



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
REGULAR MEETING  
NOVEMBER 16, 2011

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

**Questions About  
an Agenda Item**

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

**Meeting Procedures**

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

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

## Public Comment Procedures

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

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

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

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

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

# BOARD OF DIRECTORS REGULAR MEETING AGENDA

WEDNESDAY  
NOVEMBER 16, 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 Board at the location of the meeting and prior to commencement of the meeting.*

## CONSENT CALENDAR (ITEMS 1 – 5)

Staff/Phone (415) 749-

1. Minutes of the Board of Directors Regular Meeting of November 2, 2011

Clerk of the Boards

2. Board Communications Received from November 2, 2011 through November 15, 2011

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A list of communications directed to the Board of Directors received by the Air District from November 2, 2011 through November 15, 2011 if any, will be at each Board Member's place.*

3. Quarterly Report of Executive Office and Division Activities

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A summary of Board of Directors, Hearing Board and Advisory Council meeting activities for the second quarter is provided for information only. Also included is a summary of the Executive Office and Division Activities for the months of July 2011 – September 2011.*

4. Notice of Proposed Amendments to the Air District's Administrative Code Division II Fiscal Policies and Procedures – Section 4.4 Contracts with Minority Business Enterprises and Women's Enterprises and Section 4.6 Contracts

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider at its next regular meeting Proposed Amendments to the Air District's Administrative Code Division II Fiscal Policies and Procedures – Section 4.4 Contracts with Minority Business Enterprises and Women's Enterprises and Section 4.6 Contracts.*

5. Notice of Proposed Amendments to the Air District's Administrative Code Division II Fiscal Policies and Procedures – Section 5.6 Receipts for Expenses

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider at its next regular meeting Proposed Amendments to the Air District's Administrative Code Division II Fiscal Policies and Procedures – Section 5.6 Receipts for Expenses.*

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

6. Report of the **Nominating Committee** Meeting of November 2, 2011

CHAIR: T. BATES

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee recommends Board of Directors' approval of the following item(s):*

- A) *A slate of Board Officers for the 2012 term of office.*

7. Report of the **Personnel Committee** Meeting of November 14, 2011

CHAIR: B. WAGENKNECHT

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee recommends Board of Directors' approval of the following item(s):*

- A) *The Committee will conduct interviews of candidates to fill terms of office on the Advisory Council, and recommend Board of Directors approval of candidates for appointment.*

## **PRESENTATION(S)**

8. Overview of the 2011/2012 Wood Smoke Reduction Program

E. Stevenson/4695

[estevenson@baaqmd.gov](mailto:estevenson@baaqmd.gov)

*Staff will provide an overview of the 2011/2012 Wood Smoke Reduction Program.*

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

B. Bateman/4653

[bbateman@baaqmd.gov](mailto:bbateman@baaqmd.gov)

*Staff will continue a presentation 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. The first part of this presentation was presented to the Board of Directors at its meeting on October 5, 2011.*

## **CLOSED SESSION**

### **10. 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

### **11. 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**

12. Report of the Executive Officer/APCO
13. Chairperson's Report
14. Time and Place of Next Meeting – at 9:45 A.M. Wednesday, December 7, 2011 – at 939 Ellis Streets, San Francisco, CA 94109
15. Adjournment

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

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

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

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109

(415) 771-6000

## EXECUTIVE OFFICE: MONTHLY CALENDAR OF DISTRICT MEETINGS

### NOVEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Personnel Committee</b> <i>(At the Call of the Chair)</i>	Monday	14	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i> - CANCELLED	Thursday	24	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i>	Monday	28	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(At the Call of the Chair)</i> - CANCELLED	Monday	28	Immediately Following Mobile Source Cme.	4 <sup>th</sup> Floor Conf. Room

### DECEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(At the Call of the Chair)</i>	Wednesday	14	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Executive Committee</b> <i>(At the Call of the Chair)</i>	Monday	19	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i> - CANCELLED	Thursday	22	9:30 a.m.	Board Room

## JANUARY 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	4	9:45 a.m.	Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(At the Call of the Chair)</i>	Monday	9	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Advisory Council Meeting</b> <i>(Meets 2<sup>nd</sup> Wednesday each Month)</i>	Wednesday	11	9:00 a.m.	Board Room
<b>Special Board of Directors Regular Meeting / Retreat</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	San Pablo, CA
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i>	Thursday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

HL – 11/9/11 (10:30 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: November 10, 2011

Re: Board of Directors Draft Meeting Minutes

RECOMMENDED ACTION

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

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of November 2, 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, November 2, 2011  
9:45 a.m.

## **DRAFT MINUTES**

**CALL TO ORDER:** Vice Chairperson John Gioia called the Regular Meeting to order at 9:55 a.m.

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

### **Roll Call:**

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

**Absent:** Directors Susan Garner and Ken Yeager.

**PUBLIC COMMENT ON NON-AGENDA MATTERS:** Chairperson Bates opened the public comment period and there were none.

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

1. Minutes of the October 5, 2011 Regular Meeting.
2. Board Communications Received from October 5, 2011 through November 1, 2011.
3. Air District Personnel on Out-of-State Business Travel.
4. Quarterly Report of California Air Resources Board Representative - Honorable Ken Yeager
5. Authorize Expenditures from Approved Fiscal Year Ending 2012 Budget

**Board Action:** Director Wagenknecht made a motion to approve Consent Calendar Items 1 through 5; Director Spering seconded the motion; which carried unanimously without objection.

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

### **6. Report of the Executive Committee Meeting of October 19, 2011**

**Chair: Tom Bates**

Director Bates reported that the Executive Committee met on October 19, 2011 and deferred the minutes of July 6, 2011.

The Committee received an update on the Production System and an update on Particulate Matter Planning.

The Committee also received a status report on the Joint Regional Governance Headquarters.

The Committee then met in Closed Session. There were no reportable items.

The next meeting of the Executive Committee is scheduled for Monday, December 19, 2011.

**Board Action:** Director Bates made a motion to approve the report of the Executive Committee; Director Hosterman seconded the motion; which carried unanimously without objection.

### **8. Report of the Mobile Source Committee Meeting of October 27, 2011**

**Chair: Scott Haggerty**

Director Haggerty reported that the Mobile Source Committee met on October 27, 2011 and approved the minutes of September 22, 2011.

The Committee received an update on Proposed Revisions to Transportation Fund for Clean Air (TFCA) County Program Manager Fund Policies for Fiscal Year Ending 2013 and recommended approval.

The Committee also received an update on the Regional Electric Vehicle Deployment Planning Grants and recommended the following:

Adopt a resolution that authorizes the Executive Officer/APCO to enter into contracts with the South Coast Air Quality Management District and the California Energy Commission to receive and expend plug-in electric vehicle planning funding; and authorize the allocation of \$200,000 in match funding for both grants from the TFCA Regional Fund.

The Committee also received an update on the TFCA Regional Funds for Shuttle, Ridesharing and Vanpool Projects and recommended the following:

Approve recommended TFCA Shuttle, Ridesharing and Vanpool projects; authorize the Executive Officer/APCO to enter into agreements for the recommended TFCA projects; and approve project revisions to Project #10R15-Estuary Crossing Bicycle/College Shuttle-Pilot Shuttle project.

The Committee requested staff provide 1) an update on Spare the Air funding, 2) a comprehensive review of TFCA funding, and 3) correspondence with the Air Resources Board and Port of Oakland regarding compliance assistance for the ARB Drayage Truck rule.

The next meeting of the Mobile Source Committee is scheduled for Monday, November 28, 2011 at 9:30 a.m.

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

**7. Report of the Budget and Finance Committee Meeting of October 19, 2011**  
**Chair: Carole Groom**

Director Groom reported that the Budget and Finance Committee met on October 19, 2011 and approved the minutes of May 25, 2011.

The Committee received an update on the Air District Security Contracts and recommended the following:

Approve contracts with Security Management Group International (SMGI) for Front Lobby Building Security and Admiral Security for armed security services in the back of the building on Willow Street. The combined contract amount is not to exceed \$457,000,00.

The Committee received a financial overview of the Air District.

The next meeting of the Budget and Finance Committee is scheduled for Wednesday, December 14, 2011 at 9:30 a.m.

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

**9. Report of the Climate Protection Committee Meeting of October 31, 2011**  
**Chair: Jennifer Hosterman**

Director Hosterman reported that the Climate Protection Committee met on October 31, 2011 and approved the minutes of May 16, 2011.

The Committee received an update on the Greenhouse Gas Reduction Grant Program (GGRGP).

The Committee received an update on the Sustainable Communities Strategy from staff of the Association of Bay Area Governments, the Metropolitan Transportation Commission, and the Air District. An update on AB32 Cap-and-Trade Regulation and other Stationary Source Greenhouse Gas Regulations was postponed to the next Committee meeting.

The next meeting of Climate Protection Committee is at the call of the Chair.

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

**10. Report of the Public Outreach Committee Meeting of October 31, 2011**  
**Chair: Mark Ross**

Director Ross reported that the Public Outreach Committee met on October 31, 2011 and approved the minutes of July 14, 2011.

The Committee received an end of season summary on the 2011 Spare the Air Every Day campaign, and a presentation on the 2011-2012 Winter Spare the Air campaign.

The Committee received an update on development of a Public Engagement Policy and Guidance Plan.

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

**Board Action:** Director Ross made a motion to approve the report of the Public Outreach Committee; Director Kalra seconded the motion; which carried unanimously without objection.

**PRESENTATION**

**11. Status Update on Regional Headquarters Acquisition.**

Jack Broadbent, Executive Officer/APCO, provided the Board with a brief overview of the Regional Headquarters acquisition. Mr. Broadbent said on October 12, 2011 the Bay Area Toll Authority (BATA) and the Metropolitan Transportation Commission (MTC) voted to purchase the facility located at 390 Main Street in San Francisco. Mr. Broadbent stated Mr. Jeffrey McKay, Deputy Air Pollution Control Officer, would provide the presentation.

