not been "broken down" anywhere in the state of California (miles from ports or intermodal facilities) is still subject to the drayage truck rule based on ARB's amended definition. This means that more trucks will seek grant funding in order to comply with this regulation, even though the current projected funding is insufficient for the trucks that were previously retrofitted.

#### BUDGET CONSIDERATION / FINANCIAL IMPACT

None. The Air District receives funding for the administration of incentives under both the I-Bond and MSIF programs.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Damian Breen  
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Miley and  
Members of the Maritime Sources and Ports Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 11, 2010

Re: Update on Shore-Power at Bay Area Ports

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RECOMMENDED ACTION

None. Informational item, receive and file.

BACKGROUND

As part of its efforts to reduce emissions at California ports, the California Air Resources Board (ARB) enacted an Air Toxics Control Measure (ATCM) for "*Auxiliary Diesel Engines Operated on Oceangoing Vessels at Berth in a California Port*" in December, 2007. This regulation requires that vessel owners, terminals and California ports work together to reduce the emissions caused when ships run/idle their engines to provide power for onboard activities while docked.

In the Bay Area, Oakland remains the only port subject to this regulation that has not completed the upgrades necessary to ensure compliance with this regulation (an Air District funded project at the Port of San Francisco has ensured their compliance needs have been met). Staff will update the Committee on progress being made to address electrification at the Port, current grant funding available to Bay Area ports, the requirements of the shore power regulation and the requirements associated with available grant funding.

DISCUSSION

Since the last Committee meeting there has been significant progress in the installation of shore power at the Port. The following is an update on two projects (one nearing completion and one in its beginning phase) that will electrify 6 of 18 berths at the Port:

*APL Terminal - 3 berths - Completion in April 2011*

In late 2008, the American Presidents Line (APL) shipping organization through its terminal operator Eagle Marine Services received a \$2.8 million I-Bond grant from the Air District to electrify the three berths at its terminal in Oakland. The Air District also provided approximately \$2 million to upgrade three of the five vessels slated to utilize this shore-power installation via a Carl Moyer grant in mid-2009. To date, all of the work to retrofit the cargo vessels has been completed and the shore-power installation in Oakland is slated for commissioning in March 2011. Please note that this date has slipped from the January date reported at the last C

ommittee meeting. This is due to engineering issues related to the ship retrofits. These issues are being resolved and the project is still scheduled to be completed approximately 2.5 years prior to the requirements of the shore-power regulation.

*Port of Oakland Efforts -3 berths - Completion in September 2012*

On February 2, 2011, the Air District approved a \$5 million Mobile Source Incentive Fund (MSIF) grant for the electrification of three additional berths at the Port. This grant will match approximately \$12.8 million in Federal and Port funds and will install infrastructure at three berths at the SSA Terminals, LLC and Total Terminals International, LLC terminal facilities. These terminal facilities are some of the busiest at the Port accounting for over 500 combined oceangoing vessel visits annually. Currently Air District and Port staff are working on finalizing the grant agreement for this project and this installation is scheduled to be complete by September 2012.

Incentives Funding

On December 16, 2010, the Air District executed an agreement with ARB to accept \$20 million in Goods Movement Bond Funding (I-Bond) for shore power at Bay Area ports. As expected, this agreement included a supplemental requirements document that includes stringent requirements for the administration of that grant funding. Those requirements are as following:

- Each contract under this program shall require the grantee to achieve surplus emissions reductions by plugging in 10% more vessels than are required by the shore power regulation (see Table 1 below):

**Table 1 - I-Bond Plug-In Rates Vs. Regulatory Requirements**

Year	Regulatory Requirement	I-Bond Requirement
Jan 1, 2014	50% of vessels	60% of vessels
Jan 1, 2017	70% of vessels	80% of vessels
Jan 1, 2020	80% of vessels	90% of vessels

- Grant recipients must demonstrate their financial ability to match the available grant funding to complete shore power projects within the timeframe of the I-Bond program (this includes a binding certification to be signed by the port Board or Executive Officer).
- Each grant agreement shall include project milestones with specific completion dates.
- Each grantee is required to provide quarterly updates on adherence to project schedule. This report includes: actual start and finish dates of activities, estimated completion dates of project elements, estimated start and finish dates of future activities and a listing of dates that may jeopardize the on-time completion of the project.

- In the event that any milestone dates are not reached, the grantee has the option to either forfeit grant funding or submit a scheduled recovery plan. A recovery plan must be submitted within 15 days of a grantees failure to meet a milestone.
- ARB and the Air District will determine whether the recovery plan meets the requirements of the I-Bond guidelines and whether or not funding will automatically be forfeit due to the fact that the project cannot recover in time to meet the expenditure deadlines.
- All I-Bond funds will be automatically forfeit for projects not fully operational by December 31, 2013.
- All contracts shall contain a nonperformance clause. In the event that the grantee fails to meet the plug-in requirement of the I-Bond contract, they will be penalized 1% of the funding invested for every 1% of nonperformance up to 10%.

In the event, that any funds were forfeit under this program, ARB will require the Air District to reinvest them in on-road trucks as part of its projected Year 3 I-Bond expenditure plan.

#### *Current Solicitation*

In order to expend the \$20 million in I-Bond funding available to the Bay Area ports, the Air District opened a six week solicitation for projects on February 1, 2011. As a requirement of the grant, staff notified the Executive Officers and Directors of all Bay Area ports, shipping lines and terminals of the availability of funding via registered mail. Under the I-Bond requirements the Air District also notified these entities that this funding was available for cargo handling equipment upgrades. Is unclear at present, what entities other than the Port of Oakland may be interested in this funding. As a competitive solicitation, Air District staff will be required to rank projects on a berth by berth basis with funding only going to the most cost-effective projects. Staff is hosting a workshop on February 18, 2011 to answer questions and provide guidance for all those seeking to apply for this funding.

#### BUDGET CONSIDERATION / FINANCIAL IMPACT

None. The Air District receives funding for the administration of incentives under both the I-Bond and MSIF programs.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Damian Breen  
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Miley and Members of the Maritime Sources & Ports  
Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 14, 2011

Re: Status of Mobile Source Enforcement at the Port of Oakland

RECOMMENDED ACTION:

Informational Report. Receive and file.

BACKGROUND

Diesel particulate matter (PM) poses the largest air toxic health risk to Bay Area residents. In 1998, the California Air Resources Board (CARB) identified diesel PM as a toxic air contaminant (TAC) based on its potential to cause cancer, premature death and many other health problems. The Air District's CARE program studies have shown that diesel PM accounts for over 80% of the TAC cancer risk, with on-road and off-road mobile sources responsible for the majority of the risk.

To address diesel PM from these sources, staff developed the District's Mobile Source Compliance Plan and in late fall 2009, the District entered into a Memorandum of Understanding (MOU) with CARB to enforce mobile source diesel PM regulations and air toxic control measures (ATCMs). The Plan is now being implemented and mobile source enforcement is fully underway. Consistent with the goals of the Plan, the target areas for enforcement and compliance assistance efforts are Ports and CARE areas, with special focus on the Port of Oakland and West Oakland.

Prior to commencing enforcement, logistical steps are completed by staff to ensure that enforcement actions are consistent, timely and effective. These steps include both strategic and tactical planning; classroom and field exercise trainings; conducting compliance assistance activities; joint inspections with CARB; and when appropriate, independent inspections by District staff. Staff also inspect all trucks that were to receive District grant funds. Engaging in partnerships with CARB, the Port of Oakland and other stakeholders has contributed to the success of the program to date.

## DISCUSSION

Enforcement of the Drayage Truck Regulation (DTR) is the highest priority regulation for the mobile source enforcement program coupled with a strong presence at the Port of Oakland and the adjacent railyards. After CARB's five-month delay due to the extension for additional grant funding, from late May 2010 through January 31, 2011, staff completed 1,435 DTR inspections and issued 35 violations, resulting in a 98% compliance rate. Inspection staff conducted extensive compliance assistance efforts with truckers to ensure they were aware of the upcoming DTR compliance deadline (e.g., over 2,000 DTR brochures were handed out to truckers at the Port on a "long haul" day in September 2009; notices were sent to email trucker listserves; and staff provided multilingual one-on-one assistance). Staff also inspected all trucks that were to receive District grant funds for retrofit or replacement. Approximately 1,775 trucks were inspected for the DTR grant program.

Staff has also targeted enforcement in areas suspected of "dray-off" activity (container switch loading from a compliant truck to a non-compliant truck for transport to its destination). Multilingual compliance assistance materials are posted in areas where this activity has been discovered at the Port at the former Oakland Army Base property. Staff also collaborated with CARB on DTR proposed amendments to include prohibitions on "dray-off" activities.

In April 2010, staff commenced enforcement of the State commercial idling ATCM, which prohibits idling for more than 5 minutes for diesel vehicles weighing greater than 10,000 pounds. Staff also developed signage and vehicle dashboard stickers in 5 languages (English, Spanish, Chinese, Punjabi and Vietnamese); signs are posted at and adjacent to the Port of Oakland, other Ports and in CARE areas. As of January 31, 2011, staff completed 125 inspections and issued 21 violations, resulting in a 83% compliance rate.

In June 2010, staff commenced enforcement of a State regulation for Transport Refrigeration Units (TRUs). TRUs are powered by diesel engines and are used to heat or cool perishable products (e.g., food, pharmaceuticals, and chemicals). They can be transported on semi-trailers or railcars, or integrated into shipping containers, or mounted on truck vans. The ATCM requires, among other things, application for and permanently affixing the CARB ID number on the unit and engine performance standards (phased in over several years). From June 2010 through January 31, 2011, staff completed 116 inspections and issued 22 violations, resulting in a 81% compliance rate.

Staff conducted joint inspections with CARB on ships (combining enforcement of 2 regulations which limit fuel sulfur and onboard incineration) and boats - commercial harbor craft (requires registration and engine emissions standards). Staff continue to enforce mobile source requirements under District purview for equipment, locomotives and port truck terminal idling.

The Air District is the first in the State to develop a comprehensive mobile source enforcement program. Using enforcement and compliance assistance actions, the District will reduce diesel PM exposures, is providing leadership on mobile source enforcement and will improve air quality for the communities we serve.

Staff will update the Committee on the Air District's enforcement of CARB mobile source regulations at the Port of Oakland, other Bay Area ports and in CARE Areas. Staff will also discuss CARB's proposed changes to the Drayage Truck Regulation to clarify that clean truck standards also apply to all trucks either destined for, or originating from a Port or Intermodal Railyard, that are hauling containers, including empties or trailer chassis. This broader definition will provide strong enforcement tools to mitigate higher pollution "dray-off" activities in areas adjacent to ports.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Prepared by: Barbara Coler  
Reviewed by: Kelly Wee

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Tom Bates and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 22, 2011

Re: Report of the Budget & Finance Committee Meeting of February 24, 2011

RECOMMENDED ACTION

The Committee recommends Board of Directors' approval of the following:

- A) Authorize the Executive Officer/APCO to enter into a contract with Cypress Private Security for the Lobby Security.

