



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
REGULAR MEETING
OCTOBER 5, 2011

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th Floor Board Room at the Air District Headquarters, 939 Ellis Street, San Francisco, California.

**Questions About
an Agenda Item**

The name, telephone number and e-mail of the appropriate staff Person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

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 AGENDA

WEDNESDAY
OCTOBER 5, 2011
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance

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 Boards at the location of the meeting and prior to commencement of the meeting.

CONSENT CALENDAR (ITEMS 1 – 6)

Staff/Phone (415) 749-

1. Minutes of the Board of Directors Regular Meeting of September 21, 2011 **Clerk of the Boards/5073**
2. Board Communications Received from September 21, 2011 through October 4, 2011
J. Broadbent/5052
jbroadbent@baaqmd.gov

A list of communications directed to the Board of Directors received by the Air District from September 21, 2011 through October 4, 2011 if any, will be at each Board Member's place.

3. Air District Personnel on Out-of-State Business Travel **J. Broadbent/5052**
jbroadbent@baaqmd.gov

In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business.

4. Notice of Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund **J. Broadbent/5052**
jbroadbent@baaqmd.gov

The Board of Directors will consider adopting Proposed Amendments to the Air District's Administrative Code, Division III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund.

5. Notice of Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Board of Directors will consider adopting Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy.

6. Consider Revision of the Classification Specification of Clerk of the Boards

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Board of Directors will consider approval to revise the job classification of Clerk of the Boards.

COMMITTEE REPORTS AND RECOMMENDATIONS

7. Report of the **Mobile Source Committee** Meeting of September 22, 2011

CHAIR: S. HAGGERTY

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

- A) *Approve San Francisco Municipal Transportation Authority's (SFMTA) request to use fiscal year (FY 2011/12) Transportation Fund for Clean Air (TFCA) County Program Manager funds as a local match for the Regional Bicycle Share Pilot Project, and*
- B) *Adopt a resolution that authorizes the Executive Officer/APCO to execute the Right of Way Certification form for the Regional Bicycle Share Pilot Project.*

8. Report of the **Legislative Committee** Meeting of September 26, 2011

CHAIR: S. GARNER

9. Report of the **Stationary Source Committee** Meeting of September 29, 2011

CHAIR: G. UILKEMA

PRESENTATION

10. Overview of the Air District's Permit and Enforcement Programs

B. Bateman/4653

bbateman@baaqmd.gov

Staff will provide a description of the Air District's Permit and Enforcement Programs which are used to implement and enforce regulatory requirements that apply to stationary sources of air pollution in the Bay Area.

11. Update on the National Ambient Air Quality Standard for Ozone

J. Roggenkamp/4646

jroggenkamp@baaqmd.gov

Staff will provide an update on the National Ambient Air Quality Standards (NAAQS) for ozone, the Bay Area's attainment status, and next steps.

CLOSED SESSION

12. **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):

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RG-10548693

Our Children's Earth Foundation v. Bay Area AQMD, and Jack P. Broadbent, San Francisco County Superior Court, Case No. CPF-11-511437

13. **ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(c), a need exists to meet in closed session to discuss one potential litigation matter.

OPEN SESSION

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.

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

14. Report of the Executive Officer/APCO

15. Chairperson's Report

16. Time and Place of Next Meeting – At 9:45 A.M. Wednesday, October 19, 2011 – At 939 Ellis Streets, San Francisco, CA 94109

17. Adjournment

CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109

(415) 749-5130
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities. Notification to the Executive Office should be given at least 3 working days prior to the date of the meeting so that arrangements can be made accordingly.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's headquarters at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the Air District's website (www.baaqmd.gov) at that time.

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

**EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS**

SEPTEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source Committee <i>(At the Call of the Chair)</i>	Thursday	29	9:30 a.m.	Board Room

OCTOBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	12	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(At the Call of the Chair)</i>	Wednesday	19	Following Board Meeting	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	27	9:30 a.m.	4 th Floor Conf. Room

NOVEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
Board of Directors Nominating Committee <i>(At the Call of the Chair)</i>	Wednesday	2	Following Regular Board Meeting	Room 716
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room

Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i> - CANCELLED	Thursday	24	9:30 a.m.	4 th Floor Conf. Room
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DECEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	14	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	22	9:30 a.m.	Board Room
HL – 9/28/11 (11:35 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: September 27, 2011

Re: Board of Directors Draft Meeting Minutes

RECOMMENDED ACTION

Approve attached draft minutes of the Board of Directors Regular Meeting of September 21, 2011.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of September 21, 2011.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Reviewed by: Jennifer Cooper

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

Board of Directors Regular Meeting
Wednesday, September 21, 2011
9:45 a.m.

DRAFT MINUTES

CALL TO ORDER: Chairperson Tom Bates called the Regular Meeting to order at 9:50 a.m.

Pledge of Allegiance: Chairperson Bates led the Pledge of Allegiance.

Roll Call:

Present: Chairperson Tom Bates; Vice Chair John Gioia; Secretary Ash Kalra; and Directors Susan Garner, Susan Gorin, Carole Groom, Scott Haggerty, David Hudson, Carol Klatt, Nate Miley, Johanna Partin, Mark Ross, Wagenknecht and Shirlee Zane. Directors Eric Mar and Liz Kniss arrived after the roll call was taken.

Absent: Directors John Avalos, Harold Brown, Jennifer Hosterman, James Spring, Gayle B. Uilkema and Ken Yeager.

PUBLIC COMMENT ON NON-AGENDA MATTERS: Chairperson Bates opened the public comment period and the following individuals provided public comments regarding air monitoring and cumulative impacts definition:

Karen Cohen, BAEHC
Anna Lee, BAEHC/CBE
Rosina Roibal, BAEHC
Bradley Angel, Greenaction
Marie Harrison, Greenaction / Bayview Hunters Point
Mavis Williams, Hunters View Mother's Committee
Sabrina Boydd, Hunters View Mother's Committee
Theresa Faumui, Hunters View Mother's Committee
Tessie Esther, Hunters View Mother's Committee
Terrell Silas, Hunters View Mother's Committee

Chairperson Bates closed the public comment period at 10:05 a.m.

CONSENT CALENDAR (Items 1-8):

2. Minutes of the July 18, 2011 Special Meeting.
3. Board Communications Received from July 18, 2011 through September 20, 2011.
4. Air District Personnel on Out-of-State Business Travel.

5. Approval of Contract for Janitorial Services.
6. Notice of Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures – Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund.
7. Notice of Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy.
8. Administrative Code, Division II, Section 3.3 – Account Transfers.

Board Action: Director Wagenknecht made a motion to approve Consent Calendar Items 1 through 8; Director Kniss seconded the motion; which carried unanimously without objection.

COMMITTEE REPORTS AND RECOMMENDATIONS

9. Report of the Personnel Committee Meeting of September 19, 2011 Chair: Brad Wagenknecht

Director Wagenknecht reported that the Personnel Committee met on Monday, September 19, 2011 and approved the minutes of January 19, 2011 and March 28, 2011.

The Committee received a summary of Human Resources Audit Report conducted by the professional law firm Meyers Nave and Status of Current Air District Programs by Air District staff.

The Committee recommended that the Board of Directors provide notice of proposed amendments to (1) the Air District's Administrative Code, Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy and (2) the Equal Employment Opportunity Plan.

The Committee then adjourned to Closed Session to conduct a performance evaluation of the District Counsel, pursuant to Government Code Section 54957 and 54957.6.

The Committee reconvened in Open Session, and the Chair announced that no reportable action had been taken in Closed Session.

The next meeting of the Personnel Committee is at the call of the chair.

Board Action: Director Wagenknecht made a motion to approve the report of the Personnel Committee; Director Kniss seconded the motion; which carried unanimously without objection.

PRESENTATION

10. Overview of the Air District's Permit and Enforcement and Programs.

Chairperson Bates requested this item be heard at the October 5, 2011 Board of Directors meeting.

11. Blueprint for Healthy Communities Summit

Jack Broadbent, Executive Director/APCO, provided the Board with background of the presentation. Lisa Fasano, Director, Communications and Outreach, provided the staff report including a summary of previous events hosted by the Air District such as the 2006 Climate Protection Summit featuring Vice President Al Gore and in 2009 Climate Action Leadership Summit featuring author Thomas Friedman.

Ms. Fasano stated the Air District is viewed as a leader prompting necessary and timely efforts on big issues before the Bay Area. The Blueprint for Healthy Communities Summit will continue the Air District's regional efforts in improving air quality.