Mr. McKay said MTC and BATA did vote to purchase 390 Main Street and formed a Joint Powers Authority known as Bay Area Headquarters Authority (BAHA). The acquisition costs include \$93 million for purchase and \$74 million for improvements for a total of \$167 million.

Mr. McKay stated the Air District is estimated to occupy approximately 62,500 square feet, plus a potential 2,500 square feet for a laboratory.

Mr. McKay continued providing a general description:

- 62,500 square feet of space fully built out and furnished
- Occupancy in 2013
- Lease to Purchase with financing through BATA
- Goal of total costs similar to current 939 Ellis total costs
- Condominium structure with MTC

Building acquisition next steps include:

- Complete negotiations of terms and conditions of Lease/Purchase Option Agreement and Condominium Agreement and other necessary documents consistent with Building Acquisition Principles
- Arrange Lease to Purchase financing through BATA

Mr. McKay continued with a preliminary timeline for financing and the timeline for relocation. The timeline for financing: In July 2011, the Air District Board approved participation in the acquisition

along with the term sheet. In October 2011, BATA purchased 390 Main Street for \$93 million. Now looking forward in December 2011, the Air District expects to bring to Board of Directors documents authorizing bond and underwriting. In early Spring 2012, the Air District hopes to see private placement of the bond, to be acquired by BATA.

Mr. McKay said relative to relocation, the Air District hopes to finalize space planning and design. In early Spring the Air District hopes to complete the formalization of the condominium agreement with MTC. During the latter part of 2012, the Air District would finalize the disposition plans for the existing headquarters. The estimated target date for the move to 390 Main Street is October 2013.

Mr. Broadbent highlighted key points relative to working with MTC, BATA, and BCDC. For instance, the agencies will share common use areas, such as meeting rooms.

Director Gioia asked about finalized terms, and who is taking the risk. Mr. Broadbent said the Executive Committee requested the entire Board of Directors be briefed on this matter. Answers to questions raised by the Executive Committee are built into Mr. McKay's presentation.

Mr. McKay continued saying that the Air District will acquire space in the building fully built-out and ready to move in, which includes cubicles, furniture and network cabling. The cost of the work is capped. He also said the interest rate will be capped at a rate equal to the Bond Buyer revenue bonds index for Municipal Bonds (as of 10/6/2011 5.04%). Mr. McKay compared the costs of the current building to the costs associated with 390 Main Street. The annual occupancy cost for 939 Ellis Street based on the average of the last five years is \$2.23 million. In comparison, the annual cost for 390 Main Street is estimated to be \$2.17 million.

### **Board Member Comments:**

Director Uilkema asked about the bond purchase and Mr. McKay stated BATA will purchase the bonds. Mr. Broadbent said the Air District would first work with the Budget and Finance Committee and then present the matter to the entire Board of Directors.

Director Zane asked about the costs of utilities and whether 390 Main Street would be an energy efficient building. Mr. McKay said the utility cost is an average of the audited numbers from the last five years for 939 Ellis Street. Director Zane asked about plans to ensure that 390 Main Street is an energy efficient building. Mr. Broadbent said it is his hope that the 390 Main Street building becomes a model in terms of energy efficiency and renewable energy. Mr. Broadbent explained that there will be partnering with the City of San Francisco to ensure that this building becomes a model in terms of energy efficiency. Conversations thus far have yielded positive results.

Mr. Broadbent stated staff will work through the Budget and Finance Committee and provide updates to the entire Board over the next several months.

Secretary Kalra thanked staff for providing the Board of Directors with an update and looks forward to the continual analysis of this item as needed.

Director Partin said 390 Main Street is required to meet LEED Gold Standards, and will have to have a percentage above energy efficiency requirements. In addition, she stated the City of San Francisco is working with both agencies relative to solar panels, other renewable sources, car sharing and electric vehicle charging stations.

Director Uilkema asked about the municipal bond market and if the Air District has accounted for this. Mr. Brian Bunker, Legal Counsel, stated the Air District has not accounted for this as of yet. Mr. Broadbent said it is anticipated there will be a bond discussion late December 2011.

The Board members requested staff continue providing updates as the process continues to move forward.

**Board Action:** None; receive and file.

### **CLOSED SESSION**

Chair Bates adjourned the meeting into a closed session at 10:45 a.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. RG-10548693

### **OPEN SESSION**

Chair Bates reconvened the meeting at 11:20 a.m. and stated there were no reportable actions at this time.

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

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

### **BOARD MEMBERS' COMMENTS**

Director Mar thanked Mr. Broadbent for planning to sit down with Bay Area Environmental Health Collaborative (BAEHC) and other stakeholders to discuss a retreat where the Air District will look at existing processes and changes at the State levels and how methodologies and models are used to address cumulative impacts.

Director Partin asked that staff provide a presentation at a Mobile Source Committee meeting regarding CARB and its evaluation of fuels and their eligibility under AB32, specifically biofuels.

Secretary Kalra said the City of San Jose approved its Envision 2040 General Plan, which included a section on healthy communities.

Director Zane stated Sonoma Clean Energy is going into the second phase of a feasibility study for Sonoma Clean Energy. It is a community choice aggregation program, through a JPA that is both economical, as well as environmental.

Director Kniss said she asked the Planning Department to deal with the complexity of dealing with air, land, planning and health issues. She stated that someone from the Air District did attend their meeting and stated it was helpful having a staff member there to discuss the complications of SB375, CEQA and health elements. She encouraged Board members to meet with their respective Planning Departments.

**OTHER BUSINESS**

13. Report of the Executive Officer/APCO – Mr. Broadbent stated the Winter Spare the Air Program started on November 1, 2011 and that the Board of Directors would receive a presentation about the program at its next Board meeting.

Mr. Broadbent stated the Air District has recently has some discussions with Alameda County Congestion Management Agency and they are positively disposed towards providing some resources to assist the truckers that service the Port of Oakland.

Mr. Broadbent also stated the Governor’s Pension Reform Proposal will impact the Air District, and the Air District will continue to follow this matter as it moves forward and as Legislative proposals are discussed. This item will be brought to the Budget and Finance Committee.

Lastly, Mr. Broadbent stated the Board meetings will now be webcast on a permanent basis and that the cameras are portable and can be transferred to the new facility.

Director Hosterman asked for further clarification regarding the Port Trucks and TFCA funding. Mr. Broadbent said the population of the truckers is 700, but an estimated 200+ are registered in the Bay Area. The TFCA monies that are currently being identified would not impact other TFCA projects.

14. Chairperson’s Report – Chairperson Bates announced the Air District sponsored the Plug-In Electric Vehicle conference. The conference dealt with electric vehicles, their challenges and problems surrounding implementing the plan. He stated the meeting was successful.
15. Time and Place of Next Meeting – At 9:45 a.m., Wednesday, November 16, 2011; at 939 Ellis Street, San Francisco, CA 94109.
16. Adjournment – Chair Bates adjourned the meeting at 11:30 a.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: November 9, 2011

Re: Board Communications Received from November 2, 2011 through November 15, 2011

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

A list of communications directed to the Board of Directors received by the Air District from November 2, 2011 through November 15, 2011 if any, will be at each Board Member's place at the November 16, 2011 Regular Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Maricela Martinez  
Reviewed by: Jennifer Cooper

**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: November 4, 2011

Re: Report of Division Activities for the Months of July 2011-September 2011

**ADMINISTRATION AND HUMAN RESOURCES – J. COLBOURN, DIRECTOR**

The Finance Department has been working on closing the year end books and testing the production system with JDE.

The Human Resources (HR) Office coordinated fifteen recruitment exams including exams for two Administrative Secretaries, one Air Quality Engineer, one Information Systems Manager, one Director of Information Services, one Human Resources Manager, one Office Assistant, one Principal Air Quality Engineer, 2 Senior Air Quality Engineers, one Senior Air Quality Instrument Specialist, one Supervising Meteorologist, one Temporary Air Quality Technician, and 2 Air Quality Interns. In addition, the HR Office conducted training sessions, including: LCW Labor Law Trainings, CPR and First Aid Training, Ergonomic Safety Training, Project Inspection Training and Production System Training. The HR Office continues to administer payroll, benefits, safety, and labor/employee relations. There are currently 320 regular employees, 12 temporary employees and 43 vacant positions. There were 4 employee separations from July to September 2011.

The Business Office has transitioned the previous Mechanic position to the role of an Administrative Analyst. Through this transition all fleet maintenance request will be outsourced for service and repair. The Administrative Analyst position will organize a fleet management system, which will focus on vehicle financing, maintenance, tracking and diagnostics, fuel records and health and safety of the drivers of District vehicles.

**COMPLIANCE AND ENFORCEMENT – B. BATEMAN, DIRECTOR****Enforcement Program**

Staff met with representatives of PG&E and the Hunters View Redevelopment Project regarding their proposed Asbestos Dust Mitigation Plan (ADMP) amendments for their respective construction and grading projects in the Bay View Hunters Point neighborhood. Both agreed to include mandatory shutdown criteria for monitored elevated naturally occurring asbestos (NOA) ambient air levels in their ADMPs (consistent with other projects in the area). In response to elevated NOA readings at the Hunters View project in September, staff met with the project's contractors to discuss the possible causes and develop additional dust mitigation measures (above and beyond those in the ADMP) to reduce possible neighborhood exposures to NOA. Staff conducted daily inspections to confirm and ensure that there were no violations of the ADMP.

The District received six sulfur-related odor complaints from community members in Crockett in late June 2011. District inspection staff documented strong sour odors downwind from the ConocoPhillips refinery during the late afternoon and early evening while investigating these complaints. Staff was able to trace the source of the odors to Tank #284 which was experiencing operational problems due to a faulty pressure monitor. The tank contains heavy gas oil which is typically high in sulfur content and is required to be controlled by the plant's odor abatement system. The malfunctioning pressure monitor resulted in venting of odorous emissions to the atmosphere.