BACKGROUND

The Budget & Finance Committee will meet on Thursday, February 24, 2011. The Committee will receive the following reports and recommendations:

- A) Presentation of the FYE 2010 Audit
- B) Results of Security Contract Request for Proposals (RFP)
- C) Air District Financial Overview

Attached are the staff reports presented in the Budget and Finance Committee packet.

Chairperson Carole Groom will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

- A) None.
- B) Cypress Private Security will bill the District at a rate of \$19.06/hr. straight time, and \$27.64/hr. for holiday rate. Their yearly cost of \$171,151 is for twenty-four (24) hour security at the Air District. Lobby Security is budgeted in the FY 2010/2011 budget. No further fiscal impact is anticipated.

C) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Lisa Harper  
Approved by: Jennifer C. Cooper

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Groom and Members  
of the Budget and Finance Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 14, 2011

Re: Air District Financial Audit Report for Fiscal Year 2009-10

RECOMMENDED ACTION:

Informational report. Receive and file.

DISCUSSION

The Independent Auditors' Report confirms that the Air District's financial statements "...present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Bay Area Quality Management District as of June 30, 2010, and the respective changes in the financial position, for the year then ended in conformity with accounting principles generally accepted in the United States of America." The report on the basic financial statements is unqualified with no reportable conditions, no instances of non-compliance, and no financial statement findings noted. The Auditors also prepared a Report on internal control over financial reporting and compliance, which was performed in accordance with *Government Auditing Standards*.

The Auditors made no recommendations this year. However, they provided an update on two prior year recommendations. The first being the implementation of Governmental Accounting Standards Board (GASB), statement No. 54, "*Fund Balance Reporting and Governmental Fund Type Definitions*." One of the objectives of this statement is to improve financial reporting by providing fund balance classifications and categories that will be more easily understood. This new standard establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in the governmental funds. The new fund balance categories are as follows:

- *Restricted* - includes amounts that can be spent only for the specific purposes stipulated by Constitution, external resource providers, or through enabling legislation.
- *Committed* - includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority.
- *Assigned* - includes amounts intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed.
- *Unassigned* - is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications.

The Auditors recommend that the District perform a review of this new statement and evaluate the impact it will have on its fund balance reporting and classifications in the financial reporting process. Additionally, a review of the new fund definitions should be performed to determine the changes this statement will have on the District's fund classifications in its financial and budget reporting. The implementation date for this new standard will occur during the 2010-2011 fiscal year and should be considered during the District's 2010-2011 budget development process.

The second recommendation was that the District perform a review of the receivable balances which includes an analysis of the aging and potential collectability at least annually. As a result of this suggestion, Staff reviewed the collectability of the receivables balance and wrote off a portion of the receivables that were deemed uncollectible.

As noted above, District management is in agreement with both recommendations and has begun implementation.

The Report on compliance in accordance *with OMB Circular A-133* states “In our opinion, the Air District complied, in all material respects, with the requirements referred to above that are applicable to each of its major federal programs for the year ended June 30, 2010.”

BUDGET CONSIDERATION/FINANCIAL IMPACT

None

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: David Glasser  
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Carole Groom and Members  
of the Budget and Finance Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 9, 2011

Re: Approval of Recommendation for Lobby Security

RECOMMENDED ACTION:

The Committee will consider recommending that the Board of Directors authorize the Executive Officer/APCO to enter into contract with Cypress Private Security for the Lobby Security.

BACKGROUND

Staff recently completed a Request for Proposal (RFP) process to solicit proposals for lobby security.

DISCUSSION

The RFP was released on October 21, 2010, and proposals were due on November 22, 2010; eight proposals were received from companies that attended the mandatory walkthrough.

The contract will have a term of twelve months, which may be extended for two additional years at the Air District's discretion. After evaluating proposals, conducting interviews and checking references, Cypress Private Security received the highest score and is recommended to receive the lobby security contract.

EVALUATION

**Expertise and Experience of Team:** This category evaluated the overall experience and accomplishments of the team and specifically, environmental and governmental experience.

**Project Management Experience:** This category evaluated the team's experience developing environmental guidelines and protocols for government agencies within the project management framework.

**Responsiveness of Proposal:** This category evaluated the clarity and comprehensiveness of the proposal.

**Cost Proposal:** Costs were evaluated for adequacy in relation to the outlined scope of the project.

**References, Green Operating Practices and Local Businesses:** The Air District supports green operating practices and local businesses and gives a preference to local businesses engaged in green business practices. Proposals were evaluated to determine the extent of bidder's commitment to environmentally sound operational practices.

The eight (8) proposals were then scored by a scoring panel comprised of Air District employees from critical departments. The scoring and total points for each of the RFPs' criteria are contained in the following table.

**Executive Summary**

<b>Evaluation Criteria</b>	<b>Points</b>	<b>Cypress</b>	<b>Securitas</b>	<b>ABC</b>	<b>Prestige</b>	<b>Canty</b>	<b>American</b>	<b>ANI</b>	<b>US</b>
Technical Expertise	30	27	30	20	22	15	22	16	24
Past Experience	20	18	18	15	15	11	15	8	15
Responsiveness of Proposal	20	19	19	16	18	8	9	13	17
Cost	20	16	14	8	6	10	12	18	17
Green/Local	20	10	6	4	4	7	6	4	7
<b>Total Points</b>	<b>100</b>	<b>90</b>	<b>98</b>	<b>63</b>	<b>65</b>	<b>51</b>	<b>64</b>	<b>59</b>	<b>80</b>

Based on the final scores of the panel, the top three companies were invited for a second interview by a panel comprised of Air District staff and an outside panel member with relevant expertise. The second interview was held on December 13, 2010. The scoring and total points for each for the three companies interviewed are contained in the following table:

<b>Company:</b>	<b>Cypress Security</b>	<b>US Security</b>	<b>Securitas</b>
Panelist #1	6.5	5	5
Panelist # 2	8.5	7	7
Panelist #3	8	7	7
Panelist #4	9	7	7
<b>Average:</b>	<b>8</b>	<b>6.5</b>	<b>6.5</b>

**BUDGET CONSIDERATION/FINANCIAL IMPACT:**

Cypress Private Security will bill the District at a rate of \$19.06/hr. straight time, and \$27.64/hr. for holiday rate. Their yearly cost of \$171,151 is for twenty-four (24) hour security at the Air District. Lobby Security is budgeted in the FY 2010/2011 budget. No further fiscal impact is anticipated.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Mary Ann Okpalauogo  
Approved by: Jack M. Colbourn

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Groom and Members  
of the Budget and Finance Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 14, 2011

Re: Air District Financial Overview

RECOMMENDED ACTION

Receive and file.

DISCUSSION

Staff will review the Air District response to fiscal challenges. The review will include a discussion of the strategies employed during the FYE 2011 budget cycle. Possible mid-year budget adjustments will be discussed. Implications for the coming FYE 2012 budget process will also be reviewed.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No budget impact.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Jeffrey McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Tom Bates and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer / APCO

Date: February 22, 2011

Re: Report and Recommendations of the Advisory Council from the October 13,  
2010 Meeting on California's 2050 GHG Emission Reduction Target –  
Strategies and Technologies for the Transportation Sector

RECOMMENDED ACTION:

Receive and File.

DISCUSSION

The following presentations were made at the October 13, 2010 Advisory Council Meeting on California's 2050 GHG emission reduction target of 80% below 1990 levels – strategies and technologies for the transportation sector:

1. ***Great Communities for Climate Protection*** by Stuart Cohen, co-founder and Executive Director of TransForm, an organization whose mission is to “create world-class public transportation and walkable communities in the Bay Area and beyond.” In 2005, Stuart helped conceive and launch the Great Communities Collaborative. This partnership of five non-profits, three community foundations, and 24 community partners engages communities around the Bay Area in planning for sustainable, equitable development near transit. He is also co-founder and chair of ClimatePlan, a statewide network promoting smart land use and transportation as critical components of California's climate strategy.
2. ***Regional Parking Strategies for Climate Protection*** by Jeff Tumlin, Principal for Nelson\Nygaard Consulting Associates. Jeff has extensive experience working with cities, developers, and regional governments to foster economic development, while improving quality of life through smart transportation investments. His expertise covers four key areas: Planning for Urban Infill and New Towns; Transit-Oriented Development; Regional Transit Planning; and Multimodal Planning.
3. ***Achieving California's GHG Emission Reduction Targets: Plug-in Electric Vehicles*** by Simon Mui, scientist with NRDC's Air & Energy Program. Simon focuses on advocacy and research regarding clean vehicles and fuels, with the goal of reducing impacts from transportation systems. Before Simon came to NRDC, he worked for the US Environmental Protection Agency in Washington, D.C., where he analyzed and authored studies on plug-in electric vehicles and on climate mitigation strategies for the transportation sector.

BACKGROUND

The Advisory Council met on November 10, 2010 and January 12, 2011 to discuss the presentations and materials received at the October 13, 2010 meeting on California's 2050 GHG emission reduction target for the transportation sector and prepared a report for the Air District Board of Directors.

Advisory Council members John Holtzclaw, Jennifer Bard, Debbie Mytels and Ken Blonski prepared a draft report for the October 13, 2010 meeting on California's 2050 GHG emission reduction target for the transportation sector, and thereafter, discussed and revised the draft report at the November 10, 2010 Advisory Council meeting. At the January 12, 2011 retreat and regular meeting, the Advisory Council discussed the revised draft report and finalized their recommendations. The completed final report will be presented for consideration at the Board of Directors March 2, 2011 meeting.

BUDGET CONSIDERATIONS/FINANCIAL IMPACTS:

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Attachments: Final Report  
Advisory Council Minutes of November 10, 2010  
Advisory Council Minutes of January 12, 2011

**FINAL REPORT ON THE OCTOBER 13, 2010 ADVISORY COUNCIL MEETING ON CALIFORNIA'S 2050 GHG EMISSION REDUCTION TARGET OF 80% BELOW 1990 LEVELS – STRATEGIES AND TECHNOLOGIES FOR THE TRANSPORTATION SECTOR**

SUMMARY

The following presentations were made at the October 13, 2010 Advisory Council meeting on California's 2050 Greenhouse Gas (GHG) emission reduction target of 80% below 1990 levels – strategies and technologies for the transportation sector:

1. ***Great Communities for Climate Protection*** by Stuart Cohen, co-founder and Executive Director of TransForm, an organization whose mission is to “create world-class public transportation and walkable communities in the Bay Area and beyond.” In 2005, Stuart helped conceive and launch the Great Communities Collaborative. This partnership of five non-profits, three community foundations, and 24 community partners engages communities around the Bay Area in planning for sustainable, equitable development near transit. He is also co-founder and chair of ClimatePlan, a statewide network promoting smart land use and transportation as critical components of California's climate strategy.
2. ***Regional Parking Strategies for Climate Protection*** by Jeff Tumlin, Principal for Nelson\Nygaard Consulting Associates. Jeff has extensive experience working with cities, developers, and regional governments to foster economic development, while improving quality of life through smart transportation investments. His expertise covers four key areas: Planning for Urban Infill and New Towns; Transit-Oriented Development; Regional Transit Planning; and Multimodal Planning.
3. ***Achieving California's GHG Emission Reduction Targets: Plug-in Electric Vehicles*** by Simon Mui, scientist with NRDC's Air & Energy Program. Simon focuses on advocacy and research regarding clean vehicles and fuels, with the goal of reducing impacts from transportation systems. Before Simon came to NRDC, he worked for the US Environmental Protection Agency in Washington, D.C., where he analyzed and authored studies on plug-in electric vehicles and on climate mitigation strategies for the transportation sector.