Ms. Fasano explained that as the Bay Area continues to grow, one of the critical issues facing the region is how the Air District decides to develop and house the growing population, in order to protect the public from added air pollution, halt increasing traffic and reduce energy use. Ms. Fasano shared that the focus of the Summit is to bring municipal leaders together to learn from each other, draw on good examples and inspire them to think creatively.

Ms. Fasano further stated the Air District expects the Summit will have a galvanizing effect on those who have a stake in shaping the future. The Air District must ensure local compliance with the Clean Air Act and educate and communicate air quality information to the bay area public.

Ms. Fasano stated that confirmed speakers Nancy Sutley, Chair White House Council on Environmental Quality (CEQ), and President Bill Clinton, Clinton Global Initiative are expected to draw municipal leaders to this important conference and that they will also share their perspective on relevant environmental policies.

Ms. Fasano said additional speakers confirmed to date include:

- Melanie Marty, PhD, Office of Environmental Health Hazard Assessment
- Dr. Tony Iton, JD, MPH – Healthy Communities at California Endowment
- Jared Blumenfeld – EPA Region 9
- Dr. Rajiv Batia - MPH, SF Dept. of Public Health/UCSF
- Dr. Phil Martien - BAAQMD
- Dr. Philip Fine - SCAQMD
- Prof. Betty Deacon, UC Berkeley Planning & Urban Design
- Henry Hilken, BAAQMD
- Bill Lindsay, City of Richmond
- Peter Calthorpe - Principal, Calthorpe Associates

Ms. Fasano stated that funding for this event was budgeted in Fiscal Year Ending 2010/11. In addition, a number of sponsors are secured and the Air District continues to finalize agreements with other sponsors who would be good partners for this event. Sponsors are being considered from the healthcare industry, research and development, government, and others who have a particular interest in air quality, land use and public health connection.

Ms. Fasano further stated this Summit will promote a timely discussion on health and air quality planning efforts. In addition, it will help close the gap on land use, public health, and the air quality planning process.

Ms. Fasano concluded the presentation with the recommendation that the Board of Directors authorize the Executive Officer/APCO to execute a contract for conference logistics and coordination in an amount not to exceed \$70,000.

Mr. Broadbent provided further explanation, stating the Air District initially had planned the conference for the end November 2011.

Public Comments: Chair Bates opened the public comment period.

Mr. Bradley Angel, Greenaction. Mr. Angel expressed his frustration about the conference and was disappointed that the community members were not invited to this event.

Dr. Henry Clark, West County Toxics Coalition. Mr. Clark stated he lives in Richmond, and is part of an environmental justice group, yet he was not informed of the Summit.

Johnny White, West County Toxics Coalition. Mr. White questioned why various community groups were not included as part of the planning process.

Marie Harrison, Greenaction. Ms. Harrison said that the Air District left out the people in the affected community.

Tessie Esther, Hunters View Mother's Committee. Ms. Esther requested to sit on the panel, as she offers good ideas and information.

Board Member Comments:

The Board members discussed the Summit at length and expressed both their support and concerns. The Board supported hosting the Summit but at a later date to allow time for the community to participate in the planning process, and secure sponsors from entities not regulated by the Air District.

Director Miley asked if the discussion would be based around economic impacts during the breakout sessions.

Director Partin suggested involving the community in shaping the agenda.

Director Wagenknecht stated the Summit would bring the community together, but is concerned about the current sponsors and suggested having a vehicle that would transport the guests to visit some of the sites in the community.

Director Kniss ask why the Metropolitan Transportation Commission reduced their sponsorship.

Director Haggerty stated that he believed everyone was over reacting, and suggested the Executive Committee meet and report its results at the October 5, 2011 Board of Directors meeting.

Ms. Garner said the past two summits have been exciting and offered new energy.

Director Mar stated that he hopes that grassroots organizations are part of the summit.

Chair Bates asked if the Air District had time to incorporate some of the Board's suggestions. Chair Bates also stated the Craneway Pavilion, the venue for the Summit, is a large facility that can potentially hold 600 individuals and that the issues in question are solvable.

Chair Bates stated \$250,000 was set aside for the purpose of educating and outreach, and that this Summit meets the objectives for use of the funds. Chair Bates asked Mr. Broadbent to respond to the Board's inquiries and the Board would vote on how to proceed.

Mr. Broadbent stated the agenda presented to the Board is not final but a progress report. Mr. Broadbent explained that the purpose of the Summit is to address the issues of land use planning, transportation and growth in communities with high levels of diesel particulate.

Mr. Broadbent provided responses to the Board of Directors, and suggested the Board move forward with having the conference on October 21, 2011.

Mr. Broadbent informed the Board members that the \$70,000 would allow the Air District to continue to pay the consultant. Chair Bates requested further clarification for approval of the \$70,000. Deputy Air Pollution Control Officer, Jean Roggenkamp, stated the funds would be for the use of the consultant for conference logistics and coordination, and continuing to acquire sponsorships.

Director Miley also suggested proceeding with the conference without President Clinton as a speaker, as the conference will continue to be successful.

Board Action:

Chair Bates recommended a roll call vote that the Board of Directors delay the Blueprint for Healthy Communities Summit; Vice Chair Gioia seconded the motion. Chair Bates reported the Board of Directors voted 14 – 2 in favor of delaying the Blueprint for Healthy Communities Summit.

CLOSED SESSION

Chair Bates adjourned the meeting into a closed session at 12:25 p.m.

12. **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):

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RC-10548693

Our Children's Earth Foundation v. Bay Area AQMD, and Jack P. Broadbent, San Francisco County Superior Court, Case No. CPF-11-511437

Peter Rogosin v. Bay Area AQMD, et al., San Francisco County Superior Court, Case No. CGC-08-478154

Andrea Gordon v. Bay Area AQMD, San Francisco County Superior Court, Case No. CGC-10-497722

Som D. Gupta, et al. v. City of Union City, Bay Area AQMD et al., Alameda County Superior Court, Case No. RG-10552284

Healthy Air Coalition v. Bay Area AQMD, San Francisco County Superior Court, Case No. CGC-09-486990

13. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** - (Government Code Section 54957 and 54957.6)
Pursuant to Government Code Section 54957 and 54957.6, the Committee will meet in closed session to conduct a performance evaluation of the Air District Counsel.

OPEN SESSION

Chair Bates reconvened the meeting at 12:55 p.m. and stated that no reportable action was taken in the closed session meeting. Chair Bates noted that District Counsel received a high satisfactory performance evaluation and directed staff to prepare a pay scale analysis with other Air Districts for the District Counsel and Executive Officer.

PUBLIC COMMENT ON NON-AGENDA MATTERS

No one from the public addressed the Board at this time.

OTHER BUSINESS

14. Report of the Executive Officer/APCO – Mr. Broadbent provided a summary of the ozone season, and he stated that staff continues work on the Metal Melting Rule.
15. Chairperson’s Report – None.
16. Time and Place of Next Meeting – At 9:45 a.m., Wednesday, October 5, 2011; at 939 Ellis Street, San Francisco, CA 94109.
17. Adjournment – Chair Bates adjourned the meeting at 1:15 p.m.

Vanessa Johnson
Executive Secretary II

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: September 21, 2011

Re: Board Communications Received from September 21, 2011 through
October 4, 2011

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

A list of communications directed to the Board of Directors received by the Air District from September 21, 2011 through October 4, 2011 if any, will be at each Board Member's place at the October 5, 2011 Regular Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Reviewed by: Jennifer Cooper

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 22, 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 report covers the out-of-state business travel for the period September 1, 2011 through September 30, 2011. Out-of-state travel is reported in the month following travel completion.

DISCUSSION

Bert Dare, AQ Instrument Specialist, attended training for EPA Alternative Method 82 Class in Woodbridge, Virginia; September 27 – 29, 2011.

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 Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 26, 2011

Re: Adoption of Proposed Amendments to the Air District's Administrative Code Division
III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14
Benevolent Leave Fund

RECOMMENDED ACTION:

The Board of Directors will consider adoption of Proposed Amendments to the Air District's Administrative Code, Division III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund.

BACKGROUND AND DISCUSSION

In accordance with provisions of the Administrative Code, Division I Operating Policies and Procedures, Section 14 Amendments to Administrative Code, notice was given at the Board of Directors regular meeting of September 21, 2011 that the Board of Directors was considering amendments to the Administrative Code, Division III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund.