District staff met with representatives from the Novato Sanitary District Davidson Plant, and their operations contractor Veolia West Operating Services, to discuss recent odor complaints from the nearby community. Staff explained that the District had received 60 odor complaints since late 2010 alleging the Davidson Plant as the source of chronic sewage odors. The volume of complaints received in the month of May was of particular concern (29 complaints) because of the potential for a public nuisance violation. The Novato Sanitary District plant manager indicated that the plant had identified a significant odor source from an upstream lift station that had been addressed. The plant also intends to continue its internal odor study to identify all possible sources of odors that could have off-site impacts. Staff is also investigating potential violations of permit conditions for a digester gas flare at the plant. Preliminary review indicates that there were numerous instances during which the flare operated outside of required temperature levels.

Staff attended a meeting regarding odor issues at the City of Richmond Sewage Treatment Facility. The City's Mayor, the City Manager, a City Attorney and a representative from the Attorney General's office were in attendance. The City indicated that it is considering long-term options for the plant and the plant's operator, Veolia Waters. Veolia has indicated that the plant's Digester #1, which had been undergoing repairs, was ready to return to service on July 21, 2011. The unit was repaired following an incident last fall in which maintenance problems on the unit led to an odor nuisance. Since that time, undigested sludge has been stored onsite and then trucked to the East Bay Municipal Utility District facility, an operation which has also resulted in periodic odor problems. Veolia submitted an "Anaerobic Digester #1 Startup, Testing, Operations and Emergency

Response Plan” to the City of Richmond and to the District for review. District staff also reviewed several permit applications associated with this project, and issued additional permit conditions to ensure that the repaired sewage sludge digester would not be an ongoing source of odors. On September 13, 2011, Veolia received approval from the City to begin operations of the repaired digester. District inspection staff will continue to inspect and patrol the area daily for offsite odorous emissions.

On July 14, 2011, staff conducted an unannounced night inspection of all three Pacific Steel Casting (PSC) plants (Berkeley) in response to an increase in odor complaints occurring after business hours. Odors were detected in the community and were traced to PSC Plant 2 which was in full production. District inspectors observed a violation of a pressure drop limit at the Plant 2 carbon adsorption system. After an investigation, it was determined that the lowered pressure drop reading was the result of channeling at one of the carbon beds. Corrective actions were taken by PSC, and compliant operations resumed on July 18, 2011. A Notice of Violation was issued for exceeding the pressure drop limits.

### **Compliance Assurance Program**

Staff conducted 1,687 mobile source inspections for the Drayage Truck Regulation, the Commercial Idling ATCM, the Off-Road ATCM, Transport Refrigeration Units (TRU), Ocean-going Vessel Fuel Sulfur, Ship Onboard Incineration and the Portable Equipment Registration Program (PERP). Staff finalized an MOU with CARB to implement and enforce the AB32 Early Action Measure for Landfills to control methane gas emissions. The District is the first air district to have an executed MOU with CARB for implementing and enforcing an AB32 regulation to reduce GHGs. On July 20, 2011, District staff participated in the quarterly CAPCOA Vapor Recovery meeting in Sacramento and provided input on CARB’s plans for their Fall outreach sessions to inform gas station operators, contractors, and air district inspectors about an updated draft statewide enforcement policy for In-Station Diagnostics’ (ISD) wintertime overpressure alarms. Staff also participated in the monthly Trucker Work Group meetings at the Port of Oakland.

### **Compliance Assistance Program**

Staff attended the Asbestos Debris Task Force meeting at Cal/EPA to discuss the draft document “*Guidance for Conducting Emergency Removal Actions Pursuant to a State or Local Emergency Declaration.*” Compliance Advisories were sent to manufacturers, distributors, sellers and users of architectural coatings regarding new VOC limits and container labeling requirements (Regulation 8-3); to owners and operators of boilers, steam generators and process heaters regarding new emission limits, operational requirements and registration requirements (Regulation 9-7); to manufacturers of boilers, steam generators and process heaters regarding new emission limits and certification requirements (Regulation 9-7); to polyester resin manufacturers, owners and operators regarding new application requirements (Regulation 8-50); to solid fuel manufacturers and retailers regarding solid fuel labeling requirements (Regulation 6-3); and to building and planning departments regarding wood-burning devices that are approved for installation in new construction and remodels (Regulation 6-3). More than 100 facilities that were visited during last winter’s 2011 small boiler survey were sent reminder letters regarding

the registration requirement for their small boilers and possible enforcement action if they fail to register.

**Operations**

Staff approved 13 Marsh Management Smoke Management Plans (SMPs) for burn projects in Solano County, and 10 Prescribed Burn SMPs for burn projects in Alameda, Contra Costa, Marin, San Mateo and Santa Clara counties.

Staff completed the data verification and posting of refinery flare monitoring data through July 2011.

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

**ENGINEERING DIVISION – C. CHILADAKIS, DIRECTOR**

**Permit Systems Program**

In the third quarter of 2011, 295 new permit applications were received: 132 standard New Source Review applications, 45 Gasoline Dispensing Facility applications, 17 Title V applications, and 1 Banking application. During this period, the Engineering Division issued 98 Authorities to Construct and 381 Permits to Operate.

<b>Permit Activity</b>			
Annual update packages started	952	Permits to Operate issued (new and modified)	391
Annual update packages completed	1,379	Exemptions	10
Total update pages entered	1,181	Authorities to Construct denied	0
New applications received	295	New Companies added to DataBank during the 3 <sup>rd</sup> quarter 2011	95
Authorities to Construct issued	98		

**Toxics Program**

Staff completed a total of 71 Health Risk Screening Analyses (HRSAs) during the 3rd quarter of 2011. The majority of these HRSAs were for emergency diesel engines, gasoline dispensing facilities, and soil vapor extraction units.

District Staff and OEHHA staff completed review of the revised Health Risk Assessment (HRA) submitted by Lehigh Southwest Cement Company (Cupertino) for the Air Toxics Hot Spots (ATHS) Program; conclusions are that the HRA report is complete and was prepared consistent with ATHS HRA guidelines. Based on current operating conditions, risk levels are below ATHS Program action levels. Additional risk reduction is expected when Lehigh implements control equipment and a new stack to meet federal requirements within two years.

Sentinel Cremation Societies has submitted a permit application to relocate their crematory retorts from Emeryville to an industrial area near the Oakland Airport. Preliminary estimates of risk at the new site meet the health risk standards of District Regulation 2, Rule 5 and are also below ATHS Program action levels.

Kraft Foods Global (San Leandro) submitted a Health Risk Assessment for a group of large coffee roasters as required by the ATHS program. Staff is reviewing the HRA, which indicates risk levels below ATHS Program action levels.

Staff is reviewing the ATHS status of Microsoft Corporation (Santa Clara). Based on estimated emissions of diesel particulate matter, the facility is being designated as a High Priority facility and a health risk assessment will be required.

Staff has been developing a plan to conduct air dispersion modeling of major sources of sulfur dioxide in order to demonstrate attainment status of the District with respect to the 2010 Revised Primary Sulfur Dioxide National Ambient Air Quality Standard. On June 2, 2010, the US EPA established a revised primary SO<sub>2</sub> standard as the 3-year average of the 99<sup>th</sup> percentile of the 1-hour daily maximum concentration to not exceed 75 ppb. US EPA is now requiring air dispersion modeling in addition to the standard air monitoring for attainment demonstration. District staff is also coordinating with CAPCOA and CARB to develop a state-wide modeling approach.

Summaries of the air toxic emission inventory and concentrations of toxic air contaminants (as measured in the ambient air by the District's air monitoring system) for 2009 have been prepared and are available on the District website.

Engineering Staff has continued in the development and testing of the District's new Production System.

## **Permit Evaluation Program**

### **Title V Program**

In the third quarter of 2011, the Engineering Division staff completed a number of Title V actions:

- ❑ Title V Renewal Permits Issued (QTY: 8)
- ❑ Title V Renewal Permits Public Notices Published (QTY: 5)
- ❑ Title V Initial Permit Issued (QTY: 1)
- ❑ Draft Title V Renewal Permits Circulated for Internal Review (QTY: 7)
- ❑ Synthetic Minor Operating Permit Issued (QTY: 1)
- ❑ Synthetic Minor Operating Permit Public Notices Published (QTY: 1)
- ❑ Minor Revisions to Title V Permits Issued (QTY: 1)
- ❑ Administrative Amendments Issued (QTY: 4)

All of the five Refinery Title V Renewals have now been issued. The Title V Renewals for Chevron, ConocoPhillips and Shell were issued in the last three months. The Title V Renewal for Tesoro was issued on June 28, 2011. The Title Renewals for the Valero facilities were issued on December 20, 2010.

## **Production System**

Staff continues to actively participate in the Production System Project including core team participation, beta testing, bug logging, emission factor verification, emission calculations, data migration, programmer/developer technical support, form testing teams, and meetings. As the “Go Live” date approaches, additional resources will be drawn into this effort. Some projects include: (1) A proposed methodology to quantify fugitive emissions from components (valves, etc.) at refineries based on CAPCOA guidance. The district will then propose a similar methodology to estimate fugitive emissions from non-refinery related sources. (2) A proposed methodology to estimate storage tank emissions by requesting refineries to submit Tank program runs. The data collected will allow the District to store the tank fitting data in the Production System, to test the tank calculations during parallel running, and also estimate organic emissions at Go Live. Staff has also participated in all Production System meetings/training sessions.

## **Significant Permit Activity**

### **Power Plant Permit Activity:**

Construction continues at the **Russell City Energy Center** combined-cycle power plant site in Hayward. The foundation work is nearly complete, and the heat recovery boiler framing began during the summer.