DISCUSSION MEETINGS

At the November 10, 2010 discussion meeting the Council discussed the presentations made and the materials received at the October 13, 2010 meeting, how to incorporate and expand upon the recommendations from the May 13, 2009 meeting on California's GHG emission reduction target for the transportation sector and discussed and revised the draft report. At the January 12, 2011 retreat and regular meeting the Council discussed the revised draft report and finalized the recommendations.

## KEY POINTS

### Stuart Cohen

- Kids are indicators for climate health, by how much they walk and cycle. Vibrant, convenient communities stimulate walking, cycling, and healthy interactions. Single use, sprawling areas, with little transit and poor access (no gridded streets) to services, schools, and jobs increase vehicle miles traveled (VMT), congestion, and costs. GHG emissions are also highest in low density areas.
- Sprawl communities place the greatest burden on low income residents, who must spend a larger portion of their household income on transportation costs. According to *Windfall for All*, a report by TransForm, annual auto costs increase from under \$6,000 for families in smart growth areas to over \$14,000 in sprawling communities.
- It is widely believed that transportation investments that support walking, cycling, and transit are too expensive, but this does not account for the full costs of driving. A full economic analysis of transportation investments, which includes all the personal costs of driving, shows significant savings for individuals and families.
- California's Sustainable Communities and Climate Protection Act (SB375) is a major paradigm shift in planning, requiring Metropolitan Planning Organizations (MPOs) to conduct regional planning to meet CO<sub>2</sub> reduction targets from driving. In the Bay Area, GHG reduction targets are 7% by 2020 and 15% by 2035. According to the Metropolitan Transportation Commission's (MTC) model, 12% can be achieved by land use planning, 8% by road use and parking pricing, and 3% by transportation demand management (TDM). More can be done with infrastructure and transit efficiency, however, than is shown by MTC's model.
- It is more cost effective to focus transportation investments on improving transit efficiency and infrastructure to enhance connectivity for walking, cycling, and transit, than to build freeway lanes that subsidize sprawl. By improving efficiency, for example, Caltrain increased service and ridership by 70%, with only a 40% increase in costs.
- In their Regional Transportation Plan, MTC should eliminate grandfathering transportation projects that increase VMT, and should require all projects to be analyzed for effects of induced growth and induced demand, including the proposed expansion of the High-Occupancy Toll (HOT) lane network. Revenues from HOT lanes should also be directed to improve transit, rather than to building traffic lanes. MTC should also consider changing funding formulas to reward operations and cost effective projects, rather than for huge capital projects.

Stuart Cohen (Continued)...

- MTC should continue and expand successful programs that have the greatest impacts on reducing GHGs, while meeting other key economic and social goals, including: bicycle and pedestrian build-out, Transportation Climate Initiatives, Safe Routes to Schools (a regional parking program), Transit Oriented Development (including affordable housing, planning grants), and rewarding innovative ideas. MTC should also encourage expanded use of business and residential passes for public transit (both free and deep discount types) to encourage ridership, which can also provide more dependable funding streams.

**Speaker Recommended Key Actions for Air District:**

- Educate and engage through developing a regional/city vision, and by sponsoring walking tours and other engaging educational events for residents and planners.
- Support bike/pedestrian planning, Safe Routes to School, Livable Communities, and community planning grants.
- Reward innovation, including Priority Development Areas (PDAs), money to implement Transit Oriented Development (TOD), CEQA streamlining for projects that implement the Sustainable Communities Strategy, Green TRIP certification, and indirect source review.
- Regional fit: reduce the number of transportation projects grandfathered into the sustainable community strategy. Provide local planning resources to ensure that zoning is ultimately consistent with regional housing allocations and housing elements.
- Work with MTC to calculate induced traffic on past projects and to include an analysis of induced growth and demand from new infrastructure.
- Ensure pricing is seriously considered as a regional strategy, and use the experience of the recent Bay Bridge toll increases to predict potential outcomes.

Jeff Tumlin

- Zoning. Household auto ownership depends on density, transit, and household size and income. In auto-oriented sprawl, families spend more on transportation than on housing. The cost of owning and operating each car is equal to a \$100,000 mortgage.
- Parking is the most regulated commodity in the US. Cities require huge parking lots, at \$20,000 per space. Residential parking requirements increase rents by 15-30% per place, and reduce the number of units by 15-25%. Clustering homes, offices, shopping, schools, and parks, like in downtown Palo Alto and Mill Valley, reduces land and parking areas by over 50%, VMT and arterial trips by 75% and arterial turning movements by nearly 100%. High city parking requirements and free parking cause excessive parking; lower development; lower land values;

Jeff Tumlin (Continued)...

- and increase sprawl, vehicle ownership, VMT, congestion, pollution, energy use, and GHGs.
- Parking policy reform can achieve the greatest reductions in VMT, congestion, and GHGs at the lowest cost and at the greatest speed. Parking reform can reduce VMT, GHG, and energy use by 50% in new development and by 20-30% in retrofitted developments. It can also generate revenue (\$2000/ton-CO<sub>2</sub>) is pro-market, pro-smart growth, and region-wide; and promotes social equity.
  - Key elements of successful implementation of parking reform:
    - Address fear of parking spillover: help public understand (in partnership with the MTC) the real costs of “free” parking, and the benefits of residential parking permits and parking benefit districts.
    - Charge market rates for parking in high demand areas. Replace minimum with low maximum parking requirements (as in San Mateo and San Francisco) and increase building floor space to lot area ratios (FARs) to facilitate redeveloping parking lots.
    - Invest in good parking technology; parking meters that only accept quarters should be made illegal. Redwood City’s staff adjusts intelligent parking meter rates to keep 15% of curb spaces vacant, and motorists are called before meters expire. SFPark gives rates and availability on-line, and shows transit alternatives.
    - Workplace Parking Cash-Out (PCO) reduces parking requirements and drive-alones. Genentech got higher FARs in exchange for a \$4/day PCO, worker transit subsidies, and shuttles. The state PCO law should be enforced locally and extended to cover companies with 10-50 employees.
  - CEQA reform is needed to cut regional VMT growth, but the League of Cities opposed losing Level of Service (LOS) impact fees, and homebuilders dislike the uncertainty of regional impact fees; such opposition should be addressed.

**Speaker Recommended Key Actions for Regional Agencies:**

- Start with easy to implement policies and use regulatory authority to require unbundling of the costs of parking and housing, which will make housing more affordable for residents with fewer cars.
- Coordinate local policies, support and fund FOCUS PDAs, and harmonize climate/smart growth strategies with parking and TDM.
- Engage congestion management agencies in parking reform.
- Include parking reform in grants, train and assist cities, develop Green Parking Certificates, and analyze parking in sustainable community strategies. The Air District should levy a region wide annual parking impact fee as part of its indirect source rule (ISR), and then it should return revenues to local governments for walk/bike/transit improvements and to address social equity.

- MTC should condition funding parking reform (like Transit Oriented Development), and assess city/county/corridor performance and penalties. The three regional agencies (MTC, The Air District, and ABAG) should fund parking reform, especially in PDAs, and should lobby to eliminate the federal tax subsidy for employee parking.
- Tolling existing lanes: Significant air quality, congestion, and CO<sub>2</sub> benefits accrue from tolling existing lanes. Recent congestion pricing at the Bay Bridge toll plaza produced dramatic shifts in driving behavior, even at a small price differential. This indicates that expanding to more locations could make significant impacts on peak travel, and help to make the case for roadway pricing in other bottleneck locations throughout the region. Pricing of existing lanes has big benefits, for congestion, air quality, and GHGs. Expanding highways with priced lanes has poor results for these issues.

#### Dr. Simon Mui

- Thirty seven percent of California's GHG emissions come from transportation, with 27% of the total from light duty vehicles. Even with cleaner vehicles, the upcoming low carbon fuel standard, and reduced driving from SB 375, huge reduction shortfalls will still exist by 2030 and 2050, demonstrating the need for electric vehicles [EV: plug-in hybrids, battery electric vehicles, and hydrogen (H<sub>2</sub>) fuel cell vehicles]. Though several EVs will come on the market, we need to push forward with next round regulations to accelerate commercialization of advanced technology vehicles. Early market success will determine how fast and far we can push. We need US and CA strategic plans to coordinate and incentivize clean cars and fuels, including refueling (Better Place, etc.) infrastructure.
- California can achieve 80% reductions in 2050 with a: 80 mpg (111 g CO<sub>2</sub>/mi) vehicles, 25% VMT reduction (or a 32% reduction from business as usual), and 45% reduction of carbon in fuel. When analyzing global warming emissions by electricity source, well to wheel analysis shows US plug-in hybrids (PHEV) would save one-fourth of GHG emissions from mid-sized cars using electricity derived from coal, one-third from the US average grid, and one-half from renewable energy sources, see NRDC-EPRI report: <http://my.epri.com/portal/server.pt?open=514&objID=223132&mode=2>.
- The Air District's efforts have greatly aided the deployment of EVs and infrastructure, and it should continue partnering with the Bay Area EV Corridor for plug-in EVs (PEV) and should continue to analyze and promote resulting air quality benefits.

#### **Speaker Recommended Key Actions for Air District and Regional Agencies:**

BAAQMD and regional agencies should:

- Track the deployment of electric vehicles and the charging needs of communities.

Dr. Simon Mui (Continued)...

- Streamline customer experiences: help disseminate best permitting and inspection practice information; promote environmental and social benefits of city engagement; and award local government activities to stimulate the market.
- Provide the public with high exposure to PEVs via car sharing programs, taxis, rentals, and vehicle purchases by private employers and cities.
- Partner with companies: continue working with the Silicon Valley Leadership Group (SVLG), the Bay Area Council (BAC) and Bay Area Climate Collaborative (BACC) on fleet purchase plans; and on tax incentives for battery R&D, manufacturing of PEV components, and charging service providers.
- Ensure new residential and commercial buildings are “PEV ready.”
- Seek innovative financing of up-front costs of PEVs and their charging infrastructure.