On June 15, 2011, the Board of Directors adopted the new Memorandum of Understanding (MOU), which included amendments to the Benevolent Leave Fund. The proposed amendments (attached) will reflect the same changes that were made in the MOU.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jason Jimenez
Reviewed by: Jack M. Colbourn

Attachment: Proposed Amendments to Division III Personnel Policies and Procedures – Section 11
Leave and Holidays: 11.14 Benevolent Leave Fund

PROPOSED ADMINISTRATIVE CODE AMENDMENTS

Proposed Amendment to Division III, "Personnel Policies and Procedures," Section 11.14, Benevolent Leave Fund as follows:

~~11.14 BENEVOLENT LEAVE FUND (Revised 9/6/95)~~

~~Any employee may donate annual leave or, with the limitation noted in subsection (a) below, floating holiday leave to a benevolent leave fund for the benefit of employees who are catastrophically ill or injured. For the purposes of this section, "catastrophically ill or injured" means that an employee has sustained a life threatening or incapacitating illness or injury. In order to donate leave, the following conditions apply:~~

- ~~(a) Only accrued annual or floating holiday leave may be donated. Floating holiday leave which is donated will only be valid during the fiscal year in which it is accrued. This, if in a given fiscal year, an employee donates floating holiday leave without designation, and there is no eligible recipient during that fiscal year, the donated leave will expire on the last day (June 30) of that fiscal year.~~
- ~~(b) To donate accrued leave to the fund, an employee must not be catastrophically ill or injured and must be eligible to accumulate and use annual leave credit.~~
- ~~(c) Donated leave may be designated for a specific employee, or may be donated without designation.~~
- ~~(d) Leave may be donated to the fund regardless of whether there is a qualified recipient.~~
- ~~(e) Leave may not be sold, bartered or traded to another employee under any circumstances.~~
- ~~(f) Once leave has been donated to the fund, that leave cannot be reclaimed by the employee making the donation unless and until that employee later becomes an eligible fund recipient.~~

~~In order to be a fund recipient, the following conditions apply:~~

- ~~(g) The recipient must have on file with the District's Personnel Section a medical statement and supporting medical records which demonstrate that the recipient is in fact catastrophically ill or injured.~~
- ~~(h) The recipient must have exhausted all forms of paid leave.~~
- ~~(i) The recipient may not receive benevolent leave from the fund in an amount which exceeds 100% of that employee's normally scheduled hours for any pay period.~~
- ~~(j) If a request to use leave from the fund is denied, the refusal may be appealed to the APCO.~~

SECTION 11.14 BENEVOLENT LEAVE FUND

1. The Benevolent Leave Fund is established for the use and donation by District employees. Any District employee (hereinafter referred to as “employee”) may donate annual leave, sick leave, compensatory time, or floating holiday, with the limitation noted in subsection A immediately below, to the benevolent leave fund for the benefit of employees who are catastrophically ill or injured for one hundred (100) consecutive working hours or longer. In order to donate leave, the following conditions apply:
 - A. Only accrued annual or sick leave, compensatory time, or floating holiday leave may be donated to the fund. Any employee may donate up to 40 hours of sick leave to the fund per fiscal year. Floating holiday leave that is donated will only be valid during the fiscal year in which it is accrued. Thus, if in a given fiscal year, an employee donates floating holiday leave and the leave is not used during that fiscal year, the donated leave will expire on the last day (June 30) of that fiscal year.
 - B. To donate accrued leave to the fund, an employee must be eligible to accrue or use annual leave credit and cannot currently be using leave from the Benevolent Leave Fund.
 - C. To donate sick leave, an employee must have a sick leave balance of at least 200 hours.
 - D. Donated leave may be designated for a specific employee, or may be donated without designation. Floating holiday leave shall be used first. Other benevolent leave that is designated to a specific employee must be used in the sequence it was donated. If leave that is donated to a specific employee is not used within 120 days, such leave will be added to the general benevolent leave fund.
 - E. Leave may be donated to the fund regardless of whether there is a qualified recipient.
 - F. Leave may not be sold, bartered or traded to another employee under any circumstances.
 - G. Once leave has been donated to the fund, that leave cannot be reclaimed by the employee making the donation unless and until that employee later becomes an eligible fund recipient.

2. In order to be a fund recipient, the following conditions apply:
 - A. The recipient must be catastrophically ill or injured, on an approved leave for medical purposes and must have on file with the Human Resources Office a medical verification from the employee’s personal physician that demonstrates that the recipient is in fact catastrophically ill or injured and unable to work for at least one hundred (100) consecutive working hours or longer.
 - B. Upon written request from the Association Board of Directors, the Human Resources Officer shall provide, to the Association the amount of leave in the fund.
 - C. The recipient must have exhausted all forms of paid leave prior to using any benevolent leave. However, it is understood the employee will accrue all appropriate leaves during the time the Benevolent Leave Fund is in use and shall not be required to use such accrued leave during such time.
 - D. The recipient may not receive benevolent leave from the fund in an amount which exceeds 100% of that employee’s normally scheduled hours for any pay period.

- E. Written requests to use leave from the fund shall be submitted to the Human Resources Officer.
- F. The Human Resources Officer or designee shall provide a written response approving or denying the employee's request, or requesting more information within 5 working days. If the request is denied, the Human Resources Officer or designee shall state the reasons for denial in the written response.
- G. If a request to use leave from the fund is denied, the refusal may be appealed to the APCO. The APCO's decision shall be provided, in writing, to the employee within ten (10) calendar days from the date an appeal is submitted.

3. Catastrophic illness or injury is defined as a serious illness, injury, impairment, or physical or mental condition that is present for a minimum of one hundred (100) consecutive working hours or longer.

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: September 26, 2011

Re: Adoption of Proposed Amendments to the Air District's Administrative Code
Division III Personnel Policies and Procedures - Section 2 Equal Employment
Opportunity Policy

RECOMMENDED ACTION:

The Board of Directors will consider adoption of Proposed Amendments to the Air District's Administrative Code, Division III Personnel Policies and Procedures - Section 2 Equal Employment Opportunity Policy.

BACKGROUND AND DISCUSSION

In accordance with provisions of the Administrative Code, Division I Operating Policies and Procedures, Section 14 Amendments to Administrative Code, notice was given at the Board of Directors regular meeting of September 21, 2011 that the Board of Directors was considering amendments to the Administrative Code, Division III Personnel Policies and Procedures - Section 2 Equal Employment Opportunity Policy.

Last year, the law firm, Meyers Nave, conducted a legal audit of the Human Resources Office. Meyers Nave concluded that for the Air District to remain in legal compliance, the Air District must amend its Equal Employment Opportunity Policy as follows:

- 1) Change the name of the Affirmative Action Plan to an Equal Employment Opportunity Plan and replace all references to "affirmative action" with "equal employment opportunity."
- 2) Delete the items that refer to affirmative action plan activities, e.g. those that would favor applicants or employees based on gender or ethnic status.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jason Jimenez
Reviewed by: Jack M. Colbourn

Attachment: Proposed Amendment to Division III, "Personnel Policies and Procedures," –
Section 2 Equal Employment Opportunity Policy

PROPOSED ADMINISTRATIVE CODE AMENDMENTS

Proposed Amendment to Division III, "Personnel Policies and Procedures," Section 2 Equal Employment Opportunity Policy as follows:

SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

~~To effect its policy of equal employment opportunity, the Board commits itself and the District to implementing an Affirmative Action Plan. The plan is designed to achieve the goal of a District work force which reflects the gender and ethnic minority work force composition of the nine Bay Area counties covered by the District.~~

The District is committed to maintaining a meaningful Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

~~Provisions of the Affirmative Action Plan of the District prevail over the Memorandum of Understanding.~~

2.1 OBJECTIVES.

- (a) The District will insure that each employee and applicant is afforded an equal opportunity in all aspects of the employment process without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (b) The District will analyze its work force and the population of the Bay Area ~~to identify areas where women and ethnic minorities are underutilized.~~
- (c) The District will focus its equal employment opportunity efforts on enhanced outreach and training programs. The District will establish practical short range and long range hiring, promotion and training goals to eliminate under utilization.
- (d) ~~The District will take affirmative action to increase the number of ethnic minority and female employees in all occupational categories.~~

- (e) The District will establish and administer programs for employment, training and promotion of all employees to aid in reaching the goals and objectives of the Affirmative Action Plan without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (f) The District will ~~establish responsibility~~ be responsible for ~~carrying out the goals and objectives of the program~~ Equal Employment Opportunity Plan and ~~designate~~ appoint an ~~Affirmative Action~~ Equal Employment Opportunity Officer, and ~~establish an Equal Employment Opportunity Council.~~
- (g) ~~Establish a timeline for implementation of objectives and goals.~~ The District is committed to making a good faith effort to successfully achieve Equal Employment Opportunity.
- (h) Sexual harassment is contrary to basic standards of conduct between individuals and is prohibited by EEOC regulations. The District will therefore insure that the workplace is free from sexual harassment. Sexual harassment is defined in EEOC regulations, and includes, but is not limited to, the following: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment, is used as a basis for employment decisions, or has the purpose or effect of interfering with work performance or creating an otherwise offensive working environment.
- (d) The District will insure that no qualified person will be discriminated against on the basis of a disability. All qualified persons that can perform the essential functions of the job, with or without reasonable accommodation that does not create "undue hardship" for the District, shall be provided an equal opportunity for employment and promotion. All terms used in this section are defined in the regulations implementing the Federal Americans with Disabilities Act.