The Authority to Construct for the **Los Esteros Critical Energy Facility** Phase II project in San Jose, which involves the conversion of the existing simple-cycle plant to a more efficient combined-cycle plant, was renewed for an additional two years to August 21, 2013. The requirement for a two-year extension pursuant to District Regulation 2-1-407.3 was satisfied by showing substantial use through construction activities, acquisition of equipment, and awarding of an Engineering/Construction contract.

The **Oakley Generating Station** power plant consists of two gas turbines and one steam turbine in a combined-cycle configuration. The District issued an Authority to Construct for Oakley Generating Station on June 2, 2011, following the California Energy Commission (CEC) license effective May 18, 2011. The developers submitted payment of \$500,000 to the Bay Area Clean Air Foundation (Foundation) on August 31, 2011, for the District to administer a mitigation measure required by the CEC. The developers and the Foundation will enter into an agreement to fund emission reduction projects with up to approximately \$2 million over the next several years.

**Marsh Landing Generating Station** - GenOn has the Engineering and Procurement Contractor (Kiewit Power Engineers) in active construction at the site. The following activities have been completed or are ongoing: Site Mobilization and Commencement of Demolition (February 2011), Issuance of Full Notice to Proceed to EPC Contractor (March 28, 2011), Completion of Demolition (April 15, 2011), Completion of Mass Grading (May 13, 2011), Begin installation of water and wastewater line (including electrical duct bank) (May 16, 2011), Begin Process Water and Wastewater Storage Tank Foundations (May 13, 2011), Begin Foundation Pile Driving (June 8, 2011), and Begin Production Piling (June 27, 2011).

The **Potrero Power Plant** in San Francisco has not operated since November 2010. The formal shutdown date was March 1, 2011. The facility has informed the District on March 31, 2011 of the permanent shutdown of Unit No. 3 the large natural gas fired boiler and of Unit 4, 5, and 6 the diesel fired gas turbines. District staff is still waiting for the facility to formally request the cancelation of its Title IV and Title V permits.

The **Gateway Generating Station** received a District Permit to Operate for all equipment at the facility on September 13, 2011. The facility had been operating under a compliance and enforcement agreement since November 2008 due to a PSD compliance issue. The PSD compliance issue has been resolved by an approved consent decree (Civil Action No. 09-4503) on March 3, 2011. The California Energy Commission (CEC) approved the revised license for the facility containing appropriate permit conditions on September 7, 2011. The Permit to Operate is set to expire on October 31, 2011. The plant is in the renewal cycle at the present time and the renewal invoice will be sent out as soon as the annual update information is received from the facility. The facility has not received a Title V operating permit at this time. Now that the PSD issues have been resolved, District staff will work towards issuing the Title V permit.

The **Willow Pass Generating Station** permit application was cancelled by the applicant in September, 2011. If the applicant submits an application for similar equipment within 6 months, then some of the fees from this application may be credited towards the new application in accordance with Rule 3, Section 305.

#### **Non-Power Plant Permit Activity:**

The public comment period on **Shell Martinez Refinery's** Crude Tank Replacement Project (CTRP) DEIR ended on September 12, 2011. The District provided comments to Contra Costa County Community Development, the CEQA lead agency. Per the project schedule provided by Shell, the land use permit approval and EIR certification will be completed by the end of October 2011.

The Air District is continuing its review of permit applications from the **Valero Benicia Refinery** requesting changes to its NOx box calculation to allow for curtailed operations.

The District is continuing its review of permit applications from the **Tesoro Martinez Refinery** for process unit modifications: Application 23322, Capacity Increase for the No 3 Reformer and Application 23341, 50 Crude Unit Debutanizer Reboiler Modification.

**Chevron Richmond Refinery** has several projects currently under review by the district. The Revised Renewal Project is being reviewed for "substantial use" and the district continues to work with both Chevron and the City of Richmond regarding the draft EIR for this project. Chevron has received an Authority to Construct for a new storage tank that re-established BACT level 2 for External Floating Roof Tanks, which may require a dome. Chevron also accepted both daily and annual throughput/emissions limits in order to demonstrate whether or not a modification will occur in the future. Chevron also has several oil/water separator applications that are close to being issued.

**Lehigh Southwest Cement** in Cupertino: The District added two new Synthetic Gypsum Feeders into Lehigh's permit. Both are controlled by dust collectors, which meet BACT and emit less than 1 pound/day. A mercury CEM was installed on September 26, 2011 and is scheduled to be tested by Avogadro (a source test consultant) on October 25, 2011.

Staff continues to review **Tesla Motors Inc.**'s Application No. 23554 for a modified Permit to Operate and will take final action of the permit by November 2, 2011. The application is for an increase in the POC emission limit due to increased battery and motor manufacturing at Tesla's Palo Alto facility. Staff participated in a couple of meetings with Tesla Motors Fremont facility representatives to discuss further changes to their air quality permits for production of Tesla vehicles at the old New United Motor Manufacturing Inc. (NUMMI) facility.

District staff and **Pacific Steel Casting** are negotiating PM and VOC monitoring requirements for the Synthetic Minor Operating Permit that would limit emissions of criteria pollutants below the Major Facility thresholds.

Presently, we have two **College Engineering Interns** in the Engineering Division. The Interns main duties continue to be in the arena of permitting diesel engines, where the work load continues to be heavy.

Staff is continuing to incorporate the requirements of the CARB stationary diesel engine **ATCM** and the portable diesel engine ATCM into the District's operating permits.

Staff continues to handle its **CEQA review** responsibilities by commenting on projects from CEQA lead agencies and recently completed the CEQA Negative Declaration for a ConAgra project in Oakland. The review is becoming increasingly involved due to the recent District CEQA Guideline and significance threshold revisions.

### **Engineering Projects Program**

Staff activities included the following highlights:

#### **Business Process Improvement**

Staff continues to complete designs the permitting and renewal of the new Production system. Staff is resolving issues related to design and reported fixes to clear bugs. Data model and help text work is ongoing. Staff is also developing the training materials and facilitating the sessions. One person was moved to Information System Testing Group of the Production System development team. The following training was conducted:

- Customer Application Entry Training
- Dashboard Overview Training
- Make-up training for Engineering Overview

#### **Document Management**

Staff continues to identify existing paper permit applications for scanning and integrating into the production system back-file. Paper copies are QA/QC reviewed against scanned images and then destroyed under supervision of District staff.

### **Meetings**

Staff participated in the following significant meetings:

- Participated at the Alameda County Planning Commission meeting regarding Grissom Mortuary in San Lorenzo

### **Permits**

Staff has completed the indicated milestones for the following significant permit applications:

- Issued Title V permit renewal for United Airlines, SF Maintenance Center (July)
- Issued Authority to Construct permits for the City of Richmond Water Pollution Control District regarding their digester, 2 boilers and odor abatement equipment (August)

### **Plant Visits**

Staff conducted plant visits at the facilities listed below.

- BAE Systems and Armaments, LLP to discuss rule applicability and permit changes (August)
- Union Sanitary District to discuss SMOP issues (August)
- Stevens Creek Quarry Inc. to discuss compliance issues (September)

### **Rule Development**

Staff is the lead for the New Source Review rule development project. Staff completed internal division comments to draft revisions to Regulations 1, 2-1, 2-2, 2-4 and 2-6.

### **Training**

Staff attended the following training classes:

- Harassment training (September)
- CARB Portable Equipment Training

## **LEGAL DIVISION – B. BUNGER, DISTRICT COUNSEL**

The Air District Counsel's Office received 136 violations reflected in Notices of Violation (NOVs) for processing.

Mutual Settlement Program staff initiated settlement discussions regarding civil penalties for 82 violations reflected in NOVs. In addition, 10 Final 30 Day Letter(s) were sent regarding civil penalties for 15 violation(s). Finally, settlement negotiations resulted in collection of \$91,900 in civil penalties for 66 violations.

Counsel in the Air District Counsel's Office initiated settlement discussions regarding civil penalties for 4 violations reflected in NOVs. Settlement negotiations by counsel resulted in collection of \$770,640 in civil penalties for 77 violations.

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

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

The Air District issued 18 press releases and/or media advisories during the last quarter:  
(to view press control key and click link)

9/28/2011	<a href="#">Permissive burn periods for crop replacement and flood debris fires open</a>
9/27/2011	<a href="#">Air District issues Spare the Air Smog Alert for Wednesday</a>
9/20/2011	<a href="#">Air District issues third consecutive Spare the Air Smog Alert for Wednesday</a>
9/19/2011	<a href="#">Air District issues another Spare the Air Smog Alert for Tuesday</a>
9/18/2011	<a href="#">Air District issues Spare the Air Smog Alert for Monday</a>
9/8/2011	<a href="#">U.S. Department of Energy awards \$1 million to California for electric vehicle planning</a>
9/6/2011	<a href="#">Air District issues Spare the Air Smog Alert for Wednesday</a>
9/1/2011	<a href="#">Air District issues Spare the Air Smog Alert</a>
8/30/2011	<a href="#">Open burning season for double crop stubble ends, seasons for fall marsh management, stubble and straw begin</a>
8/22/2011	<a href="#">Air District offers \$4 million for projects that help commuters drive less</a>
8/11/2011	<a href="#">Air District offers \$14 million to Reduce Diesel Engine Pollution</a>
8/4/2011	<a href="#">Air District settles case with Chevron</a>
8/1/2011	<a href="#">Air District encourages Bay Area employers to register for the Great Race for Clean Air</a>
7/25/2011	<a href="#">Air District settles case with Tesoro</a>
7/20/2011	<a href="#">SB 582: Commute Benefit Bill Passes Legislature, Awaits Governor's Signature</a>
7/4/2011	<a href="#">MEDIA ADVISORY: No Spare the Air Smog Alert for July 5</a>
7/3/2011	<a href="#">MEDIA ADVISORY: No Spare the Air Smog Alert for July 4</a>
7/2/2011	<a href="#">Air District issues Spare the Air Smog Alert</a>