EMERGING ISSUES FROM THE ADVISORY COUNCIL

1. Need to identify what policies and transportation investments will have the greatest impact to increase walking, cycling, and transit use for the convenience of neighborhoods. Need for more sophisticated transportation and land use models to analyze public health impacts of various policies and transportation investments on increasing mode share of walking, cycling, and transit.
2. A number of transportation and land use tools are being developed to analyze a broad range of public health impacts of various policies related to physical activity, including obesity, diabetes, heart disease, and breast cancer, in addition to traditional air quality related diseases. The San Francisco Public Health Department’s (SFPHD) has developed a methodology for analyzing transportation investments to examine driving-related health impacts from air pollution, noise, injury and reduced physical activity. The tool looks at road pricing, and how revenues could be used to achieve: transit improvements, better walking and cycling environments, and mixed-use infill. This could be a model for MTC to adopt for analyzing and prioritizing transportation investments.
3. Challenge of transit funding and expansion: over the next 25 years; we face shortfalls of \$25 billion in operations and maintenance.
4. Reforming local, regional, and state planning to achieve VMT and CO<sub>2</sub> reductions: regional planning to reduce GHG will depend on Congestion Management Agencies (CMAs) changing their business as usual approach to approving projects. Need to reconsider committed projects in county and regional transportation plans in terms of GHG impacts and fiscal constraints.
5. California is moving forward with development of a strong, statewide, zero emission vehicle (ZEV) mandate to achieve GHG reduction goals. Proposed

updates to low emission vehicle (LEV) III, Pavley 2, and ZEV regulations will be released in early 2011.

6. SB 375's mandate to reduce VMT, as a per capita metric, does not address the challenge of achieving reductions in GHGs. The latest calculations from CARB and MTC indicate that current per-capita targets will still lead to overall increases in CO<sub>2</sub> emissions from passenger cars (see: <http://arb.ca.gov/cc/sb375/mpo.co2.reduction.calc.pdf>). Aggressive policies to reduce GHG are needed.

### ADVISORY COUNCIL RECOMMENDATIONS

The following Advisory Council recommendations to the Board are based on: the above presentations, recommendations made a year ago by the Advisory Council on transportation policies (see attachment on transportation recommendations), and subsequent discussions among Advisory Council members. The Air District should:

1. Work with MTC and ABAG to condition transportation and development investments and grants upon implementation of parking reform. The Air District should also include parking reform policies in development of an indirect source rule.
2. Work with MTC to analyze induced demand impacts from MTC's HOT Lane network expansion (study being done by MTC consultant Parsons Brinkerhoff). Modeling does not currently, but should, include a range of impacts of induced demand or increased housing at suburban fringe. The Air District should recommend that net revenues from HOT lanes be used for expanded non-highway transit and transit choices, rather than expansion of the highway system.
3. Work with MTC to consider adoption of a quantification tool that evaluates a broad range of public health impacts and benefits from transportation and land use policies and decisions. The Air District should also encourage MTC to conduct a performance-based analysis of transportation projects to ensure investments are cost effective.
4. Through the Air District's role in the Joint Policy Committee, encourage MTC to evaluate all transportation projects, including projects in previous Regional Transportation Plans (RTP), for impacts on VMT and potential to induce growth. The air district should encourage MTC to only include SCS/ RTP projects that do not increase personal VMT and do not induce sprawl.
5. Develop a social marketing campaign to increase walking, cycling, and transit, based on latest research of proven strategies that affect behavior change, including comparison-with-neighbor policies.

ADVISORY COUNCIL RECOMMENDATIONS (Continued)...

6. Seek state legislation requiring CMAs to expand their mission statement from primarily “congestion management” to include a major emphasis on reducing GHG and to enable a focus on: health; increasing mode share of walking, cycling, and transit; and on reducing VMT, rather than managing congestion.
7. Develop a toolkit for planners, local agencies, and CMAs for land use and transportation policies that have the greatest public health, air quality, and GHG reduction benefits.
8. Promote the use of cool paving materials, such as high albedo materials, for future outdoor surfaces, such as parking lots, median barriers, and roadway improvements to reduce urban heat island effects and to save energy.
9. Use MTC’s SB 375 implementation planning funds for local community planning processes.
10. Build upon SB 535 (Yee) to support development of a strong statewide ZEV mandate and incentives to help the state reach aggressive GHG reduction goals.
11. Continue to work with other agencies in regional efforts to fund and accelerate EV charging infrastructure and streamline residential charging station installation and permitting, including incentives to promote solar EV charging installations. In addition, work with cities, counties, and utility districts to assist property owners in funding charging stations through Property Assessed Clean Energy (PACE) bonds, pursuant to SB 1340 (Kehoe)
12. Promote expansion of congestion toll pricing to all other regional bridges. Revenues raised should be used to improve public transit service in those corridors.
13. Develop and promote policies and programs, including securing necessary legislative authority, to achieve significant reductions in employer-related vehicle miles traveled, including employer transportation demand management plans.
14. Support establishment of a VMT fee or gasoline tax in the Bay Area to achieve GHG, criteria pollutant, and air toxics reductions goals.
15. The Air District should continue to implement the relevant Transportation Control Measures and Leadership Platform\* in the 2010 Clean Air Plan.

\* Leadership Platform: Some of the most potentially beneficial measures in the Bay Area 2010 Clean Air Plan (CAP) to improve air quality will require action by other agencies, such as CARB or US EPA, or adoption of new legislation. The CAP also thus includes a Leadership Platform, summarized in its Volume I, Table 4-7, which identifies policies and actions by other entities to complement the CAP control strategy.

## **GLOSSARY**

ABAG	–	Association of Bay Area Governments
BAC	–	Bay Area Council
BACC	–	Bay Area Climate Collaborative
CEQA	–	California Environmental Quality Act
CMA	–	Congestion Management Agency
EV	–	Electric Vehicle
FAR	–	Floor Area Ratio
FOCUS	–	Focusing Our Vision
GHG	–	Greenhouse gases
HOT	–	High Occupancy Toll
ISR	–	Indirect Source Rule
LEV	–	Low Emission Vehicle
LOS	–	Level of Service
MTC	–	Metropolitan Transportation Commission
PCO	–	Parking Cash-out
PEV	–	Partial Electric Vehicle
PDA	–	Priority Development Area
RTP	–	Regional Transportation Plan
SVLG	–	Silicon Valley Leadership Group
SCS/RTP	–	Sustainable Community Strategy/Regional Transportation Plan
TDM	–	Transportation Demand Management
TOD	–	Transit Oriented Development
VMT	–	Vehicle Miles Traveled
ZEV	–	Zero Emission Vehicle

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

## **APPROVED MINUTES**

Advisory Council Regular Meeting  
9:00 a.m., Wednesday, November 10, 2010

### **CALL TO ORDER**

**Opening Comment:** Chairperson Bramlett called the meeting to order at 9:00 a.m. without an initial quorum.

**Roll Call:** Chairperson Jeffrey Bramlett, M.S., Secretary Stan Hayes, and Council Members Jennifer Bard, Benjamin Bolles, Robert Bornstein, Ph.D., John Holtzclaw, Ph.D., Gary Lucks, JD, CPEA, REA I, Jane Martin, Dr.Ph.D., Jonathan Ruel and Dorothy Vura-Weis, M.D., M.P.H.

**Absent:** Vice Chairperson Ken Blonski, M.S., Council Members Louise Bedsworth, Ph.D., Harold Brazil, Alexandra Desautels, Robert Huang, Ph.D., Kraig Kurucz, Rosanna Lerma, P.E., Debbie Mytels, Kendall Oku, and Michael Sandler

**Also Present:** Board of Directors Chair Brad Wagenknecht

Chairperson Bramlett asked for interest in the upcoming Secretary appointment, and Dr. Bornstein voiced interest in being considered.

Jean Roggenkamp announced that Eric Stevenson, Director of Technical Services, will also be working with the Advisory Council.

### **DISCUSSION**

#### **1. Discussion of Draft Report on the Advisory Council's October 13, 2010 Meeting on California's 2050 GHG Emission Reduction Target of 80% Below 1990 Levels – Strategies and Technologies for the Transportation Sector**

The Advisory Council discussed and proposed amendments to the Draft Report, as follows:

### Discussion Meeting:

(Vura-Weis) Clarified that the Council did discuss how to incorporate and expand upon the May 13, 2009 meeting recommendations regarding the transportation sector, some of which focused on solutions and the 2050 goal, and a handout at today's meeting is a review of what the District is or will be doing based upon those recommendations.

### Key Points:

(Vura-Weis) Page 2: Asked to clarify which items were Advisory Council versus speaker recommendations, and asked for consistency throughout the report.

(Vura-Weis) Asked to explain what 8% means in terms of pricing, and the item was amended to read, "road use and parking pricing".

Chairperson Bramlett called for public comment.

### **Public Comment Period:**

Sam Altshuler discussed the opportunity to merge the concept of making parking available for electric and low-emission vehicles.

(Martin) Page 2, 6<sup>th</sup> bullet: Questioned the end of the bullet on page 3 which states, "...while evening out funding streams". Ms. Bard said the speaker was referring to the fact that transit funding is slashed, and if passes were paid for up-front, would provide transit agencies a better stream of revenue. Members suggested separating it out into its own bullet.

(Bornstein) Suggested that key points be broken out by speaker and questioned the policy on this. Mr. Kendall said while this has been done in the past, in this case there was a lot of specificity in each speaker discussion and each were discrete topics.

(Vura-Weis) Page 4, 2<sup>nd</sup> bullet, 2<sup>nd</sup> arrow: Questioned floor to area ratio (FAR)'s definition, and Dr. Holtzclaw clarified with members to add, "building floor space to lot area".

(Ruel) Page 4, 4<sup>th</sup> bullet: Questioned what is meant by, "Start easily". Ms. Bard and Mr. Kendall suggested amending this with, "Start with easy to implement policies, and use..."

### **EMERGING ISSUES**

(Bramlett) Number 1: Suggested replacing the word, "cycling" and not "biking" which are also reference throughout the document.

(Ruel) page 5, 2<sup>nd</sup> bullet under Dr. Simon Mui: "32% of business as usual" and he asked if it meant 32% less than business as usual. Dr. Holtzclaw thinks it is 32% VMT reduction from now, and members agreed it should be changed to "(is a 32% reduction from business as usual)".

(Vura-Weis) Page 5, 2<sup>nd</sup> bullet: “...save 1/4 the GHG emissions of mid-sized cars if using electricity derived from coal, 1/3 of electricity if derived from the present U.S. grid, and ½ if derived from renewable energy sources.”

(Holtzclaw) Page 7, Number 5: Suggested adding “2011” after January.