2.2

RESPONSIBILITY FOR AFFIRMATIVE ACTION EQUAL EMPLOYMENT OPPORTUNITY.

- (a) The Air Pollution Control Officer of the District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity ~~Plan~~ Policy.
- (b) The responsibilities of the ~~Affirmative Action~~ Equal Employment Opportunity Officer, ~~the Personnel Manager and the Affirmative Action Council~~ are listed ~~delineated~~ in the ~~Affirmative Action~~ Equal Employment Opportunity Plan.

2.3

DISCRIMINATION COMPLAINT PROCEDURE (Revised 9/6/95)

Unlawful discrimination refers to discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

An employee or group of employees who believes an incident involving a violation of the District's equal employment opportunity policy has arisen, may submit the complaint (in writing) to the Equal Employment Opportunity Officer.

- STEP 1 The written complaint must be received by the Equal Employment Opportunity Officer within 30 days of the alleged discrimination and must specify the particulars of the alleged discrimination, including specific acts and/or statements. Although the specific act must have occurred within 30 days, supplementary or background information supporting the complaint may be included. If a complaint is received in an incomplete form, the Equal Employment Opportunity Officer will advise the complainant that help in its preparation can be arranged. A group of employees filing at the same time must allege acts of similar nature to be considered for class action.
- STEP 2 The Equal Employment Opportunity Officer will evaluate the complaint and, if necessary, conduct an investigation.
- STEP 3 Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt. If the employee is not satisfied with the action of the APCO, the employee may request the complaint be heard by the Personnel Committee of the Board of Directors. The employee will submit the complaint to the Personnel Committee within fifteen (15) working days of the action of the 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: September 27, 2011

Re: Consider Revision of the Classification Specification and Salary Range of Clerk
of the Boards

RECOMMENDATION:

Approve revision of the Classification Specification of Clerk of the Boards and decrease the salary range from 136 to 132.

DISCUSSION

The District's Classification Specification for Clerk of the Boards was updated most recently in 1992. The classification specifications define organizational characteristics of a position and the knowledge, skills, and qualifications necessary to perform the illustrative duties. It is necessary for effective staff management and recruitment that they be current.

The Clerk of the Boards job duties no longer includes supervision of staff or management of a work unit. To address these changes, the District recommends changing the Classification Specification and decreasing the salary range with an annual salary starting at \$73,151.42 at step A and ending at \$88,916.01 at step E (Salary Range 132).

Board of Directors' approval of the attached revised Classification Specification is needed in order for the Classification Specification to be revised in the District's job classification system.

If approved, the revised Classification Specification for Clerk of the Boards and the change in salary will be effective as of the date of Board approval.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

If approved, the financial impact of this recommendation is approximately (-\$5,600) for FYE 2012.

Respectfully Submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Rex Sanders
Reviewed by: Jack M. Colbourn

CLERK OF THE BOARDS

DEFINITION

Under administrative direction, prepares agendas and consolidates supporting materials, records and documents actions of the Boards; maintains records and other information for the Boards; ~~administers the work of assigned staff~~; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

This single position class is responsible for ~~the management of the Clerk of the Boards' office and~~ for providing a variety of support to the District's **Executive Office**, Board of Directors, Advisory Council and Hearing Board. Responsibilities also include recordation and documentation of Board actions, coordination of Board activities, ~~supervision of staff~~ and publication of legal notices and related documents.

EXAMPLES OF DUTIES (Illustrative Only)

~~Plans, coordinates, schedules and reviews the work of staff and activities of the Clerk of the Boards' office; provides for their training and professional development.~~

Attends meetings of the Boards and serves as recording secretary; records actions taken and arranges for recording of actions in official records; transmits records or notices of action taken to appropriate parties.

Assists in the preparation of ~~Works with the District's management and executive staff, the public and others to plan and prepare Board agendas; oversees~~ **coordinates** preparation and distribution of the agenda.

Receives and reviews agenda items to ensure that all submittals are complete and in compliance with established procedures.

Prepares and distributes ordinances, resolutions and documents resulting from Board actions.

Certifies the authenticity of official Board actions and prepares certified copies of such actions, as required.

~~Organizes, assigns, reviews, evaluates and directs the work of assigned staff; trains staff in work procedures.~~

Establishes, maintains and indexes files for the Board; researches and provides back-up materials for Board members on a variety of issues.

Answers questions, provides forms, explains Board policies and procedures, and provides information to the public, District staff and others.

~~Selects staff, evaluates performance and counsels and disciplines employees.~~

QUALIFICATIONS

Knowledge of:

~~Basic supervisory principles and practices, including work planning, scheduling, review, evaluation and employee training and discipline. Standard procedures and rules for the conduct of meetings.~~

Legal requirements for filing, publishing and processing of various Board matters.

Standard office practices and methods including filing systems, document preparation, and the operation of standard office equipment, including a word processor.

English grammar, spelling, punctuation and vocabulary.

Skill in:

~~Planning, assigning, supervising, reviewing and evaluating the work of others, and training others in work procedures.~~

Organizing and maintaining accurate and complex recordkeeping and indexing systems.

Researching and organizing pertinent backup materials for Board agenda items.

Processing various applications, submittals and documents in accordance with established codes and requirements.

Interpreting and applying legal requirements and District and Board policies and procedures related to Board recordkeeping.

Preparing clear, concise and complete meeting minutes, documentation and other reports and correspondence.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Other Requirements:

Must possess a valid driver's license. Must be willing to attend meetings outside of regular working hours.

Education and Experience:

A typical way to obtain the knowledge and skills is:

Equivalent to three years of secretarial experience involving the taking and transcribing of minutes for a policy-making and/or regulatory governing body. Previous ~~supervisory experience and some college level course work in public administration and management~~ **clerk experience and some experience clerking for a judicial body are desirable.**

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: January 26, 2011

Re: Report of the Mobile Source Committee Meeting of September 22, 2011

RECOMMENDED ACTIONS:

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

- A) Update on Regional Bicycle Sharing Pilot Project:
1. *Approve San Francisco Municipal Transportation Authority's (SFMTA) request to use fiscal year (FY 2011/12) Transportation Fund for Clean Air (TFCA) County Program Manager funds as a local match for the Regional Bicycle Share Pilot Project, and*
 2. *Adopt a resolution that authorizes the Executive Officer/APCO to execute the Right of Way Certification form for the Regional Bicycle Share Pilot Project.*

BACKGROUND

The Mobile Source Committee met on Thursday, September 22, 2011. The Committee received and considered the following reports and recommendations:

- A) Update on Port Drayage Truck Program; and
- B) Update on Regional Bicycle Sharing Pilot Project;

Attached are the staff reports presented in the Mobile Source Committee packet.

Chairperson, Scott Haggerty will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

A) None.

B) None. The Air District distributes CMAQ monies as “pass-through’ funds on a reimbursement basis. Administrative costs for project staffing are provided by the funding sources (CMAQ, TFCFA and local funding partner agencies).

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Reviewed by: Jennifer C. Cooper

Attachment(s)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 Memorandum

To: Chairperson Haggerty and Members
 of the Mobile Source Committee

From: Jack P. Broadbent
 Executive Officer/APCO

Date: September 12, 2011

Re: Update on Port Drayage Truck Program

RECOMMENDATION:

None. Informational report, receive and file.

BACKGROUND

In December of 2007, the California Air Resources Board (ARB) approved a regulation to reduce emissions from drayage trucks operating at California’s ports and intermodal rail yards. The first phase of the regulation went into effect on December 31, 2009, and Phase 2 of the regulation goes into effect on December 31, 2013. A summary of the regulation’s compliance requirements is shown in Table 1:

Table 1: ARB Drayage truck regulation compliance schedule

Phase	Date	Engine Model Years (MY)	Regulation requirement
Phase 1	12/31/09	1993 and older	Prohibited from operation as a drayage truck
		1994 – 2003	Install a Level 3 retrofit device
	12/31/11	2004	Install a Level 3 retrofit device
	12/31/12	2005 and 2006	Install a Level 3 retrofit device
Phase 2	12/31/13	1994 – 2006	Meet 2007 * engine emissions standards

* Trucks with 2007-2009 model year engines are compliant through 2022. Trucks with 2010 and newer engines are fully compliant

In 2008, the Air District accepted applications for drayage truck retrofit and replacement projects as part of its port truck upgrade program. Through this program the Air District received and awarded a total of \$25.8 million [\$13.8 million in California Goods Movement Bond (I-Bond) funding, \$2 million in US Environmental Protection Agency (EPA) diesel emissions reduction act (DERA) funds, \$5 million from the Port of Oakland (Port), and \$5 million in Air District TFCA funding]. These monies were used to assist with the upgrade of 1,522 trucks (1,319 truck retrofits and 203 truck replacements) operating at the Port.