**Media Inquiries**

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

- Monthly car stipend (*SF Examiner*)
- EPA's approval of SJVAPCD and SCAQMD PM 2.5 plans (*Contra Costa Times*)
- Odors at Point Richmond (*Contra Costa Times*)
- Shoreside Power (*KGO7*)
- Videocasting of BAAQMD meetings (*San Jose Mercury News*)
- Fugitive Emissions (*KQED's Quest*)
- Valero Release (*Vallejo Herald-Times*)
- Richmond Sewer Facility (*ABC7*)
- Evergreen Oil (*Argus Newspaper*)
- Mare Island Ship Recycling (*Earth Island Institute – Berkeley's Brower Center*)

- SB 582 (*KGO Radio, Contra Costa Times, KTVU*)
- GWF Power Plant shutdown (*Contra Costa Times*)
- Tesoro (*Contra Costa Times*)
- Power plant NOx emissions (*Bay Area News Group - Argus*)
- Spare the Air Logo (*Contra Costa Times*)
- Natural gas trash trucks (*Energy Now!*)
- Refineries (*Associated Press*)
- Fairfield Fire (*KTVU, KCRA, KGO Radio, KXTV, Associated Press, KOVR – CBS 13 Sac, Daily Republic, KPIX, KGO7, CBS 13, KCBS, KQED, Benicia Herald, KRON*)
- Fairfield Fire AQ results (*KCBS*)
- Metal Melting Rule (*KTVU*)
- Chevron (*Contra Costa Times, KQED-Quest, Bay City News*)
- Permit Amnesty (*Southern CA Radio*)
- Bike Sharing (*Bay City News*)
- Bike Path (*Contra Costa Times*)
- Building Move (*Bizjournal, San Francisco Appeal, San Jose Mercury News, San Francisco Chronicle, Contra Costa Times*)
- Pedestrian Infrastructure (*Streetsblog*)
- Evergreen (*Newark Patch*)
- Star Concrete (*NBC 11*)
- Great Race (*Bay City News, OaklandNorth.net, Bay City News, KCBS*)
- Spare the Air (*KLIV, KGO, Clear Channel Radio, Patch, KVON, Contra Costa Times, KNTV, KQED, Vallejo Times Herald, KIQI, )*
- Shuttle/ridesharing Grants (*Daily Californian*)
- Bus Fleets (*Bay Area Real Estate Journal*)
- Ozone Standard (*Contra Costa Times, KCBS*)
- PM (*KTVU*)
- Summit (*KRON, Contra Costa Times, Richmond Confidential*)
- Ultrafine Particulates (*KTVU*)
- Spare the Air (*KLIV, El Cerrito Patch, KGO, KCBS, Contra Costa Times, Daily Californian, KRON 4, San Jose Mercury News, KTVU*)
- Low sulfur fuel for marine vessels (*Richmond Confidential*)
- Exceedance Stats (*KGO 7*)

**Media Highlights**

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

9/22/2011	<a href="#">Clinton visit to Richmond canceled</a>	Richmond Confidential
9/22/2011	<a href="#">Crematory gets approval</a>	Oakland Tribune
9/21/2011	<a href="#">Third straight Spare the Air Day declared</a>	San Francisco Chronicle
9/21/2011	<a href="#">Delaying planned summit is not enough</a>	Contra Costa Times
9/9/2011	<a href="#">Bay Area air district's Bill Clinton event is awash in ethical conflicts</a>	Contra Costa Times

9/7/2011	<a href="#">Summer to make brief appearance, then go away</a>	San Francisco Chronicle
9/6/2011	<a href="#">Bill Clinton coming to Richmond</a>	Contra Costa Times
9/2/2011	<a href="#">Obama backs off stricter national smog standard</a>	San Jose Mercury News
8/24/2011	<a href="#">Walnut Creek plans to cut greenhouse gas emissions</a>	San Jose Mercury News
8/24/2011	<a href="#">Bike-share kiosks spreading to Bay Area</a>	SelfServiceWorld.com
8/18/2011	<a href="#">Bicycling in Alameda: Is It Really So Bad?</a>	San Francisco Chronicle
8/10/2011	<a href="#">Bike-Sharing Program Rolling into San Mateo</a>	Bay Citizen
8/5/2011	<a href="#">Chevron refinery fined for air quality violations</a>	KGO-TV
8/4/2011	<a href="#">Legislator wants probe of MTC plan to buy building</a>	San Francisco Chronicle
7/29/2011	<a href="#">MTC votes to move from Oakland to S.F.</a>	San Francisco Chronicle
7/26/2011	<a href="#">Tesoro fined for violations at Martinez refinery</a>	San Jose Mercury News
7/12/2011	<a href="#">\$2.4 million message: Drive slower to spare the earth</a>	San Jose Mercury News
7/11/2011	<a href="#">SF releases lengthy America's Cup report draft</a>	ABC 7
7/4/2011	<a href="#">Bay Area drivers urged to go 'green'</a>	Contra Costa Times
7/3/2011	<a href="#">Cooler temperatures coming to the South Bay</a>	San Jose Mercury
7/3/2011	<a href="#">Spare the Air agency subsidizes car perks for execs</a>	San Francisco Examiner
7/3/2011	<a href="#">S.F. fireworks may not be masked by fog this year</a>	San Francisco Chronicle

## **Publications**

### **Air Currents**

The quarterly Air Currents newsletter is now delivered online. The August 17, 2011 issue was sent electronically to 2,000 subscribers.

### **League of Women Voters' Bay Area Monitor**

The August/September issue of the League of Women Voters Bay Area Monitor newsletter contained an article entitled, "Plugging in at Port: Shore Power Solutions Ease Emissions" written in consultation with Air District staff. The Bay Area Monitor is available online at [www.bayareamonitor.org](http://www.bayareamonitor.org) and has a print circulation of approximately 4,000 subscribers.

## **Public Information Campaigns**

### **Spare the Air**

This summer marks the 20<sup>th</sup> anniversary of the Spare the Air Program. The summer season started on May 2, 2011 and ran through September 30, 2011. Advertising for the campaign included TV, print, online and outdoor elements as well as multi-cultural ads.

Social media played a prominent role in this year's campaign. The Spare the Air Facebook and Twitter pages as well as [sparetheair.org](http://sparetheair.org) have been redesigned and now feature the new Spare the Air logo. A new strategy of including videos and photos generated higher amounts of engagement and impressions on Facebook. In addition, the spare the air program developed and launched a free iPhone app. The free application provides alert

notifications, local air quality forecasts, podcasts and several tools to help reduce air pollution.

The Air District issued eight Spare the Air Health Alert's this season.

### **800-EXHAUST**

Outdoor advertising for the 800-EXHAUST campaign was launched in April and continued throughout the summer. The campaign included a strong online component, outreach events and outdoor advertising with billboards, and transit shelter ads.

### **Spare the Air Employer Program**

This quarter, the Air District emailed the quarterly employer newsletter, The Breeze, convened a meeting of the Employer Leadership Committee, hosted a "Green Purchasing" webinar and reached out to Chambers of Commerce throughout the Bay Area. The Employer Program welcomed 45 new members to the program.

### **Community Outreach**

**Public Engagement Policy and Plan** – Communications and Outreach staff is developing a District-wide Public Engagement Policy and Guidance Plan. Staff is working with stakeholder engagement consultant, Kearns and West, on this project. The Policy and Plan will outline the Air District's commitment to engaging all stakeholders and will lay out strategies for consistent engagement of stakeholders across District programs. Staff assembled a 26-member Stakeholder Advisory Task Force representing interests and geographies throughout the Bay Area. The task force will contribute by identifying the needs and priorities for effective public outreach and engagement, and assisting in the development in a set of community workshops on the Policy and Plan. The first meeting of the Task Force was on September 8, 2011.

### **Spare the Air Resource Teams**

**Contra Costa County Spare the Air Resource Team** – Staff met with key governmental and opinion leaders in the County to educate them on resource teams, learn about key air quality-related issues in the County and identify individuals and organizations to invite to the team launch meeting scheduled for October.

**Sonoma County Spare the Air Resource Team** – The team has been exploring possible options for its next set of projects, and has begun to identify individuals/organizations to outreach to in a new recruitment effort. The team is continuing to provide expertise and networking support to a Sonoma County dynamic rideshare pilot program. Potential projects include an anti-idling campaign, support for a pilot peer-to-peer car sharing program, and helping to develop and coordinate data sharing on future County transportation priorities.

**Napa Valley Clean Air Coalition** – The Car Free website is being redesigned this year to prominently feature special Car Free promotions offered to car free visitors by Napa Valley businesses. The team is holding discussions with the Napa Destination Council and chambers throughout Napa Valley about collaboration to increase visibility of the Napa Car Free program.

**San Francisco Spare the Air Resource Team** – The team has developed a partnership with the San Francisco Travel Association and will move content from its [www.sfcarfree.org](http://www.sfcarfree.org) website to the SF Travel website <http://www.sanfrancisco.travel/>. The new website can support a higher level of user interface and is a key web portal for tourists preparing to visit the city.

**San Mateo County Spare the Air Resource Team** – The team is continuing to plan its second commute solutions workshop. The workshop will focus on supporting small-and medium-sized businesses with free and easy alternative transportation solutions. The team has tentatively scheduled the workshop for Wednesday, March 14, 2012.

**San Jose Green Vision Resource Team** – The next Home Energy Savings workshop is scheduled for October 22, 2011. The workshop will be led by community volunteers trained at the team’s Train the Trainer Workshop on April 30, 2011.

**Santa Clara County Spare the Air Resource Team** – The team’s research project on commuter challenges/drive less challenges to identify best practices will be completed in October. The next meeting is scheduled for October 12, 2011.

**Southern Alameda County Spare the Air Resource Team** – As part of its anti-idling campaign, the team has prepared newsletter articles, a letter to principals and letter to teachers to distribute to schools in the New Haven, Fremont, Hayward and Newark districts. These will be distributed to principals with an anti-idling banner for placement on fences near drop-off sites.