(Hayes) Page 5, 2<sup>nd</sup> bullet point under Dr. Mui, and said this bullet point will be the take-away and asked members if this was accurate. Ms. Roggenkamp said it is nicely put, but suggested it might be better said that it is the speaker’s perspective. Dr. Holtzclaw referred to Dr. Mui’s slide 5 and suggested further clarification to indicate that the speaker presented the data.

Members agreed to reference the link to the NRDC report and for it to be placed at the end of the second bullet point on page 5.

(Bramlett) Page 7: Thinks Numbers 2 and 4 were recommendations and suggested they be referenced as statements. Ms. Bard said an emerging issue is a need and problem, as well as a tool in development. She suggested amending them to say there are tools being developed including SFPHD and agreed the group could work on the rewording it. She said the recommendation could also be reworded.

(Hayes) Page 7, Number 4, the last sentence also mirrors the recommendation in Number 5 and he asked to move that part of it in the recommendation.

Ms. Roggenkamp said her recollection is that an emerging issue may not be developed fully to make a recommendation for doing something and it is identified and tracked. Ms. Bard thinks they are worthy of being identified both under emerging issues and recommendations.

(Bornstein) Page 7, Number 4, the last sentence: Does not follow and is not linked well with “as well as...” and suggested amendment.

## RECOMMENDATIONS

(Holtzclaw) Page 8, Number 2: Suggested putting a period after “Brinkerhoff).” He questioned the sentence “A range of impacts...” and asked that it be linked to the previous sentence. Dr. Bornstein suggested it read, “Modeling does not now include impacts of induced demand or increase of housing at suburban fringe, but should include a range of impacts.”

(Bramlett) Page 8, Number 2, amend last sentence: “Additionally, the Air District should request that net revenues from HOT lanes be used for expanded non-highway transit and transit choices, rather than expansion of highway system.”

(Vura-Weis) Entire set of recommendations: Suggested consistently using in the entire section “The Air District should”.

(Vura-Weis) Page 8, Number 5: Asked to say CMAs should manage congestion by means to also reduce GHG’s rather than increasing road construction. Ms. Bard said the recommendation is primarily to seek legislation to focus on GHG rather than congestion management.

Ms. Roggenkamp said if there were legislation, the title and the mandate could be changed, as well as the mission. She suggested leaving number 5 mostly the way it is and indicate what the Council would want instead of worrying about their names. Ms. Bard suggested "...to change the focus of these agencies to reducing GHGs rather than primarily congestion management." Ms. Roggenkamp said CMAs do many programs that are good for GHGs and not about expanding roads or capacity for cars and she did not think it should be phrased as an either/or. Chairperson Bramlett suggested adding in health. Secretary Hayes agreed and suggested amending number 5 to read, "...requiring CMAs to expand their mission statement from primarily congestion management to include a major emphasis on GHG reduction and health."

(Holtzclaw) Page 8, Number 5: remove quotation marks around "congestion management" and "greenhouse gas reduction".

(Lucks) Page 8, Number 8 and 9: He said he has spent time reviewing bills and legislation relative to 8 and 9. SB535 (Yee) becomes effective January 1, 2011 and is relevant to Number 8 where it is giving special treatment for the list of fuel efficient vehicles where they can use the HOV lane from 2012 to 2015. He suggested studying SB 535 which may weigh into Number 8's recommendation, which says the Air District should support strong statement ZEV mandate. He noted the hybrids' use of HOV lanes will sunset in 2011. The second bill effective January 1, 2011 is SB1340 (Keyhoe) dealing with providing the infrastructure incentives for financing electric vehicle charging stations, expanding the PACE program so one can float a bond to finance home stations.

Mr. Luck said Number 9 states that the Air District should coordinate regional efforts to accelerate EV charging infrastructure and the State is taking the lead to make it happen. He suggested studying this bill to see if it ties in with the recommendation.

Ms. Roggenkamp added that the Air District Board of Directors approved \$5 million for assistance with EV infrastructure and charging for home stations. There are local city and county representatives developing best management practices on permitting installations. Mr. Lucks offered to provide assistance with bill analyses.

In response to Dr. Bornstein, Ms. Roggenkamp noted the District is working with regional partners to coordinate the EV vehicle and infrastructure deployment across the region and Number 9 is supportive of this. She suggested using the word "collaborate" instead of "coordinate" as no one is yet leading the charge but is rather working together. Secretary Hayes and Ms. Bard suggested revision to state, "The Air District should continue to work and collaborate regionally on efforts to accelerate EV charging infrastructure and streamline residential charging station installation and permitting."

(Bornstein) Page 8, Number 10, asked to revise to say, "The Air District should promote expansion of toll pricing..." Ms. Roggenkamp noted the Clean Air Plan addresses transportation pricing and she recognized timing as important. Secretary Hayes supported the recommendation and questioned if the legislative authority exists for other bridge districts or transportation agencies to do this. Ms. Roggenkamp said all bridges in the region are under Caltrans except for the Golden Gate Bridge Highway and Transportation District, and MTC has some amount of authority.

(Holtzclaw) Page 8, Number 10: Suggested changing “toll pricing” to “congestion pricing”, and members agreed.

(Vura-Weis) Said she was interested in how Proposition 26 has an impact on recommendations, including the idea that fees from one source be used to support programs that are not related to administration of that particular activity. Mr. Bunker noted this will be sorted out by the courts, but Proposition 26 will make it more difficult to adopt a number of the recommendations because they will be defined as taxes and will require a 2/3 vote of the people.

(Bornstein) Page 8, Number 10: change “other bridges” to “all bridges”.

(Hayes) Page 9, Number 12: Pointed out that VMT fee will also be subject to a 2/3 vote, and Mr. Bunker briefly reviewed those items categorized as a tax and requiring a 2/3 majority vote.

(Holtzclaw) Page 7, Number 2: Questioned if another recommendation should be derived from Number 2 to expand more tools as a Recommendation Number 13. Ms. Bard said this is Number 3, which will be expanded upon by the group.

Chairperson Bramlett questioned and confirmed there was no quorum and, therefore, the Draft Report could not be approved at this meeting. The Advisory Council discussed whether there was need for a December meeting, and consensus was that the next meeting would occur in January.

## **2. Discussion, Recommendation and Selection of Slate of Officers for 2011**

Chairperson Bramlett reported that Ken Blonski would normally rotate to serve as Chair, Stan Hayes would serve as Vice Chair, and said Dr. Bornstein has voiced an interest in being appointed as Secretary. He confirmed no other interest by members for the Secretary position. Due to a lack of a quorum, the vote on the entire Slate of Officers for 2011 will need to occur at the January 12, 2011 meeting.

### **Consent Calendar:**

- 1. Approval of Minutes of the October 13, 2010 Advisory Council Meeting -** Deferred to January 12, 2011 due to a lack of a quorum.

### **OTHER BUSINESS**

- 4. Chairperson’s Report** – Chairperson Bramlett and Ms. Roggenkamp reported that Advisory Council Member Michael Sandler gave an excellent presentation of 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 to the Board of Directors on November 3, 2010.

Chairperson Bramlett announced that Michael Sandler will no longer be able to continue in serving on the Advisory Council due to work commitments as well as Dr. Huang, who will both be sorely missed. The Clerk reported the recruitment for open positions closed October

29, 2010 and interviews should occur shortly, with the recommendation forwarded to the Board of Directors.

Chairperson Bramlett discussed and supported the new format of the Advisory Council and he thanked group leaders and staff for their work and participation.

## **5. Council Member Comments/Other Business**

Ms. Bard announced that November is Chronic Obstructive Pulmonary Disease (COPD) Awareness Month which is the fourth leading cause of death, and one in six cases are due to environmental exposures.

Dr. Vura-Weis noted that California E.P.A. had a webinar dealing with Cool Communities, Cool Pavements and Surfaces, and it was very impressive and relevant to what the District is doing. Interestingly, a new cool pavement grabs nitrous oxides, converts them into other forms of nitrogen that wash away through the pavement, thereby decreasing heat and nitrous oxides for a beneficial effect.

In response to Mr. Lucks, Chairperson Bramlett and Ms. Roggenkamp noted that the 2011 schedule will be set in January and the District looks at futuristic issues and topics. Such topics that staff may suggest for review may include ultra-fine particulate matter and other ideas around that. Mr. Lucks offered ideas to consider and reviewed his work with state and federal environmental work.

Ms. Bard said the U.S. E.P.A. is talking about setting a standard for roadway sources, and Mr. Stevenson said they are reviewing a number of the National Ambient Air Quality Standards. They regulate NO<sub>2</sub> and are moving toward a more near roadway model and requiring monitoring beginning in 2013 to occur at roadways within 50 meters. With SO<sub>2</sub>, the latest revision also had direction toward sources, which is new for E.P.A. and therefore focusing more on specific rather than general exposures. He said in the past, the desire was to be away from sources to get a better idea of the regional effect of air pollution. However, now the E.P.A. is focusing in on areas where there are higher concentrations.

Ms. Bard questioned if Napa is one of the highest sources of PM<sub>2.5</sub> in the winter-time, and Mr. Stevenson said monitors indicate that Napa does meet the national standard.

Dr. Bornstein questioned and confirmed that the CARE program does not yet focus on ultra-fine particulates. He also noted he was at a conference in Germany and discussed their focus on concentrating on wood burning controls and Ms. Roggenkamp agreed to forward information to him.

Mr. Hayes thanked staff for the Update on Advisory Council Recommendations for Transportation and GHGs which outlined previous recommendations and what staff is doing relevant to them.

Dr. Martin questioned if CARE communities would be prioritized for monitoring, given the limited resources. Mr. Stevenson noted regulations are specific about where roadway monitoring is to occur. It is based on VMT, vehicle mix and population. Some of the CARE

communities are near freeways and in those instances it matches the District with EPA's goal.

Ms. Bard said she attended a meeting on Performance Target Study Committee. The group looks at what the targets will be for development of the Sustainable Communities Strategy (SCS). The four regional agencies have arrived at ten targets that will be performance indicators as far as how the plan will get to those targets.

**6. Time and Place of Next Meeting**

*9:00 a.m., Wednesday, January 12, 2011, 939 Ellis Street San Francisco, California 94109.*

**7. Adjournment:** The meeting adjourned at 10:50 a.m.

*/s/ Lisa Harper*

Lisa Harper  
Clerk of the Boards

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

## **APPROVED MINUTES**

Advisory Council Retreat and Regular Meeting  
9:00 a.m., Wednesday, January 12, 2011

### **CALL TO ORDER**

**Opening Comment:** Chairperson Bramlett called the meeting to order at 9:00 a.m.

**Roll Call:** Chairperson Jeffrey Bramlett, M.S., Vice Chairperson Ken Blonski, M.S., Secretary Stan Hayes, and Council Members Sam Altshuler, Louise Bedsworth, Ph.D., Benjamin Bolles, Robert Bornstein, Ph.D., Harold Brazil, John Holtzclaw, Ph.D., Kraig Kurucz, Gary Lucks, JD, CPEA, REA I, Elizabeth Lutzker, Jane Martin, Dr.Ph.D., Kendall Oku, and Dorothy Vura-Weis, M.D., M.P.H.