As the next compliance deadline approaches for this regulation the Air District must consider how to best assist the trucker population at Bay Area ports with early compliance. As part of this report staff will describe the trucker population impacted by the next regulatory deadlines, steps the Air District is taking to address this issue, roles for partner agencies, and next steps towards a new drayage truck program.

DISCUSSION

Table 2 below contains data from ARB’s Drayage Truck Registry database, and describes the population of vehicles calling on Northern California ports by engine model year. Table 2 also identifies which groups of trucks received grant funds from the original Air District Drayage Truck Program.

Table 2: Drayage truck population as of July 2011

Engine MY	Compliant until	# of Drayage trucks in Northern CA*	# of trucks that received grant funds	Grant funds expended **
MY 1994-2003 (w/ retrofits)	12/31/13	1,700	1,319	\$15,586,534
MY 2004	12/31/11	700	0	\$0
MY 2005 & 2006	12/31/12	2,150	0	\$0
MY 2007 – 2009	2022	1,350	203	\$10,150,000
MY 2010 +	Fully compliant	400		
Total		6,300	1,522	\$25,736,534

* Number of trucks registered in the ARB Drayage Truck Registry (DTR) with zip codes North of Fresno.

** Funding sources for the Air District’s Year 1 port truck funding program: TFCA (\$5 million), Port (\$5 million), ARB Prop 1B (\$13,835,133), and DERA (~\$2 million)

Retrofit projects accounted for a majority of the truck projects funded during the first round of the Drayage Truck program. Anecdotally, Air District Staff were informed that these truck owners chose to retrofit instead of replace their trucks because of economic reasons, with many citing lower cargo volumes at the Port as the reason for not seeking replacement trucks. Compliance with the regulation’s Phase 2 requirements is going to be costlier than Phase 1 as truck owners must purchase trucks that have 2007 or newer engines.

Air District Efforts

In preparation for the regulation’s Phase 2 requirements the Air District is working with its partners to put together a plan to provide comprehensive information on the assistance available to drayage truck drivers. Staff believes that a combination of grant funding, loan guarantees, and low interest loans will be needed to prepare truck owners for compliance. At this stage in the process, the Air District has:

- Applied for, and been awarded \$1.5 million in DERA funding from EPA for drayage truck projects.
- Continued working with ARB to determine how much I-Bond grant funding will be available for truck replacements. The Air District is also seeking to match I-Bond funding with Mobile Source Incentive Fund and Carl Moyer Program funds.
- Begun investigating a bulk purchase program to determine if it is allowable under the guidelines of the various grant programs that may provide the funding to replace Drayage Trucks. Such a program might offer the opportunity for lower-cost vehicles to drivers seeking to upgrade their equipment.

In order to provide a complete picture of the assistance that will be available to truckers, the Air District will need to work closely with its Public Agency Partners; ARB, the Port and the City of Oakland. Below are some of the areas that the Air District is working on with these partners to determine how best to provide assistance to the drayage trucking community.

Public Agency and Partner Roles

ARB

ARB plays a large role as the lead regulatory agency for the drayage truck rule and oversight agency for the I-Bond program. It is important that ARB provides I-Bond funding to support any replacement projects funded by the Air District. ARB can also contribute to this effort by providing funds to ensure competitive loans for truckers via a loan guarantee program. Such a program would provide up to 20% of the cost of a truck replacement to a bank or lending institution as a guarantee against a loan default. This may make financial institutions more willing to take a chance on lending to an owner operator or individual trucker with lower credit scores.

ARB is also launching a low interest loan program (PLACE-DL) which will be made available to port truckers. This program could be combined with grants to lower the overall costs of ownership for new compliant trucks.

Port and City of Oakland

The Port and City of Oakland (City) must also become involved in the development and implementation of a comprehensive assistance program. The Port is the beneficiary of services provided by these truck drivers and should provide funding to the Air District's grant program and/ or provide funding to ARB's loan/financing program. The Port and City are key to establishing low interest loan programs for drayage truckers. The City, through its development office, is experienced in establishing loans for small businesses and other enterprises. This experience could be harnessed to see if a financial package from various lenders in the Oakland area can be put together for drayage truckers.

Private Industry

Motor carriers and dispatchers must also be approached as part of any solution to determine if they can act as co-signers for trucker loans. This may help independent owner/ operators obtain loans with better terms from financial institutions.

Issues

Funding Availability

While the Air District is working to build partnerships on all fronts, available funding to address the need for truck replacements remains the most significant issue at present. This is due to the fact that there is no certainty regarding the sale of the California Bonds which would provide the majority of the funding for any grant or loan guarantee program.

2004-2006 Trucks

Additionally, trucks with model year engines between 2004 and 2006 account for approximately 45% of the drayage truck fleet in the Bay Area. These trucks have to prepare for compliance with both the Phase 1 and Phase 2 requirements in the next two years. Based on recent ARB projections, it is unlikely that grant funding will arrive in time or be available to these truckers. Therefore, the only financial assistance expected to be available for these truckers is through loan programs.

Funding May Not Be Available for All Trucks

Also, it may not be possible to assist all of the impacted drayage truck drivers in upgrading to meet the Phase 2 requirements (an estimated cost of \$136.5 million if each drayage truck was provided with a \$30,000 grant). Therefore, staff believes that services and information regarding available retraining programs must be provided as part of any package to truck drivers. In 2009, as part of the adoption of the first phase of the drayage truck regulation, the City provided extensive outreach, information and education to drivers on new career paths and available training. Staff recommends that a similar effort be coordinated by the City as part of outreach for any future grants/ assistance programs.

Who Needs Help?

Air District staff believes that there is a lot of misinformation regarding the numbers of truckers who need assistance under any future grant/loan program. Some data, while accurate in terms of the overall number of vehicles that are in the Port's and ARB's trucking databases, do not reflect how often those vehicles called on the Port. For example, a truck calling one time on the Port requires an entry pass. This entry pass generates a unique record which is then quoted by some stakeholders as a vehicle that needs to be addressed as part of any grant program. The Air District and ARB are currently working together to determine how many trucks would meet the 150 call threshold that was used for the original program that provided retrofits to Port drayage truckers. This information will give us a better picture of what the needs are at the Port and how best to proceed.

Next Steps

Air District staff will continue to work with stakeholders to develop a comprehensive strategy that identifies the assistance opportunities that are available to the drayage trucking community. Staff will continue to seek new grant and loan funding sources for truck replacement projects, and investigate the possibility of a bulk truck purchase. Staff will also work to develop an outreach campaign to ensure all drayage truckers are aware of the available assistance opportunities.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Anthony Fournier
Reviewed by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Mobile Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 12, 2011

Re: Update on the Regional Bicycle Share Pilot Project

RECOMMENDED ACTION:

Recommend Board of Directors:

- Receive and file information update on the Regional Bicycle Share Pilot Project,
- Approve San Francisco Municipal Transportation Authority's (SFMTA) request to use fiscal year (FY 2011/12) Transportation Fund for Clean Air (TFCA) County Program Manager funds as a local match for the Project, and
- Adopt a resolution that authorizes the Executive Officer/APCO to execute the Right of Way Certification form for the project.

BACKGROUND

The Regional Bicycle Share Pilot Project will deploy an organized network of publically-accessible bicycles for transportation use along the Peninsula transportation corridor. The project will install approximately 1,000 bicycles at up to 100 kiosk stations in San Francisco, Redwood City, Mountain View, Palo Alto and San Jose.

The Air District administers the project in partnership with the Santa Clara Valley Transportation Authority, SamTrans, San Francisco Municipal Transportation Agency (SFMTA), San Mateo County and Redwood City. Funding for the project (totaling \$7 million) comes from the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (\$4.29 million), the Transportation Fund for Clean Air (TFCA) Regional Fund (\$1.4 million), and local match funds from the partners (\$1.3 million).

As part of this report, Bay Area Air Quality Management District (Air District) staff will update the Committee on project milestones and present a request from SFMTA to use FY 2011/12 TFCA County Program Manager funds to meet their \$241,250 match commitment for the project.