**Tri-Valley Spare the Air Resource Team** – The team is developing new projects for 2011-2012. Areas of focus are anti-idling education for employers, shopping malls, business parks and schools; promoting 511 School Pool or other schools-based walk/bike programs; promoting successful carpool programs with video “testimonials” on YouTube.

**District Tours**

**Chinese Air Quality Professionals** – Staff hosted a delegation of 7 Chinese air quality professionals of the Beijing Municipal Environmental Protection Bureau. The visitors met with the Executive Officer, DAPCO, and Planning staff to learn about Bay Area air pollution control strategies.

**Meetings with Community Organizations**

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

DATE	MEETING	LOCATION	MEETING ATTENDEES
September 28, 2011	Iron Triangle Neighborhood Council	Richmond	President of the Iron Triangle Neighborhood Council of Richmond and Air District staff

September 27, 2011	MTC's Regional School and Youth Outreach Oversight Committee	MTC in Oakland	Six individuals from MTC, ABAG, and Air District staff
September 22, 2011	Bay Area Environmental Health Collaborative (BAEHC)	District Offices	5 representatives from Green Action, Golden Gate Law Clinic, Breathe California, PODER, and BAEHC. 4 District staff also attended.
September 20, 2011	El Concilio of San Mateo County	Burlingame	Representatives from El Concilio of San Mateo County and Air District staff
September 14, 2011	Hispanic Foundation of Silicon Valley	San Jose	Representatives from the Hispanic Foundation of Silicon Valley and Air District staff
September 9, 2011	MTC's Regional School and Youth Outreach Technical Advisory Committee	MTC in Oakland	Six individuals from MTC, ABAG, and Air District staff
September 2, 2011	Meeting to discuss the development of a Contra Costa County Spare the Air Resource Team	City of Concord	Concord Mayor Lisa Hoffmeister and Air District staff
August 29, 2011	Meeting regarding District Engagement Programs	Concord	10 Representatives from Monument Community Partnership, Monument Crisis Center, Contra Costa Department of Public Health and Air District staff
August 26, 2011	MTC's Regional School and Youth Outreach Oversight Committee	MTC in Oakland	Six individuals from MTC, ABAG, and Air District staff
August 18, 2011	Asbestos Dust Mitigation Plan	Air District Offices	John Stewart Company
August 17, 2011	Spare the Air Employer Program Meeting	Air District Offices	Community Focus
August 17, 2011	Public Engagement Policy and Plan Task Force	Phone Conference	Air District, Kearns and West, Bay Area Environmental Health Collaborative

August 15, 2011	Bay Area Rapid Transit (BART) Public Participation Plan Meeting	Air District Offices	Air District staff
August 8, 2011	Contra Costa County Spare the Air Resource Team	Walnut Creek	City of Walnut Creek Mayor Cindy Silva and Mayor Pro Tem Bob Simmons
August 5, 2011	The Metropolitan Transportation Commission's Regional School and Youth Outreach Oversight Committee	Metropolitan Transportation Commission in Oakland	Air District, Metropolitan Commission and Association of Bay Area Governments staff
August 5, 2011	Coordination on Public Engagement Issues	San Francisco	Air District, Bay Area Environmental Health Collaborative
August 3, 2011	San Francisco Car Free Tourism Website	San Francisco Travel's offices in San Francisco	San Francisco Travel
July 28, 2011	San Mateo County Resource Team	Gilead Sciences' offices in Foster City	SamTrans, Sustainable San Mateo County, Office of Supervisor Carole Groom, Commute.org, Gilead, Commuter Check
July 27, 2011	Hunters View Redevelopment Project ADMP Meeting	Air District Offices	Greenaction
July 26, 2011	Draft Metal Melting Rule 12-13	Air District Offices	Bay Area Environmental Health Collaborative (BAEHC) and the West Berkeley Alliance for Clean Air
July 21, 2011	The Metropolitan Transportation Commission's Regional Rideshare Program Technical Advisory Committee Meeting	Metropolitan Transportation Commission in Oakland	MTC and 511 staff and representatives from transportation agencies around the area

**Public Meetings**

Staff attended public meetings on behalf of the Air District to discuss air quality issues, community concerns and the Public Engagement Policy and Guidance Plan. These public meetings are below:

<b>DATE</b>	<b>MEETING</b>	<b>LOCATION</b>	<b>MEETING ATTENDEES</b>
September 26, 2011	Napa Transit Investors Light Rail Planning Meeting	Yountville	Approximately 25 members of the public
September 20, 2011	Hunters Point Naval Shipyard Public Meeting	Bayview Hunters Point	Approximately 40 members of the community
September 8, 2011	Public Engagement Policy and Plan Task Force Meeting	San Francisco State Downtown Campus	Approximately 25 representatives from government agencies, industries, community organizations, Kearns & West and Air District staff participated.
August 30, 2011	Hunters Point Power Plant Project Advisory Committee	Bayview Hunters Point	Approximately 25 community members were present
August 12, 2011	Public Engagement Policy and Plan Task Force	Golden Gate University	Air District, Kearns and West, Bay Area Environmental Health Collaborative
August 9, 2011	North Richmond Municipal Advisory Council	North Richmond	Approximately 25 attendees
July 28, 2011	Draft Metal Melting Rule 12-13	Redwood Shores Public Library in Redwood City	18 attendees
July 27, 2011	Draft Metal Melting Rule 12-13	Metropolitan Transportation Commission's Auditorium in Oakland	Over 250 attendees

**Conferences & Fairs**

Staff attended the following conferences and fairs:

<b>DATE</b>	<b>MEETING</b>	<b>LOCATION</b>	<b>MEETING ATTENDEES</b>
September 24, 2011	African American Health Expo	Pittsburg High School, Pittsburg	Approximately 300 members of the public
September 20, 2011	Lindsay Wildlife Museum Math & Science Fair	Walnut Creek	Approximately 50 educators participated

August 13, 2011	Congressmen Mike Thompson's Napa County Pasta Dinner	St. Helena	Approximately 1,000 participants
August 11, 2011	Greenlining Academy Graduation	San Francisco	Approximately 200 attendees

### **Community Events**

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

#### **Alameda County:**

Oakland Art and Soul – August 21, 2011 Downtown Oakland, Oakland

Berkeley Kite Festival – Saturday and Sunday, July 30, 2011 and July 31, 2011 Berkeley Marina

Waterfront Health Fair - Thursday, July 14, 2011 The Waterfront Harbor Bay Business Park, Alameda

Alameda County Fair – Fridays, Saturdays, and Sundays from June 24, 2011 to July 10, 2011 Alameda County Fairgrounds, Pleasanton

#### **Contra Costa County:**

Train and Maroon 5 Concert – September 15, 2011 Sleep Train Pavilion, Concord

#### **Marin County:**

Eco Fair Marin – September 4, 2011 Marin County Fairgrounds, San Rafael

#### **San Francisco County:**

Sunday Streets – September 11, 2011 Western Addition, San Francisco

Sunday Streets – August 14, 2011 Tenderloin/Civic Center, San Francisco

Sunday Streets – Sunday, July 10, 2011 Great Highway, Route 2, San Francisco

Renegade Craft Fair – Saturday and Sunday, July 9, 2011- July 10, 2011 Fort Mason Center, San Francisco

#### **San Mateo County:**

Fog Fest – September 24, 2011 - September 25, 2011 Paloma Avenue, Pacifica

Millbrae Art and Wine Festival – September 3, 2011 – September 4, 2011 Broadway Street, Millbrae

Redwood City Independence Day Festival – Monday, July 4, 2011

Downtown Redwood City

#### **Santa Clara County:**

Rascal Flatts Concert – September 16, 2011 Shoreline Amphitheatre, Mountain View

Rock the Bells Concert – August 27, 2011 Shoreline Amphitheatre, Mountain View

Brocade B-Fair – August 25, 2011 Brocade Campus, San Jose

311 and Sublime Concert – August 23, 2011 Shoreline Amphitheatre, Mountain View

Maxim Green Fair – August 11, 2011 Sunnyvale Campus, Sunnyvale

**Solano County:**

Solano County Fair – August 3 through August 7, 2011 Solano County Fairgrounds, Vallejo

**Sonoma County:**

Sonoma County Fair – Fridays thru Sundays, from July 27, 2011 through August 14, 2011 Sonoma County Fairgrounds, Santa Rosa

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

Staff continued work on pilot Community Risk Reduction Plans, including: working with Engineering Division staff and contractor Sonoma Technology, Inc. to extract information from completed health risk assessments to develop relevant modeling parameters for stationary sources for CRRP modeling; meeting regularly with San Francisco and San Jose staff; modeling fine particulate matter and risks from on-road cars and trucks and from permitted stationary sources in San Francisco; and developing a database for Bay Area railroad passenger and freight lines. Staff collaborated with City of Richmond staff to support a HUD grant application that may help support a CRRP for the City of Richmond. Staff assisted with implementation of the CEQA Guidelines by reviewing numerous environmental documents and providing comments, responding to information requests from local staff and consultants, and analyzing construction impacts of infill projects.

Staff worked with Dr. Edmund Seto at UC Berkeley to help analyze near-roadway pollutant measurements collected by the Desert Research Institute using the District's mobile sampling van. At the request of Margaret Gordon from the West Oakland Environmental Indicators Project (WOEIP), staff from Planning and Technical Divisions hosted a group of students to tour the West Oakland monitoring station. The students participated in a summer program with the East Bay Academy for Young Scientists and are working with WOEIP to count trucks and measure particulate matter in West Oakland. Staff worked with Research and Modeling staff to prepare a poster to present at the annual meeting of the American Association for Aerosol Research (AAAR) on the health impacts of fine particulate matter in the Bay Area.