**Absent:** Jennifer Bard, Alexandra Desautels, Rosanna Lerma, Debbie Mytels, Jonathan Ruel

**Also Present:** Board of Directors Chairperson Brad Wagenknecht (arrived later) and outgoing Advisory Council Member Robert Huang, Ph.D.

**Introduction of New Advisory Council Members** – Chairperson Bramlett introduced the following new Advisory Council Members:

- A) Sam Altshuler, under the *Engineer* category, to a term of office effective January 1, 2011 through December 31, 2012; and
- B) Elizabeth Lutzker, under the *Public Health Agency* category, to a term of office, effective January 1, 2011 through December 31, 2012.

**Oath of Office** - The Clerk of the Boards administered the Oath of Office to new Council Members Sam Altshuler and Elizabeth Lutzker.

**Public Comment Period** - There were no public comments.

### **CONSENT CALENDAR**

**1. Approval of Minutes of the October 13, 2010 and November 10, 2010 Advisory Council Minutes:**

**Council Action:** Member Holtzclaw made a motion to approve the minutes of the October 13, 2010 Advisory Council Meeting; Member Bornstein seconded the motion; carried unanimously without objection.

Dr. Vura-Weis requested the spelling of her name be corrected in the November 10, 2010 minutes.

**Council Action:** Dr. Holtzclaw made a motion to approve the minutes of the November 10, 2010 Advisory Council Meeting, as amended; Dr. Vura-Weis seconded the motion; carried without objection (Altshuler, Brazil, Kurucz and Lutzker abstained).

## **RECOGNITION**

### **2. Recognition of Outgoing Advisory Council Members:**

The following Advisory Council Members were recognized for their service on the Council, and words of appreciation were personally extended to Dr. Robert Huang, who was present at the meeting:

Robert T.P. Huang, Ph.D.  
Rosanna Lerma, P.E.  
Debbie Mytels  
Michael Sandler

Advisory Council Liaison, Gary Kendall, reported that the Personnel Committee would meet this afternoon to interview and consider candidates to fill two additional Advisory Council vacancies, with terms expiring December 31, 2011 and 2012 under the *Community Planning, Architect* and/or *Conservation Organization* categories.

## **RETREAT**

### **3. Recommendation and Selection of Slate of Officers for 2011:**

**Council Action:** Member Brazil recommended approval of the following Slate of Officers for 2011: Chairperson Ken Blonski, M.S., Vice Chairperson Stan Hayes, and Secretary Robert Bornstein, Ph.D.; Member Holtzclaw seconded the motion; carried without objection (Blonski abstained).

### **4. Recognition of Outgoing Advisory Council Chairperson:**

Vice Chairperson Ken Blonski, on behalf of the Advisory Council, recognized outgoing Chairperson Jeffrey Bramlett for his dedicated leadership and service to air quality in the Bay Area.

Executive Officer/APCO Jack Broadbent recognized Chairperson Bramlett on behalf of District staff, and noted that Board Chairperson Wagenknecht should arrive to extend words of appreciation. He thanked Chairperson Bramlett for his leadership and guidance in the greenhouse gas and climate change arena. The Board is cognizant of recommendations proposed by the

Advisory Council, and he presented Chairperson Bramlett a service award for his leadership as Chair for 2010.

Advisory Council Liaison, Gary Kendall thanked Chairperson Bramlett for his sense of humor, fostering cooperation amongst Council Members and keeping the group focused.

Chairperson Bramlett extended thanks to the Advisory Council and staff, expressed his optimism and support of the Air District and its mission, and cited the significant amount of work that goes on behind the scenes.

Chairperson Blonski assumed the role of Chairperson and requested that Item 7; the Report of the Executive Officer/APCO on the State of the District, be moved up on the Agenda.

## **7. Report of the Executive Officer/APCO:**

Mr. Broadbent reported that the Board of Directors will meet for a Special Meeting and Retreat on January 19, 2011, led by Tom Bates, incoming Chairperson. The Retreat will include:

- The state of the Air District;
- An air quality summary;
- An administrative overview;
- Major initiatives for 2011;
- Regional coordination efforts;
- Upcoming Board Committee assignments, possible changes in meeting procedures, and goals

He said a significant issue staff has tackled, in addition to regional smog issues of ozone and particulate matter, is a concerted effort to address localized toxic air contaminant concentrations that characterize certain communities. The District has dealt with these through amendments to CEQA guidelines. There are new lower ambient air quality standards that will direct efforts with regard to particulate matter and ozone; the two issues have driven the regulatory agenda at the District.

The District's climate protection program is very much a part of the overall institution. The District's role is to compliment state and federal programs. The Tailoring Rule will hopefully be implemented through the Title V Rule, and the Advisory Council's work has been instrumental in moving forward recommendations.

Mr. Broadbent highlighted Community Risk Reduction Plans (CRRPs), and a dilemma voiced by some regarding CEQA guidelines which are perceived as impeding infill development. As developments are approved in CARE communities the District works through CEQA to be able to quantify impacts. The District continues to believe that the most appropriate step to take is to have communities develop CRRP's which will merit resources to be directed toward a collaborative effort with the Bay Area. Mr. Broadbent then reviewed two pilot programs underway in San Jose and San Francisco, as well as expansion in CARE communities.

He presented a chart showing the Clean Air Communities Initiative, which involves regulations and guidelines, monitoring and modeling, outreach and education, grants and incentives and enforcement for priority communities, and is an effort to concentrate localized risk levels down.

Given the density of the Bay Area, it is appropriate to focus on this issue and the Board will monitor this effort. The District wants to better tie to the Sustainable Communities Strategy (SCS) underway and is in discussions with ABAG and MTC staff.

Administratively, the District is at the halfway point of the fiscal year where it finds itself under review. Revenues are received from various sources, all of which are down. Expenditures continue to increase and staff is doing the best job it can to balance the budget while also moving the regulatory agenda. Staff is responding accordingly, contract negotiations are underway with employees, vacancies are not being filled in certain areas, and planning continues to cut costs. Residing in the headquarters building costs a lot and staff thinks it can lower costs by finding a less expensive location, or co-locate in a regional governance center.

Mr. Broadbent discussed the 2011 major Initiatives as:

- Agriculture Engine Rule
- Public Engagement Plan
- Production System Live
- Metal Melting Rule
- Vacuum Trucks Rule
- Contract Negotiations with Employees Association
- 2011/2012 Budget
- Community Development Guidelines
- Air District Conference
- Joint Policy Committee Climate Action Plan
- Refine CEQA Tools
- Centralized Information & Records Management
- Leadership Development Program
- Facility Relocation
- Clean Air Foundation
- Bay Area Business Assistance Program
- New Source Review Rule (amendments)
- General PM Rule

Dr. Bornstein questioned and confirmed with Mr. Broadbent that MTC has put out an RFP for relocation efforts, and they hope to select a contractor in January. It is anticipated that property would be secured in 2011 and the move would occur in 2012.

Member Lucks questioned new developments in terms of what Proposition 26 might mean. District Legal Counsel Brian Bunker reported that there have been new developments and people think it will be litigated. For the District's core program of regulatory fees, it will not make much difference, as justification is in place for these fees through cost recovery. The District has not typically had mitigation fees, and this may affect future plans such as increasing a carbon fee to the point where it impacted people's decision making in cost recovery. In addition, some of the fees considered in connection with the Indirect Source Rule may be changed in regard to the nature of how to create those.

Member Lucks added that the Advisory Council might need to think more about a tailored, fine-tune nexus in terms of public policy and whether there is a revenue-generating piece.

Mr. Bunger added that another point is that the State has taxing power already, but local agencies only have that which is granted by the legislature. The District cannot create a tax that creates a fee unless authorized by the legislature, and can only have regulatory fees.

Vice Chairperson Hayes questioned if there is an absolute limit to cost recovery in District fees or is there some room to maneuver. Mr. Bunger said the District can only charge fees that cover the reasonable cost of providing the service or product. There are some limited exceptions and regulatory fees are one, but those must be tied to the reasonable cost of delivering the product.

Director Technical Services, Eric Stevenson, discussed recent air quality and said for 2010 the ozone season was similar in the number of exceedances they had in 2009. There were 9 exceedances at the federal standard and in 2009 we had 8 exceedances. Much of it was caused by weather patterns. For this wintertime they encompassed the time period from November 1, 2010 to February 28, 2011 which crosses both years. For this year, the preliminary data is still being reviewed, but it looks like there is one exceedance of the PM2.5 standard nationally. Last year there were quite a few more but this year it has been wetter which had a large effect on it.

Vice Chairperson Hayes said in terms of the PM standard, the federal standard is written in terms of 24 hours at the 98<sup>th</sup> percentile for a 3 year average. Mr. Stevenson agreed and said this is the same for the ozone standard, but for clarity's sake, the District talks about how many days it actually exceeded that number. Vice Chairperson Hayes questioned whether the District was bouncing along in attainment or is the District seeing things which push us in the wrong direction. Mr. Stevenson said in both the ozone and PM world, the trend is going downwards. In both cases, they are hovering closely to the national standard. The ozone standard is likely to be lowered and staff is awaiting word from EPA, but once lowered, additional work will need to be done. It is also likely that the PM2.5 24-hour and annual average standard will also be lowered and matched. If this is the case, they may be closer to the annual standard. Mr. Broadbent said given the fact that it is a 24-hour standard, the Wood smoke Rule is that much more critical.

Member Lucks questioned the California air quality standard status. Mr. Stevenson said it is a much stricter standard for ozone and will probably be more in line when the feds lower their standard and close to the California standard. For PM2.5, there is no state standard for 24-hour concentrations. For the annual standard, the District is very close to compliance with that.

## **5. 2011 Advisory Council Meetings, Including Format, Topics and Dates:**

Gary Kendall welcomed newly appointed members Elizabeth "Liza" Lutzker and Sam Altshuler. He briefly reviewed the work of the Advisory Council for 2010, as follows:

1. Informational meeting in February on Advisory Council programs and activities;
2. Topic Meeting: California's 2050 GHG Emission Reduction Target of 80% below 1990 levels – Industrial Sector
3. Topic Meeting: California's 2050 GHG Emission Reduction Target of 80% below 1990 levels – Technologies and Strategies to Reduce GHGs from the Industrial and Electric Power Generation Sectors
4. Topic Meeting: California's 2050 GHG Emission Reduction Target of 80% below 1990 levels – Strategies and Technologies for the Transportation Sector

The Council was fortunate to have many good speakers, noted the Chairperson of the Board of Directors attended many meetings, and the Council prepared three Final Reports, two of which have been presented to the Board of Directors. The third Report will be discussed and is presented today for discussion with the hopes of finalization and future presentation to the Board of Directors.