DISCUSSION

To date, work on the Regional Bicycle Share Pilot Project has been focused on securing necessary approvals from its partners and Caltrans and also preparing materials that will be used to select Bike Share vendors. In particular, Air District staff has developed an Intergovernmental Agreement, which defines the organization structure for implementing the project, the partner's financial and logistical commitments and basic policy direction for the project. This agreement has been finalized and is currently in the process of being executed by all parties.

Additionally, the Air District has executed a CMAQ agreement with Caltrans to secure the federal funding for the project. Air District staff is also currently working on the final environmental clearance documents for Caltrans' review and approval. As part of this submittal, the Air District must also include a resolution approved by the Air District's Board of Directors authorizing the Executive Officer/APCO to execute the Right of Way Certification (ROW) form. In order to expedite Caltrans' approval of the environmental clearance documents, the Bike Share pilot will be limited to areas that do not require right-of-way acquisition, relocation assistance, and involve no railroad or utility relocation.

Air District is also in the final stages of preparing a Request for Proposals (RFP) to select a vendor to design, build, operate, maintain, manage and publicize the project. The Air District expects to issue this RFP in October 2011 and recommend a contractor in December 2011 to be approved by the Air District Board of Directors.

Further details on past and future milestones are listed below in Table 1:

Table 1 - Regional Bicycle Share Pilot Program Milestones Past and Future

Date	Past Milestones
10/6/2010	Air District Board of Directors approved \$1.4 million for the project
10/27/2010	Air District awarded CMAQ funding by Metropolitan Transportation Commission (MTC)
5/24/2011	Air District circulated the Intergovernmental Agreement to partners
7/11/2011	Air District executed CMAQ funding agreement with Caltrans
	Future Milestones
Fall 2011	Release RFP and select vendor to provide equipment and service
Winter 2011/12	Contract with selected vendor
Spring 2012	System launch and begin data collection

Funding for San Francisco Project Component

Given that bike sharing is currently being tested as a pilot, the activity has not yet been included as an eligible project type in the TFCA Program Manager Policies. TFCA Program Manager Policy #3 allows Program Managers to seek Air District Board of Director's approval on a case-by-case basis for projects that are not included in the list of eligible project types that otherwise conform to the provisions of the California Health and Safety Code (HSC) section 44241 and other TFCA policies. In order to meet their financial match obligation, SFMTA has requested Air District approval of an allocation of \$241,250 in FY 2011/12 TFCA County Program Manager funds (11SF09). Staff has reviewed SFMTA's request and determined that the project conforms to the provisions of HSC section 44241 and other TFCA policies including the Board-approved TFCA cost-effectiveness requirement. Therefore, staff is requesting that the Board approve SFMTA's request to provide FY 2011/12 TFCA County Program Manager funds to this Project, as allowed by Policy #3.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. The Air District distributes CMAQ monies as "pass-through" funds on a reimbursement basis. Administrative costs for project staffing are provided by the funding sources (CMAQ, TFCA and local funding from partner agencies).

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Geraldina Grünbaum and Patrick Wenzinger
Reviewed by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2011-_____

**A Resolution of the
Board of Directors of the Bay Area Air Quality Management District
Authorizing the Executive Officer/APCO to Execute the Right of Way Certification**

WHEREAS, the purpose of this Resolution is to authorize the Bay Area Air Quality Management District's ("Air District") Executive Officer/Air Pollution Control Officer to execute the Right of Way Certification with the California Department of Transportation ("Caltrans") on behalf of the Air District for the Regional Bicycle Share Pilot;

WHEREAS, on October 6, 2010, the Air District Board of Directors approved a commitment to the Regional Bicycle Share Pilot of \$1.4 million in matching funds from its Transportation Fund for Clean Air ("TFCA");

WHEREAS, on October 27, 2010, the Metropolitan Transportation Commission awarded the Air District \$4.29 million in Congestion Mitigation and Air Quality Improvement ("CMAQ") grant funds from its Climate Initiatives Program to administer a Regional Bicycle Share Pilot;

WHEREAS, on June 15, 2011, the Air District Board of Directors delegated authority to execute funding agreements with Caltrans and any amendments for the Regional Bicycle Share Pilot to the Executive Officer/Air Pollution Control Officer;

WHEREAS, on July 21, 2011, the Air District executed the Administering Agency-Federal Master Agreement and Program Supplement Agreement for the Regional Bicycle Share Pilot with Caltrans;

WHEREAS, all Caltrans funded construction projects require a written statement (Certification) from the lead agency summarizing the status of all right of way related matters pertaining to a proposed construction project.

NOW, THEREFORE, BE IT RESOLVED that the Air District's Board of Directors delegates authority to the Executive Officer/Air Pollution Control Officer to execute Right of Way Certification with Caltrans and any amendments thereto to.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2011 by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tom Bates
Chair of the Board of Directors

ATTEST:

Ash Kalra
Secretary of the Board of Directors

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: September 27, 2011

Re: Report of the Legislative Committee Meeting of September 26, 2011

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

The Legislative Committee met on Monday, September 26, 2011. The Committee was briefed on the 2011 legislative year, including bills the Air District supported, opposed, and sponsored.

Attached is the staff report presented to the Legislative Committee for your review.

Chairperson Susan Garner will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACTS:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Approved by: Jennifer C. Cooper

Attachment(s)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Garner and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 14, 2011

Re: Summary of 2011 Legislative Year

RECOMMENDED ACTION:

None, informational item.

BACKGROUND

In the early morning hours of September 10, the 2011 legislative year ended. The California Legislature introduced 2,719 bills this year, and over 1,000 of these have been sent to the Governor. He has until October 9, 2011 to act on the roughly 600 bills which are remaining on his desk. He can either sign the measures into law, or return them to the Legislature without his signature, vetoing them.

DISCUSSION

There is widespread agreement among veteran Capitol watchers that California's continuing economic malaise and the resulting fiscal pressure on the State's coffers dominated legislative activity again this year. Very few measures to significantly cut air pollution remain alive at this point, and indeed, few significant environmental bills of any sort made it out of the Legislature. Essentially, the Legislature believed the strident voices of business interests, who routinely make the false argument that environmentally beneficial legislation automatically hurts the economy. Legislators gave great deference to the business community, and anything that was perceived as potentially eliminating jobs, or having costs to either the State or to employers, was unlikely to advance far.

Several examples illustrate the power of the business community this year. The California Chamber of Commerce compiles a list of bills they deem to be 'job killers' each year. These are the bills the Chamber opposes the most strongly. Thirty bills received the 'job killer' designation this year, and 26 of these are now dead. Only four of them are still alive and in front of the Governor. A second example of business clout is that proposals supported by business groups were advanced or supported not just by Republican legislators, but by Democratic leadership in both houses. One prominent example, opposed by environmental organizations including the Sierra Club and the Planning and Conservation League, are SB 292 and AB 900, which were billed as

reforms to the California Environmental Quality Act (CEQA) to accelerate large developments, including a downtown Los Angeles football stadium.

Given the prevailing pro-business and anti-regulation mood in Sacramento, it is not surprising that a host of measures were introduced that would have weakened or eliminated air quality programs and regulations. However, not a single one of the bills the District opposed became law. This is good news in what was an otherwise largely disappointing year for air quality.

The other good news is that despite dramatic and deep budget cuts enacted in the State Budget, there were no cuts to the funds the District receives from the State and no reduction in property tax revenues. The District's primary legislative goal for 2011 was to minimize budget impacts to the agency, and here we succeeded.

Unfortunately, the bill we co-sponsored with the Metropolitan Transportation Commission this year (SB 582) was vetoed by the Governor. SB 582 would have allowed regions in California to adopt a requirement on transportation commute benefits. In a given region, the air district and metropolitan planning organization (MPO) boards would be authorized by the bill to pass a regulation affecting employers of 20 or 50 or more employees. The regulation would have required affected employers to offer their employees one of three options. The options are to either provide some funding towards employees' transit or vanpooling expenses, or to provide shuttle service to the worksite, or to allow employees to pay for their transit or vanpooling or bicycling expenses with their own pre-tax dollars. The option offered would be the choice of the employer, not the employee. Employers choosing the third option would reduce their own payroll taxes, and benefit their own financial situation. Employees of course would also benefit financially. Additionally, and of critical significance to our interests, the bill would reduce automobile emissions, and help the region achieve its pollution reduction and climate change goals.