**Air Quality Planning Program**

Staff continued implementation of the CEQA Guidelines through meetings with staff from local jurisdictions; presentations to various organizations; tracking the use of the CEQA Guidelines by lead agencies; responding to numerous inquiries from local government staff and consultants; and drafting comment letters for projects subject to the CEQA thresholds. Staff provided CEQA comment letters to the following lead agencies: the City of San Rafael on its Climate Action Plan; the City of Richmond on its Revised Hydrogen and Energy Renewal Project NOP; the City of Pittsburg on its BART Master Plan DEIR; the City of Fremont on its draft 2010-2035 General Plan DEIR; the City of San Jose on its 2040 General Plan Draft Program EIR; the City/County of San Francisco on its America's Cup 34 and James R. Herman Cruise Terminal and Wharf Plaza DEIR; the City of San Mateo on its Bicycle Master Plan DEIR; Alameda County on its Castro Valley 2005-2025 General Plan revised DEIR; the City of Vallejo on its Climate Action Plan; and Contra

Costa County on the Shell Crude Tank Replacement Project. Staff made presentations on the CEQA Guidelines and related topics at several conferences, including: the Air and Waste Management Association (AWMA) conference, “Current Developments in CEQA Guidance – The Road Ahead”; the Continuing Legal Education International conference, “CEQA, NEPA and Climate Change”; the California Council for Environmental and Economic Balance Summer Issues Seminar; the California Chapter of the American Planning Association annual conference; and Urban Habitat’s Boards and Commissions Leadership Institute.

Staff continued to host monthly meetings of the Air Quality/Priority Development Area (PDA) Working Group, which includes staff from the four regional agencies, in order to anticipate and resolve air quality issues related to PDAs and the “Plan Bay Area” SCS which is being prepared in response to SB 375. Staff attended monthly meetings of the Regional Advisory Working Group, convened to provide input and guidance to regional agency staff in developing the SCS. Staff continued to participate in various technical committees supporting the SCS process. Staff is collaborating with the UC Berkeley Center for Resource Efficient Communities on a guidance document designed to assist local governments in using climate action plans for CEQA streamlining. Staff presented at a training session of the 2011 Bay Area Climate Corps, which is a group of AmeriCorps members assisting jurisdictions with implementing GHG reduction policies and programs.

### **Research and Modeling Program**

Staff participated in conference calls with the Central California Air Quality Studies Policy Committee and the Northern California State Implementation Plan Coordination Group organized by ARB. Staff finalized a draft report on the health impacts of particulate matter (PM) in the Bay Area. Staff made progress in developing 2010 meteorological and emission inputs for PM modeling to support the District’s PM planning effort. Staff continued to evaluate the CMAQ model’s performance using meteorological inputs generated with the Weather Research and Forecasting model. Staff assisted Rule Development staff in identifying available data and information that can be used in developing PM control opportunities. Staff prepared several technical papers for international conferences by the American Geophysical Union and by the American Association for Aerosol Research. Staff provided lead emissions data and support to US EPA for modeling at the Reid-Hillview Airport in San Jose. Staff continued working with a contractor to erect the weather tower at the Patterson Pass meteorological measurement station. Staff responded to requests for meteorological data and guidance from various public agencies and consultants.

### **Rule Development Program**

Notice of a draft rule, workshop report, and workshop notices were issued for a new rule, Regulation 12, Rule 13: Metal Melting and Processing Operations. The rule would limit emissions from foundries, other metal melting operations and large metal recycling facilities. Workshops were held on July 27, 2011 and July 28, 2011 in Oakland and Redwood City, respectively. Staff subsequently reported on the workshops and rule progress to the Stationary Source Committee on September 29, 2011. A second round of workshops will be conducted before the end of 2011 for an expected public hearing in March or April of 2012. A notice, workshop report, and draft rule were issued for another

new proposed rule, Regulation 8, Rule 53: Vacuum Truck Operations. The rule would require controls on vacuum trucks used to transfer volatile organic liquids in large facilities like refineries. Workshops were conducted on July 21, 2011 and July 25, 2011 in Martinez and San Francisco, respectively, and the Stationary Source Committee heard a report on the rule on September 29, 2011. Staff is also developing a new rule to reduce emissions from cement kilns. A public workshop is expected to be held before the end of the year in the Cupertino area.

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

The following is a summary of the Strategic Incentives Division achievements for the third quarter of 2011.

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

- The expenditure deadline for CMP Year 11 project funds was June 30, 2011. Staff finalized the project information for Year 11, reconciled payment data with accounting staff, uploaded project data into the ARB database, and submitted the yearly report to ARB.
- Staff sent out requests for annual reporting data for approximately 700 engines funded by the CMP. Staff utilized the online application system to have CMP Year 12 grantees submit their annual reports online.
- Staff began accepting applications for Year 13 of the CMP.
- Staff met with the Port of San Francisco and BAE to discuss a possible shore power project at the BAE ship yard.
- Staff inspected and confirmed the first cruise ship connection of the CMP funded shore power equipment at Pier 27.
- SID and Planning staff met with representatives of the Port of San Francisco, and City of San Francisco, and environmental groups to discuss the Districts comments on the DEIR for the America's Cup.

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

- Year 1 on-road truck projects are being completed, inspected, and paid. All projects must be completed by October 31.
- Staff has completed pre-inspection of 7 berths at the Port of Oakland that will receive GMP shore power project funding, and entered into a Grant Agreement for \$16,917,476 with the Port for this project.
- Staff continues to work with ARB on the final ranking list which totals 974 truck projects and one truck stop electrification project. Based on final ranking, the first pre-inspections of Year 2 GMP truck projects will begin in mid-October.
- Staff submitted quarterly reports to ARB on all GMP grants, and submitted the final liquidation report for the Year 1 Port Truck grant award.

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

- ***Shuttle/Feeder Bus Service and Regional Rideshare Program:*** For FYE 2012, a solicitation for projects was opened on 8/4, \$4 million is available for award. Staff conducted two application workshops including a session in San Francisco on 8/11, and in Redwood City on 8/16. The call for projects closed on 9/1 and 16 applications were received requesting a total of \$6 million.
- ***Bay Area Clean Air Foundation's (BACAF) Plug-in CarShare Project:*** On 7/13, staff met with City CarShare representatives to review the project's status and to discuss options for resolving technical difficulties encountered by their vendors during the course of project implementation. During July and August, staff worked with City CarShare and the Reformulated Gasoline Settlement Fund's Cy Pres Administrators to develop a proposal for an amendment to the agreement between BACAF and the Cy Pres Administrators that would authorize changes to the project scope of work and schedule and allow for the successful completion of the project; Approval was obtained on 9/22.
- ***Bike Parking Infrastructure Incentive Program:*** Staff conducted an online needs assessment survey of public agencies that closed on 7/25 with 60 agencies responding. Based on the results of the survey, on 8/11 staff issued a Request for Proposals (RFP) seeking a series of fixed prices that would be made available to public agencies that purchase qualifying bicycle parking equipment. By the due date of 9/6 a total of six proposals were submitted to the Air District. The Program aims to reduce the cost of equipment (including racks, lockers and e-locker retrofits) and enable a larger number of agencies with varying equipment needs to participate.
- ***Regional Bike Share Program:*** During this quarter, staff worked to secure necessary approvals from its partners and Caltrans and also prepare materials that will be used to select Bike Share vendors. In particular, Air District staff 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. On 7/21, the Air District executed the Master and Supplemental Funding Agreements with Caltrans to secure federal funding for the project. Air District staff is also currently working on the final environmental clearance documents for Caltrans' review and approval. Additionally, staff:
  - Developed a draft Request for Proposals (RFP) to that will be used to select a vendor to design, build, operate, maintain, manage and publicize the project and circulated the draft for review by the project partners and MTC (August – September).
  - Participated in a series of conference calls to discuss program development with the Partners Workgroup on 7/20, 8/22, and 9/19, San Mateo partners on 8/25, VTA representatives on 8/30, and SamTrans representatives on 7/27 and 9/21.
  - Participated in other related meetings and workshops including MTC's Regional Bicycle Working Group and Pedestrian Committee meeting in Oakland on 7/21, SFMTA's presentation at the "Think Bike San Francisco" workshop on 9/19, a

meeting with MTC to discuss the project's status on 9/22, and meetings with Port of San Francisco and SFMTA representatives on 9/8 and San Francisco Port Commissioners at their 9/27 meeting to discuss the use of the Port's property.

- ***Plug-in Electric Vehicle (PEV) Program:***

- Air District's Executive Officer moderated the "Overview of Existing Policy - Spurring the Market" session at the Clean Vehicles: Working to Ensure Sustainability Workshop hosted by Calstart on 9/27.
- District presented at the California PEV Collaborative meeting in San Diego on 7/14 and co-chaired the PEV Government Coordination and Incentive workgroup on 7/13 and 9/21. District staff also participated in other PEV workgroup meetings including Infrastructure WG1 on 7/15, 8/10, 8/24, 9/7 and 9/21, Market Expansion WG4 on 9/14, and Research WG 5 on 7/06.
- Staff participated in meetings to discuss the District's PEV Infrastructure Incentive Program including meetings with representatives from Coulomb Technologies on 7/6 and 9/15, ECOTality on 7/19, and AeroVironment on 9/20.
- Staff attended several related meetings and workshops including the Transportation Sector Summit on Commercializing Electrification Technology, hosted by PG&E on 8/16, a meeting with ABAG and the Bay Area Climate Collaborative to discuss opportunities to align local PEV planning efforts, 8/10, a meeting with representatives from the Center for Resource Solutions, Natural Resources Defense Council (NRDC), International Council on Clean Transportation (ICCT) and California Plug-In Electric Vehicle (PEV) Collaborative to discuss opportunities for linking Renewable Energy Credits to electric vehicle energy consumption on 8/16 and conference calls with industry representatives to discuss opportunities for expanding medium and heavy duty PEVs in the Bay Area including Fed Ex and Navistar on 8/11 and Smith Electric Vehicles on 7/27.