Mr. Kendall briefly discussed logistics of meetings for the benefit of new members, reviewed protocols for holding topic meetings, meeting dates and times, forming work groups and report writing. He presented a chart of health benefits of a 1% reduction of air pollutants, which shows that reducing particulate matter accounts for about 80% of the total benefit. For this reason, staff believes it is appropriate for the Council to focus on PM.

In addition, for the past several years, there has been research on ultrafine particulates. The research indicates that ultra-fine particulate may be more harmful than PM10 or PM2.5. Health effects include inflammation of the lungs, blood vessels and heart, exacerbation of asthma and other respiratory diseases, increased cardiovascular and respiratory mortality and cancer.

Mr. Kendall presented a comparison in size of PM 10, PM2.5 and ultrafine PM, noting that ultrafine particulate has up to 1 million times as many particles and up to 100 times the surface area. It is these properties that allow ultrafine particles to be trans located to the lungs, circulatory system, central nervous system, heart, liver, and brain where it can cause many adverse health effects. For 2011, staff proposes the Advisory Council focus on PM and in particular, ultrafine PM because the majority of health benefits come from reducing PM. There are many adverse health effects and there are no ambient or emission standards for ultrafine PM.

Mr. Kendall presented a schedule of proposed Advisory Council meetings, format, topics and dates, stating that the first meeting, scheduled for February 9, 2011, which will focus on health effects values and how these are used in Air District actions and activities. For the next three meetings, they propose focusing on ultrafine particulate.

The second meeting will focus on ultrafine particles health effects, measurement and analysis. The third and fourth meetings would also be on ultrafine PM with specific topics to be determined later.

Health effects drive most Air District's actions and activities like determining the attainment status of ambient air quality standards, developing federal non-attainment plans, and state Clean Air Plans, permitting of stationary sources, preparing Health Risk Assessments, and evaluating proposed control measures. Staff believes it would be helpful to provide background information and propose three presentations for the February meeting: one on health effect values, cancer potency factors, and reference exposure levels. A second presentation will provide an example of a Health Risk Assessment, and a third presentation on a Multi-Pollutant Evaluation Method used in the 2010 Clean Air Plan.

Mr. Kendall stated for the first topic meeting, one speaker is proposed for ultrafine particulate health effects, one speaker on measurement and analysis, and he presented links to reference materials on Slide 11 of the presentation. He then provided an overview of proposed speakers on topics; John R. Froines, Ph.D., Professor, Environmental Health Sciences, School of Public Health, UCLA; Ralph J. Delfino, M.D., Ph.D., Associate Professor, Epidemiology School of

Medicine, UC Irvine; and William W. Nazaroff, Ph.D., Professor, Civil and Environmental Engineering at UC Berkeley.

Options for the second and third topic meeting include: ultrafine particulate sources, control technologies and strategies, measurement technologies, ambient air quality standards, emission standards, research, diesel PM, and wood smoke.

Staff prepared potential questions which include: 1) Is more research required? 2) Should there be ambient air quality standards for ultrafine particulate, and if so, how should it be measured, what should the value of the standard be, what form should the standard have, what should the averaging time be, should it be based on the number of particles, mass, surface area? 3) Should there be emission standards for ultrafine particulate, and if so, what should the values be, how should it be measured, and what units and what should the averaging time be? 4) What are the ambient/source measurement technologies? 5) what are the appropriate control strategies?

Dr. Bornstein referred to Slide 4, shown is 1% of the economic impact for toxics, which he thinks is low. Mr. Kendall said he somewhat agrees, but in looking at the health end points and the dollar value placed on toxics, which is typically cancer, it turns out that PM is the 600 pound gorilla in the room. He was a little surprised, but if you run the numbers it is the way it turns out. It really demonstrates that in the state of California, a great job has been done to reduce ambient air toxics over the last 30-40 years.

Dr. Bornstein commented that it could be that some of the PM is actually toxic material where toxins adhere to the PM. He asked how this feeds into the CARE program, as originally he thought the program was focused on toxics, but it might be shifted to include or focus on ultrafine particles. Mr. Kendall said it was focused on toxics in the beginning, but now PM has been included as a component.

Director of Planning and Research, Henry Hilken, added that the Clean Air Program started focusing on toxics in part because of recommendations from the Advisory Council. He would say PM 2.5 is also a focus of the CARE program. He noted there is a wedge in the chart that is diesel PM, and toxics refer to air toxics that are not diesel PM. This is the “other stuff.” Diesel PM is still very much a focus of the CARE program and this is the darker blue wedge.

Dr. Bornstein referred to slides 13 and 14, modeling was not mentioned and he suggested this be tied into the questions and issues. Mr. Kendall agreed this is a good point; the list of future topics was not meant to be all-inclusive and this could be added to the list. He said they want to make sure the Council touches on the most important things in terms of helping the staff and the Board with future policy direction, and there are a limited number of meetings, time, and speakers.

Dr. Holtzclaw asked to make sure the physical chemistry of how the particulates are formed, what comes out of a tailpipe, and how it conglomerates or not so as to get a sense of the physical chemistry of it. Mr. Kendall said this is a good suggestion which could fit in when talking about the sources, primary and secondary ultrafine particles, what goes on in the atmosphere, and studies that look at particle size next to a freeway and how that changes when moving away from the freeway, how the particle size and chemical composition changes, and so on. He agreed it is a rich topic and this could definitely be considered for the third or fourth topic meeting. He asked whether Dr. Holtzclaw might have some speaker suggestions which could be discussed later.

Dr. Holtzclaw said he would also like to cover briefly epidemiological studies done so that we know the depth of research that supports this. Mr. Kendall said there would be an opportunity for this during the discussion on health effects. He referenced the links provided in Slide 11 and some of those presentations talk about epidemiological studies and others done on animals.

Dr. Holtzclaw said there has been a lot of resistance to defining particulates as toxins or damaging, and through research and speeches given it has been very convincing against the resistance to including or expanding the District's concern to PM. So, we he thinks it should be covered. Mr. Kendall noted staff feels strongly about this, as well.

Member Kurucz agreed with Dr. Holtzclaw's comments and said he has been involved with EPA studies on Nano-technology and PM from paint booths where they found that particles acted very differently from what was expected. He said at the AW&MA meetings he attended, he often goes to presentations by Dr. Merrick who does his research from a university in Texas especially on diesel PM and because the particles are small and have high surface area, they act like sponges and a good chemical delivery system where there are other unburned chemicals clinging to the surface of it. He noted it is on the agenda, but questioned whether it was the number of particles that is more important or the mass of the chemical that makes up that particulate matter. Mr. Kendall said from what he has read and come to understand, surface area is the critical thing. Much of ultrafine PM is what is termed elemental carbon. Carbon likes to absorb all kinds of chemicals on its surface. A lot of ultrafine emissions are carbonaceous as well as other chemicals like benzene, which hop onto the small carbon particle. They pass through the lungs and the blood stream. Therefore, he thinks surface area is an important characteristic when talking about ultrafines.

Mr. Kurucz said if particles were able to be measured when they were created, a large number of them might be found in the ultrafine size range, but if measured 10 meters downwind, they may have re-conglomerated or increased in size due to humidity or condensation. Mr. Kendall said Dr. Holtzclaw touched on this same issue, and Mr. Kendall suggested reviewing the reference materials on Slide 11. While he is not an expert in particle physics, there are different phases and he thinks some of the tiny particles go through nucleation and condensation and wind up being somewhat larger, but they still end up being fairly small as compared to PM<sub>2.5</sub> or PM<sub>10</sub>.

Vice Chairperson Hayes said he likes the idea of returning to public health as an theme, thinks the Council has made some very interesting conclusions and heard some very relevant speakers on this issue. He is trying to imagine how the information we would develop through the course of meetings would be used which so it would help in the District's actions. One area has to do with control strategies. Given new source rules for PM and more stringent standards suggest there is a high priority to understanding this type of research to see whether this could help inform the choice of control measures put into a future plan or requirements built into a new source review rule by the end of the year.

He noted Slide 14 talks about various metrics that could be used to set ambient air quality standards, and if it turns out that it is the number of particles rather than mass that is critical, this might suggest that as we develop information about potential candidate control measures for a PM plan, we might want to calculate these additional measures to help distinguish one control measure from another that anticipates these different kinds of ultrafine particle issues.

With respect to the topics identified for speakers, he thinks these are terrific speakers and as good as it gets. He noted that if Dr. Delfino is unavailable, he knows one of his colleagues, Mike Kleinman who would be equally good.

Lastly, Vice Chairperson Hayes observed that on Slide 4 showing the chart of benefits from different types of controls, and said one of the things problematic about this kind of chart is that it suggests that the combination of ozone and toxic benefits where we spend 90% of efforts over the years produces less than 10% of the benefits. He thinks we should be careful not to send a message that toxics are not important, ozone is not important, and this is all about PM and forget about the rest.

Mr. Kendall thanked Mr. Hayes for his good points, said the chart is a snapshot of today, but in rolling back to the late 1960's when ozone was a lot higher, you would not get the same result. This shows the success in reducing ozone precursors and ambient ozone levels, as well as reducing air toxics. It also pointed out that we knew less about PM, and he discussed work from the 1980's to date. Also to keep in mind, in the process of cleaning up ozone, you also reduce precursors for fine PM, which is why the EPA came out with PM2.5 and ozone standards in the late 1990's, they were linked; because they shared precursors. He said it is a complicated story and this is just a snapshot.

He added that Dr. Bornstein discussed the skinny pie slice for toxics. He thinks this is limited to cancer, and when looking at it that way, there are many other health effects that are non-cancer, but this small slice is cancer.

Member Altshuler said with the adoption of Spare the Air Tonight for wood smoke PM, there should be a set of data that shows the impact of reduced wood smoke on air quality. With that data, they should be able to look at mortality and morbidity data at local hospitals to see whether the program has had any impact on health. It would be unique within the Bay Area to be able to really see the direct health effects of wood smoke. Beyond this, he thinks the chemistry and physics are different of PM as not all particles are the same. Mr. Alshuler said one could embark on a PM2.5 or ultrafine PM control strategy of reducing NOx but this may not really affect health, whereas if one were to go after metals, it would have a much bigger impact.

Mr. Kendall responded, stating this is a good point. In terms of monitoring and where we are taking samples that we can use to get the elemental carbon content and composition of PM during the winter and have those over a series of winters including before, during and after the wood smoke program, the District's statistician is looking at this. It is not as easy to do as you might think it is because there is transport, meteorology and other things, but the District is working on this.

**Council Action:** Member Bramlett made a motion to approve the proposed 2011 Advisory Council meetings, including format of meetings, topics and dates; Member Altshuler seconded the motion; which carried unanimously without objection.

Mr. Kendall thanked the Council and said the first topic; symposium-like meeting is scheduled for March. Regarding meeting logistics, a work group of Council Members prepares the Report for each topic meeting. It would be appropriate for the March meeting to identify a small

working group to prepare the report. Chairperson Blonski asked for volunteers to serve on the first work group, and members Mr. Hayes, Dr. Bornstein (final English edit), Dr. Martin, and Dr. Vura-Weis volunteered for the March working group.