SB 582 moved through the State Senate with strong bipartisan support. In the Assembly, the California Chamber of Commerce, the California Taxpayers Association, and the California Manufacturing and Technology Association all took 'oppose' positions on the bill. In the face of this late opposition, our author Senator Bill Emmerson (a Republican from Riverside County) could not politically continue his authorship, and Senator Leland Yee (a Democrat from San Francisco) became our author. Despite the opposition, the bill passed out of the Legislature to the Governor. We were surprised by the Governor's veto, and particularly surprised and disappointed to learn that the Air Resources Board had recommended the Governor veto the bill.

OUTCOME OF BILLS WITH AIR DISTRICT POSITIONS

BILL AND AUTHOR	SUBJECT	POSITION	OUTCOME
AB 128 Logue	Would allow ARB to, instead of imposing an air penalty, require violators to spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	Oppose	Failed to advance
AB 333 Grove	Exempts counties with unemployment over 7% from AB 32	Oppose	Failed to advance
AB 382 Nestande	Requires all written district communications alleging violations to contain new detailed information, and imposes new requirements on inspectors	Oppose	Failed to advance
AB 462 B.Lowenthal	Allows air districts to use AB 923 funds to replace older CNG tanks on school buses	Support	Chaptered
AB 470 Halderman	Allows AB 923 funds to retrofit existing school buses	Support	Chaptered
AB 942 Huber and B.Berryhill	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	Oppose	Failed to advance
AB 937 Mendoza	Allows bonnet technology to be used at ports, although this is already allowed under ARB's shore power regulation	Oppose	Failed to advance
AB 1064 Furutani	Would weaken ARB's shore power regulation	Oppose	Failed to advance
AB 1256 B.Berryhill	Would require BAAQMD payment for emissions transported to the Central Valley	Oppose	Failed to advance
AB 1332 Donnelly	Abolishes ARB and transfers duties and obligations to CalEPA	Oppose	Failed to advance
ABx1 2 Logue	Would allow ARB to instead of imposing an air penalty spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	Oppose	Failed to advance
ABx1 7 Logue	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	Oppose	Failed to advance
SB 170 Pavley	Allows South Coast Air District to receive intellectual property benefits or revenues from projects funded with grant funds controlled by the South Coast	Support if amended	Enrolled

SB 209 Corbett	Prevents homeowners associations from blocking EV residential charging installation	Support	Chaptered
SB 582 Emmerson	Allows MPO's and air districts to jointly adopt regional commute benefit policies, with requirements on employers	Co-Sponsor	Vetoed
SB 724 Dutton	Expands ARB's requirements and considerations when assessing penalties, and imposes new deadlines and requirements on ARB when certifying engines	Oppose	Vetoed
SB 739 A.Lowenthal	Requires ports to assess infrastructure and air quality needs, in consultation with the local MPO and air district, specifying needed projects, funding, and timelines	Support	Enrolled
SB 758 Fuller	Would reduce tire fee funding to the Carl Moyer program	Oppose	Failed to advance

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison

BAAQMD BILL DISCUSSION LIST

September 19, 2011

BILL NO.	AUTHOR	SUBJECT	POSITION	STATUS/ LAST LOCATION
AB 34	Williams	Would establish a pilot project for an objective standard for composting odors		Asm. Approps.
AB 49	Gatto	Development project permit streamlining		Asm. Approps.
AB 128	Logue	Would allow ARB to, instead of imposing an air penalty, spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	Oppose	Asm. Nat. Resources
AB 135	Hagman	Requires at least one ARB Board member to be a small-business owner		Enrolled
AB 146	Dickinson	Adds a 12 th ARB Board member, from Sacramento air basin		Sen. Inactive File
AB 296	Skinner	Addresses pavement reflectivity to reduce urban heat island		Sen. Approps.
AB 333	Grove	Exempts counties with unemployment over 7% from AB 32	Oppose	Asm. Nat. Resources
AB 343	Atkins	Requires redevelopment plans to identify how redevelopment projects will help regions attain their SB 375 (GHG emission reduction) goals		Sen. Governance & Finance
AB 382	Nestande	Requires all written district communications alleging violations to contain new detailed information, and imposes new requirements on inspectors	Oppose	Asm. Nat. Resources
AB 462	B. Lowenthal	Allows air districts to use AB 923 funds to replace older CNG tanks on school buses	Support	Chaptered
AB 470	Halderman	Allows AB 923 funds to be used to retrofit existing school buses	Support	Chaptered
AB 475	Butler	Expands current off-street parking rules & opportunities for ZEV's to plug-in hybrids		Chaptered
AB 523	Valadao	States Legislative intent to eliminate all subsidies for ethanol in CA		Asm. Trans.
AB 605	Dickinson	Requires OPR to develop project mitigation guidelines to reduce VMT, and for projects meeting the guidelines to omit transportation-related CEQA analysis		Asm. Nat. Resources
AB 638	Skinner	Requires ARB and CEC to adopt measures to reduce 2020 convention fuel use to 2003 levels, and increase alternative fuel use by 26% by 2022		Asm. Approps.
AB 650	Blumenfield	Creates Blue Ribbon Task Force on public transportation, whose charges include making funding recommendations to the Legislature		Enrolled

AB 698	Hagman	Intent bill requiring ARB to report on 1992 Air Permit Streamlining Act		Asm. Rules
AB 710	Skinner	Infill Development and Sustainable Community Act; eliminates excessive minimum parking requirements in infill and transit-oriented development areas		Sen. Floor
AB 796	Blumenfield	Establishes program to provide loan guarantees to CA clean-tech companies		Sen. Rules
AB 900	Buchanan	Establishes expedited CEQA timeline for \$100M projects if authorized by the Governor, and makes greenhouse gas emission reduction requirements for them		Enrolled
AB 921	Allen	Agricultural Water Efficiency with Compost Use and GHG Reduction Act		Asm. Approps.
AB 931	Dickinson	Allows SB 375 CEQA streamlining for transit priority projects complying with air district guidelines prior to region's adoption of Sustainable Community Strategy		Sen. Env. Quality
AB 937	Mendoza	Allows ships to use exhaust filtration approved by ARB instead of cold ironing	Oppose	Asm. Trans.
AB 942	Huber & B.Berryhill	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	Oppose	Asm. Nat. Res.
AB 950	J. Perez	Deems drayage truck operators employees of those who engage their services		Asm. Inactive File
AB 1054	Skinner	Expands PACE loan program to EV charging, energy efficiency, & renewables		Asm. Nat. Res.
AB 1064	Furutani	Makes changes to Prop 1B requirements on ARB for shorepower projects	Oppose	Asm. Trans.
AB 1095	B.Berryhill	CCEEB-sponsored bill to establish hearing board at ARB on AB 32 issues		Sen. Env. Quality
AB 1150	V.M.Perez	Extends self-generation incentive program through 2014, and makes changes		Enrolled
AB 1169	Halderman	Spot bill on toxic air contaminants		Asm. Rules
AB 1256	B.Berryhill	Requires BAAQMD to pay a fee for alleged transport to Central Valley	Oppose	Asm. Nat. Resources
AB 1285	Fuentes	Has ARB create a community GHG reduction program, which would provide state oversight of local govt. and nonprofit GHG reduction investment, and facilitate the awarding of emission allowances to local entities		Asm. Approps.
AB 1332	Donnelly	Abolishes ARB and transfers duties and obligations to CalEPA	Oppose	Asm. Nat. Resources
AB 1339	Gorell	Would provide a 50% tax credit for purchase and installation of emergency standby generators at gas stations		Asm. Approps.
ABx1 2	Logue	Would allow ARB to instead of imposing an air penalty spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	Oppose	Asm. Desk
ABx1 7	Logue	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	Oppose	Asm. Desk