### **Break**

Chairperson Blonski called for a brief break, and thereafter, reconvened the regular meeting.

### **8. Brown Act Requirements Update:**

District Counsel, Brian Bunger, provided an update on the Brown Act which he said is an open meeting law and embodies requirements that apply to the Advisory Council, the Board of Directors and Hearing Board, as well as other governmental bodies.

He reviewed requirements for agendas to be physically posted 72 hours ahead of meetings which staff handles. While state law does not require staff post agenda materials on the Internet, this is done as a courtesy by staff. There are provisions that allow closed session meetings to be held without the public's presence for certain purposes which do not relate to the Advisory Council, and the Brown Act defines meetings as a collection of the Advisory Council which amounts to more than half to discuss business.

Two things to be careful of are serial meetings, which are defined as members contacting each other outside of the public meeting and also a situation where one member contacts several members to obtain feedback and shares information back and forth. During social gatherings, members should not discuss business of the Advisory Council. Information of general interest can be shared; however, the Council should not have a back and forth. Editing sessions through email is not appropriate under the Brown Act. An Ad Hoc Committee is less than a majority of the Board and is formed for a specific purpose, such as when working groups are formed to meet where they can communicate on the topic, as the final discussion will occur at a general meeting.

Dr. Holtzclaw confirmed that the District will hold an ethics training workshop on March 24, 2011 from 1:00 to 3:00 p.m., which is required every two years. New members are required to take/attend ethics training within one year of appointment.

Member Lucks questioned the consequence of members responding to email and/or providing input to a draft document, and more than 11 are providing comments. Mr. Bunger said the law does provide that it is a misdemeanor and the FPPC could pursue enforcement based upon a complaint. He noted that because members are not aware of who is being sent and/or reviewing the draft report, it should not be circulated to the entire Advisory Council but only the small working group. When ready, the report should be agendized and then provided in the packet and heard by the full Advisory Council in open session.

### **Noted Present:**

Board Chairperson Wagenknecht was noted present at 10:30 a.m. He said he appreciates the Advisory Council's work, wished them well in their 2011 year, voiced the Board's commitment to the work of the Advisory Council and congratulated the new Slate of Officers.

Dr. Holtzclaw confirmed that the working group must avoid not including more than eleven members deliberating on the draft report outside of the regular meeting. He suggested simply

allowing the small working group debate the issue at hand and present the draft report at the regular meeting in open session. Dr. Bornstein confirmed that less than eleven people can discuss the matter, but any member can send their comments (without discussion) to the Chair of the Subcommittee.

## **DISCUSSION**

### **7. Continued Discussion of Draft Report on the Advisory Council's October 13, 2010 Meeting on California's 2050 GHG Emission Reduction Target of 80% Below 1990 Levels – Strategies and Technologies for the Transportation Sector:**

Member Bramlett suggested that members provide the Clerk with any and all miscellaneous edits to the Report.

#### *Motion:*

Dr. Holtzclaw made a motion to adopt the Report on the Advisory Council's October 13, 2010 Meeting on California's 2050 GHG Emission Reduction Target of 80% Below 1990 Levels – Strategies and Technologies for the Transportation Sector; Dr. Bedsworth seconded the motion.

#### *Discussion:*

Member Kurucz said the working group did an excellent job writing the report and confirmed with Member Bramlett the report would be addressed section by section.

Dr. Vura-Weis said the speakers made their individual recommendations and the Advisory Council also makes recommendations. She referred to page 5 under Dr. Simon Mui, "Recommendations". For consistency, she asked that this be entitled, "Key Actions for Air District and Regional Agencies." More importantly, she suggested that at the top of each page, a heading is carried which states Mr. Cohen's presentation, Mr. Tumlin's presentation and Dr. Mui's presentation, and then have a heading that states "Advisory Council Recommendations" so Board Members can identify who is suggesting the recommendation. Advisory Council Members concurred.

Dr. Bornstein suggested amending all terms entitled, "Key Actions for Air District" and "Key Actions for Regional Agencies" to "Speaker Recommended Key Actions for Air District" and "Speaker Recommended Key Actions for Regional Agencies". He asked that the bullet point be removed on page 4 next to "Key Actions for Regional Agencies".

Dr. Holtzclaw referred to page 5, noted Dr. Mui's recommendations are broadened to both the Air District and regional agencies, and he suggested for this particular heading, both agencies be reflected. Members agreed Dr. Mui's recommendations should be identified as "Speaker Recommended Key Actions for Air District and Regional Agencies".

Member Altshuler referred to the second bullet on page 5 and questioned if anyone has used the GREET model that Argon put together to compare vehicle emissions with various inputs. He recently ran that comparing electricity to gasoline to determine the relative carbon footprint. What is interesting is that if you run the national model for electricity you come up with one footprint. If you run an EV using this model, the carbon footprint is reduced by 30%. In California, with the mix of many renewables, you get a totally different number. He said what is

missing is tailoring to what is in the California environment, which is what the Board might want to know. Member Bramlett noted that the Council is limited to representing his presentation, and members discussed the many variables, the distinction that considers sources of electricity.

Mr. Altshuler said he thinks editorials and opinions are challenging EVs as solving the carbon issue, and Board Members will be reading those. While there are many variables, he thinks it is advantageous for the Council to lie out objectively as possible what the issues are, even if a range of potential reductions is presented rather than an actual number.

Dr. Vura-Weis recommended miscellaneous amendments be made to the second bullet item under Dr. Mui's presentation.

Dr. Bornstein suggested and members agreed to amend page 6 from "EMERGING ISSUES" to "EMERGING ISSUES FROM THE ADVISORY COUNCIL".

Regarding page 7 Recommendations, Vice Chairperson Hayes referred to number 1 and suggested rewording "condition" to "encourage, incentivize, support or promote". Members discussed their preferences on wording and after brief debate authors of the working group did not want the word changed.

Vice Chairperson Hayes referred to page 7, number 2, 4<sup>th</sup> line, and asked that the word "specify" be changed to "recommend", to which members agreed.

Vice Chairperson Hayes referred to page 8, and asked to change the word "Require the use of cool paving materials," to "Promote the use of cool paving materials," to which members agreed.

Member Kurucz referred to page 8, number 13, and pointed out that the second part of the first sentence and going after the necessary legislative authority is a problem, and mandating employer transportation demand management is a problem. He said the Air District previously had rules to do those; the legislative body is not silent on this and prohibits it. The problem came in as to what an employer can mandate of an employee in terms of their behavior. He said the second part of the paragraph could be replaced with working with employer coalitions to improve the infrastructure and he cited proactive efforts already in place in certain areas.

Members debated the matter, and agreed that the items would be amended, as follows:

13. Develop and promote policies and programs, including securing necessary legislative authority, to achieve significant reductions in employer-related vehicle miles traveled, including ~~mandating~~ employer transportation demand management plans, ~~such as have been adopted by Oakland (GreenTRIP) and San Francisco. Additionally,~~

Mr. Kendall noted that the second portion of number 13 is an attempt to recognize the Air District has included this work in the 2010 Clean Air Plan. Dr. Vura-Weis suggested the second part of the sentence stand on its own as recommendation number 15 and members cited the similar statement which is contained in recommendation numbers 4, 13 and 14 which should be amended to be reflected only in the last item number, as follows:

15. The Air District should continue to implement the relevant Transportation Control Measures and Leadership Platform\* in the 2010 Clean Air Plan. ~~to support these policies.~~

Dr. Bornstein requested the Glossary be re-formatted, to which the Clerk agreed.

**Council Action:** Dr. Holtzclaw made a motion to adopt the Report on the Advisory Council's October 13, 2010 Meeting on California's 2050 GHG Emission Reduction Target of 80% Below 1990 Levels – Strategies and Technologies for the Transportation Sector, as amended; Dr. Bedsworth seconded the motion; which carried unanimously without objection.

Mr. Kendall thanked Dr. Holtzclaw and Ms. Bard for doing the majority of the work in developing recommendations and for those members who participated in the final work.

## **AIR DISTRICT OVERVIEW**

6. **Report of the Executive Officer/APCO** – Provided earlier by Mr. Broadbent.

## **OTHER BUSINESS**

7. **Council Member Comments/Other Business:**

Member Kurucz reported that in yesterday's business section of the Mercury News, they reported that the Car of the Year at the Detroit Auto Show was the Chevy Volt and the runner up was the Nissan LEAF, and the Prius is starting to branch out and offer many other options. He sees there is more attention on hybrids and electric vehicles.

Member Brazil requested an electronic copy of Mr. Kendall's PowerPoint presentation, which the Clerk agreed to email to all members.

Dr. Bornstein requested Air District staff consider determining attendance to the Air and Waste Management meeting early. The conference will be held June 20-24, 2011 in Orlando, Florida. Chairperson Blonski suggested members let him know of their interest to attend, and he will follow-up on the matter.

Dr. Bornstein questioned whether or not Advisory Council Member photographs and/or biographies could be included on the District's website. The Clerk noted there is limited amount of space within each page of the Board, Hearing Board and Advisory Council sections of the website, and she agreed to follow-up on the matter.

Dr. Bornstein said he sits on the District's Model Advisory Committee (MAC) and meets about 4 times a year. They are having a meeting in February and he is willing to provide a report of the meeting. Chairperson Blonski suggested this be included and provided at the end of the agenda under Committee Member Comments/Other Business.

Member Altshuler questioned the ability for members to conference call in to achieve a quorum. Mr. Bunger said members can participate in meetings telephonically, but the Brown Act requires the location at which the member is calling from be posted on the agenda and open to the public to participate. He noted this has been discussed by the Board of Directors and the decision

reached was that it is not allowed for meetings where decisions and action must be taken, and allowed for meetings where no action is proposed to be taken.

Chairperson Blonski, on behalf of the Council, thanked Mr. Kendall for his work in scheduling the Retreat and securing speakers for topic meetings for the year.

Dr. Bornstein reviewed his suggested topic for the third meeting: A summary of all meetings on PM and how information such as modeling, climate change, how to predict future concentrations of PM based upon what is heard, and control strategies will be used. This may involve having speakers from the Air District and regulatory aspects.

Mr. Kendall said this can be considered; however, the approach this year is somewhat different. They did not necessarily plan on having 3-4 speakers at each meeting due to the complexity of topics, the need for more time for interaction with the Council, and have the ability to have more time for question and answer which allows for more adaptability.

**10. Time and Place of Next Meeting** - 9:00 a.m – 12:00 noon, Wednesday, February 9, 2011, 939 Ellis Street San Francisco, California 94109.

**11. Adjournment** - The meeting adjourned at 11:35 a.m.

*/s/ Lisa Harper*

Lisa Harper  
Clerk of the Boards