ABx1 14	Skinner	Expands PACE loan program to EV charging, energy efficiency, & renewables		Chaptered
SB 170	Pavley	Allows South Coast Air District to receive intellectual property benefits or revenues from projects funded with grant funds controlled by the South Coast	Support if amended	Enrolled
SB 209	Corbett	Prevents homeowners associations from blocking EV residential charging	Support	Chaptered
SB 211	Emmerson	Limits the amount and severity of penalties for violations of ARB's tire inflation rule		Vetoed
SB 226	Simitian	Limited CEQA reform bill, which included a provision (later removed) to reduce CEQA review for transit priority projects complying with air district guidelines		Enrolled
SB 237	Wolk	Requires an unspecified percentage of funds from state sale of GHG allowances to go to agriculture for GHG projects or grants or incentives		Sen. Approps.
SB 292	Padilla	Provides expedited CEQA timeline for LA football stadium, and requires project to be carbon neutral, highly transit friendly and more		Enrolled
SB 358	Cannella	Excludes from gross income ARB-provided funds for air pollution reduction		Sen. Governance & Finance
SB 519	La Malfa	Eliminates visual component aspect of smog check program		Sen. Trans.
SB 533	Wright and Correa	Requires ARB to post implementation schedule for AB 32 regulations in advance, as well as all forms, compliance tools or training		Asm. Approps.
SB 535	De Leon	Establishes the California Climate Change Community Benefits Fund		Asm. Approps.
SB 570	Rubio	Extends by two years existing San Joaquin Valley Air District program to replace high polluter vehicles with donated vehicles		Enrolled
SB 582	Emmerson	Allows MPO's and air districts to jointly adopt regional commute benefit policies, with requirements on employers	Co-Sponsor	Vetoed
SB 669	Rubio	States Legislative intent to establish a regulatory framework for carbon geologic storage and capture projects		Sen. Energy
SB 724	Dutton	Expands ARB's requirements and considerations when assessing penalties, and imposes new deadlines and requirements on ARB when certifying engines (<i>was significantly weakened/amended from initial version we opposed</i>)	Oppose	Vetoed
SB 730	Kehoe	Requires local governments to create an online building permit form for EV charging		Sen. Approps.
SB 739	A.Lowenthal	Requires ports to assess infrastructure and air quality needs, in consultation with the local MPO and air district, specifying needed projects, funding, and timelines	Support	Enrolled
SB 758	Fuller	Would cut tire fees that supply Carl Moyer program	Oppose	Sen. Env. Quality

SB 763	Steinberg	Establishes California Performance Plus Program and Awards under CalEPA		Sen. Approps.
SB 800	Hancock	Establishes Voluntary Greenhouse Gas Emission Offset Fund		Sen. Env. Quality
SB 832	Strickland	AB 32 spot bill		Sen. Rules
SB 862	A.Lowenthal	Establishes Southern CA Goods Movement Authority		Sen. Trans.
SB 898	Steinberg	Requires at least annual reporting of Moyer fund distribution (possible spot bill)		Sen. Rules
SB 901	Steinberg	Limits the BAR-administered vehicle retirement program to the highest polluting vehicles, with priority to vehicles in areas not meeting federal air quality standards		Sen. Trans.
SBx1 2	Simitian	Requires 33% of electricity sales to be renewable by 2010 (up from 20% by 2010)		Chaptered

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: September 29, 2011

Re: Report of the Stationary Source Committee Meeting of September 29, 2011

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

The Stationary Source Committee met on Thursday, September 29, 2011 and received the following reports:

- A) Draft Regulation 12, Rule 13: Metal Melting and Processing Operations; and
- B) Draft Regulation 8, Rule 53: Vacuum Truck Operations

Attached are the staff reports presented to the Stationary Source Committee for your review.

Chairperson Gayle Uilkema will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Approved by: Jennifer C. Cooper

Attachment(s)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Uilkema and Members
of the Stationary Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 12, 2011

Re: Draft Regulation 12, Rule 13: Metal Melting and Processing Operations

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Air District staff is developing a proposed new rule to address emissions from metal melting and processing operations. The effort is derived from Stationary Source Measure 1 in the 2010 Clean Air Plan. The Stationary Source Committee previously heard reports on this measure on April 12, 2010 and March 3, 2011.

There are approximately 25 to 30 foundries and other facilities that conduct metal melting operations in the Air District. There are also over 100 scrap metal recycling facilities, three of which operate large shredders or hammer mills. These large shredders are the major source of particulate matter emissions from these recycling operations. Metal melting and processing operations are subject to Air District rules and regulations and may be subject to Federal and State air toxics control measures. The facilities emit particulate matter, organic emissions, organic and inorganic toxic emissions and odors, sometimes triggering complaints and community concerns. On June 23, 2011, Air District staff released a draft regulatory proposal, Regulation 12, Rule 13: Metal Melting and Processing Operations. This draft proposal includes emissions limits, operational standards, requirements for the development of comprehensive compliance plans, and monitoring and recordkeeping provisions.

Air District staff hosted workshops on the draft proposal in Oakland and Redwood City on July 27, 2011 and July 28, 2011, respectively. Over two hundred people attended the evening Oakland workshop. Attendees included foundry workers, industry and union representatives, and community and environmental organization representatives. Eighteen people attended the afternoon workshop in Redwood City, including industry representatives, and property and business owners that are neighbors to a major recycling facility.

Air District staff received a considerable number of public comments at and following the workshops. In addition to evaluating these comments for responses, Air District staff has continued to investigate potential regulatory requirements, discussed the proposal with industry representatives, and is refining emissions data to better estimate costs and benefits of a proposal.

Air District staff proposes to draft a second proposal and seek input and conduct additional public workshops before bringing a final proposal before the Board of Directors.

DISCUSSION

In this report, staff will provide the Committee with information on:

- Overview of the June 2011 draft regulatory proposal;
- Summary of comments made on the proposal at and subsequent to the July workshops;
- Further work accomplished since the workshops;
- Next steps in the regulatory process.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Daniel Belik
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Uilkema and Members
of the Stationary Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 13, 2011

Re: Draft Regulation 8, Rule 53: Vacuum Truck Operations

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Stationary Source Control Measure SSM-5 of the 2010 Clean Air Plan identified vacuum truck operations as a potential source of organic emission reductions. Vacuum trucks are used by a variety of Bay Area industries to remove materials from storage tanks, vessels, boxes, and pipelines and transport them to another on-site location or to a landfill or processing facility. Vacuum trucks also are used to transport waste from restaurants, dairies, septic systems, and portable toilets. Government agencies use vacuum trucks to service spills on streets and highways and remove debris from sewers, catch basins, septic tanks and wastewater treatment plants. Vacuum trucks are used extensively in industrial settings such as refineries, marine terminals, and industrial wharfs. They contribute to air pollution primarily when hydrocarbon-containing liquids or sludge are loaded, generating organic vapor emissions.

Air District staff developed a draft of Regulation 8, Rule 53 that applies to those facilities where significant loading of hydrocarbon-containing materials occurs: refineries, fuel terminals, and pipeline facilities. Staff conducted two public workshops, one on July 21, 2011 in Martinez and the other on July 25, 2011 at the Air District office. Based on approximately 30 source tests conducted by the District at refineries and gasoline bulk terminals and on comments at the workshops, staff is focusing the rule on materials that have the highest emissions and for which controls would be most cost effective.

DISCUSSION

In this report, Staff will present information on:

- Background on Bay Area vacuum trucks and vacuum truck operations;
- Overview of draft Regulation 8, Rule 53;
- Summary of comments received at the public workshops;
- Remaining work to be done to develop the rule; and,
- The rule development process including remaining steps.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: William Thomas Saltz

Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 21, 2011

Re: Overview of the Air District's Permit and Enforcement Programs

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Chairperson Bates requested that staff provide a number of informational presentations throughout the year describing various operations and duties of the Air District. The first presentation in this series was held on March 16, 2011, and covered the composition of the air we breathe, how pollutants affect our health, ambient air quality standards, air quality trends, and the Air District's air monitoring network. The second presentation was held on June 1, 2011, and covered the legal framework in which the Air District operates and the legal authorities granted and obligations imposed by that framework. At the October 5, 2011 Board meeting, staff will present the third informational presentation in this series.

DISCUSSION

Staff will discuss the Air District's Permit and Enforcement programs, which are used to implement and enforce adopted regulatory requirements that focus on controlling emissions from stationary sources of air pollution. These regulatory requirements include those adopted by the Air District, the California Air Resources Board, and the U.S. Environmental Protection Agency.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian Bateman
Reviewed by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 27, 2011

Re: Update on the National Ambient Air Quality Standard for Ozone

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

The U. S. Environmental Protection Agency (EPA) promulgates health-based national ambient air quality standards (NAAQS) for air pollutants that have adverse health effects. The federal Clean Air Act requires that EPA periodically review the NAAQS to ensure that the standards are health protective with an adequate margin of safety. EPA must consider the recommendations provided by the Clean Air Scientific Advisory Committee (CASAC) and ensure that the standards are based on the latest scientific studies. Once a standard is set by EPA, states and regions that do not attain the standard must prepare plans, adopt regulations, and implement programs sufficient to attain the NAAQS.

DISCUSSION

Recently, President Obama announced that he was directing EPA to withdraw a proposed more stringent NAAQS for ozone. The President cited concerns about economic impacts and the fact that EPA is scheduled to complete a new review of the ozone NAAQS by 2013 based on the normal 5-year cycle.

At the October 5, 2011 Board of Directors meeting, staff will provide an update on the NAAQS for ozone, the Bay Area's attainment status, and next steps.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jean Roggenkamp