### **Spare the Air Lawn Mower Replacement Program**

- COO, in collaboration with SID staff, created a dedicated webpage for this program on the Spare the Air site, which satisfies a requirement of an ARB AB 118 grant. Additional details will be posted to the webpage as the program is developed.

### **Lower Emission School Bus Program (LESBP)**

- Staff is in process of awarding approximately \$9.8 million to 21 school districts for 64 school bus replacements and approximately \$800,000 to retrofit 41 school buses.

### **Grant Development**

- On 7/29 staff submitted a proposal requesting \$200,000 from the CEC to prepare a regional plan to support plug-in electric vehicles. On 9/26 the CEC announced that it was awarding the Air District the full amount of funding requested for this project. Funding from the CEC will be used to complement and supplement an additional \$300,000 that the Air District was awarded as part of a million-dollar

grant received from the Department of Energy for the State of California and announced on 9/8.

- Two locomotive and one marine contract were executed between the ARB and District to conduct demonstration projects worth \$1,061,000. The marine contract was subsequently cancelled at the request of the equipment manufacturer, Caterpillar.
- ARB will be using the funds made available by the cancellation of the AQIP Caterpillar project to fund the Wind+Wing demonstration of a wind-assisted ferry.
- Staff is in the process of sponsoring Climate Ride for \$2,500 which will help publicize the District's efforts to fight climate change. District spokesperson will be speaking at close of ride on October 6, 2011, in front of San Francisco City Hall.

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

### **Air Quality**

During the 3<sup>rd</sup> of 2011 ozone levels exceeded the national 8-hour 75 ppb standard on three days. The State 8-hour 70.5 ppb standard was exceeded on nine days and the State 95 ppb 1-hour standard was exceeded on four days.

Particulates did not exceed any national or State standards and no major wildfires impacted the air quality in the Bay Area during the quarter.

Temperatures in July and August were cooler than normal, but September was near normal. For the entire summer ozone season, the Air District operated Livermore meteorological site never measured a temperature above 98°F. In 2010, Livermore had five days above 98°F. This partially explains why the annual number of days exceeding the national ozone standard fell from nine days in 2010 to just four days in 2011.

### **Air Monitoring**

26 air monitoring stations were operational from July through September 2011, with all equipment operating on routine, EPA-mandated schedules. The Cupertino Air Quality Monitoring trailer located at Monta Vista Park completed one year of data collection on September 1<sup>st</sup> and will collect another year of data, through September 1, 2012. No exceedances of any parameters have been recorded at this site and data appear to be typical of similar urban sites. Site construction for a third and final ozone precursor monitoring site in San Ramon was completed this quarter and the site is expected to be operational in the 4<sup>th</sup> quarter of 2011.

### **Meteorology and Forecasting**

The 2<sup>nd</sup> quarter 2011 air quality data were quality assured and entered into the EPA Air Quality System (AQS) database. Staff continued to make daily air quality, summertime Spare the Air, and open burn forecasts. CARB was provided hourly-averaged SO<sub>2</sub> concentrations from the five refineries between January 1, 1996 and December 31, 2010 to assist with SO<sub>2</sub> attainment designations.

### **Performance Evaluation**

The Performance Evaluation Group (PEG) conducted regular, mandated performance audits on a total of 51 analyzers at 16 Air District Air Monitoring Stations during July, August, and September of 2011. Ground Level Monitoring (GLM) audits of Hydrogen Sulfide (H<sub>2</sub>S) and Sulfur Dioxide (SO<sub>2</sub>) monitors were conducted on the GLM monitors in the vicinities of the Tesoro, Valero, and Chevron refineries. All 9 of the GLM locations tested met the District's performance criteria. In addition, start-up GLM audits were conducted on two monitors near the ConocoPhillips refinery.

The meteorology network, which is now the responsibility of PEG, currently consists of 22 sites throughout the District that will all require upgrading. PEG upgraded seven meteorology network sites. Upgrades included loggers, solar panels, and software and programming.

The PE Group continues to work on the Through-the-Probe Auditing Van and expects to have the project completed by the end of December of this year, depending of resource allocations.

### **Laboratory**

In addition to routine ongoing analyses, thirty fuel oil samples collected from various ships at various Bay Area ports were analyzed for percent sulfur.

Four gaseous samples taken from the vacuum truck outlet at Richmond Chevron Refinery were analyzed for hydrocarbons.

### **Source Test**

Ongoing Source Test activities during July, August, and September of 2011 included Continuous Emissions Monitoring (CEM) Field Accuracy Tests, source tests, gasoline cargo tank testing, and evaluations of tests conducted by outside contractors. The ConocoPhillips Rodeo Refinery's open path monitor monthly reports for June, July, and August were reviewed. The Source Test Section continued its participation in the District's Rule Development efforts for Metal Melting, Vacuum Trucks, and revisions to Regulation 6. Staff continued its cost and resource evaluation of EPA's new Method 201A and revisions to Method 202 for particulate particle size sampling.

**STATISTICS**

**Administrative Services:**

**Accounting/Purchasing/Comm.**

General Checks Issued	1,267
Purchase Orders Issued	498
Checks/Credit Cards Processed	3,964
Contracts Completed	71
RFP's	

**Executive Office:**

Meetings Attended	150
Board Meetings Held	2
Committee Meetings Held	7
Advisory Council Meetings Held	2
Hearing Board Meetings Held	6
Variances Received	5

**Information Systems**

New Installation Completed	28
PC Upgrades Completed	2
Service Calls Completed	813

**Human Resources**

Manager/Employee Consultation (Hrs.)	300
Management Projects (Hrs.)	400
Employee/Benefit Transaction	500
Training Sessions Conducted	15
Applications Processed	548
Exams Conducted	15
New Hires	2
Payroll Administration (Hrs.)	580
Safety Administration	150
Inquiries (voice/telephone/in-person)	5,000

**Strategic Facility /Vehicle**

Requests for Facility Services	150
Vehicle Request(s)/Maintenance	120

**Compliance Assistance and Operations Program**

Asbestos Plans Received	1,316
Coating and other Petitions Evaluated	10
Open Burn notifications Received	28
Prescribed Burn Plans Evaluated	17
Tank/Soil Removal Notifications Received	31
Compliance Assistance Inquiries Received	131
Green Business Reviews	10
Refinery Flare Notifications	5

**Compliance Assurance Program**

Industrial Inspections Conducted	2,158
Gas Station Inspections Conducted	502
Asbestos Inspections Conducted	654
Open Burning Inspections Conducted	13
PERP Inspections Conducted	63
Mobile Source Inspections	1,687
Grants Inspections Conducted	143

**Engineering Division:**

Annual Update Packages Started	952
Annual Update Packages Completed	1,379
Total Update Pages Entered	1,181
New Applications Received	295
Authorities to Construct Issued	98
Permits to Operate Issued	391
Exemptions	10
Authorities to Construct Denied	0
New Companies added to Databank during the 3rd Quarter 2011	95

**Communications and Outreach:**

Presentations Made	30
Responses to Media Inquiries	40
Press Releases & Advisories	18
General Requests for Information	105
Events staffed with Air District booth	25
Visitors (District Tour)	1

**STATISTICS (continued)**

**Compliance and Enforcement Division:**

**Enforcement Program**

Violations Resulting in Notices of Violation	165
Violations Resulting in Notice to Comply	51
New Hearing Board Cases Reviewed	4
Reportable Compliance Activity Investigated	115
General Complaints Investigated	636
Smoking Vehicle Complaints Received	1,561
Woodsmoke Complaints Received	130
Mobile Source Violations	19

**Technical Services:**

**3rd Quarter 2011 Ambient Air Monitoring**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std.....	0
Days Exceeding Nat'l 24-hour PM <sub>10</sub> Std.....	0
Days Exceeding Nat'l 24-hour PM <sub>10</sub> Std.....	0
Days Exceeding the Nat'l 8-hour Ozone Std.....	3
Days Exceeding the State 1-hour Ozone Std.....	4
Days Exceeding the State 8-hour Ozone Std.....	9

**Ozone Totals, Jan.-Dec. 2011**

Days Exceeding Nat'l 8-hour Ozone Std.....	4
Days Exceeding State 1-hour Ozone Std.....	5
Days Exceeding State 8-hour Ozone Std.....	10

**Particulate Totals, Jan.-Dec. 2011**

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

**PM<sub>2.5</sub> Winter Season Totals for 2010-2011**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std.....	1
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**3rd Quarter 2011 Agricultural Burn Days**

July-Sept. Permissive Burn Days – North.....	67
July-Sept. No-Burn Days – North.....	25
July-Sept. Permissive Burn Days – South.....	66
July-Sept. No-Burn Days – South.....	26
July-Sept. Permissive Burn Days – Coastal.....	70
July-Sept. No Burn Days – Coastal.....	22

**Laboratory**

Sample Analyzed.....	966
Laboratory Analyses.....	0

**Technical Library**

Titles Indexed/Cataloged	
Periodicals Received/Routed	

**Source Test**

Total Source Tests.....	193
Pending Source Tests.....	5
Violation Notices Recommended.....	7
Contractor Source Tests Reviewed.....	4,201

**Continuous Emissions Monitoring (CEM)**

Indicated Excess Emission Report Eval.....	52
Monthly CEM Reports Reviewed.....	132
Indicated Exceeded from CEM.....	29

**Ground Level Monitoring (GLM)**

July-Sept. Ground Level Monitoring SO <sub>2</sub> Excess Reports.....	0
July-Sept. Ground Level Monitoring H <sub>2</sub> S Excess Reports.....	1

**These facilities have received one or more Notices of Violations  
Report period: July 1, 2011 – September 30, 2011**

**Alameda County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
8/8/2011	A3236	Bay Ram Collision Center, Inc	Hayward	No Permit to Operate
9/9/2011	A8423	G & G Enterprises	Hayward	No Permit to Operate
7/6/2011	A2937	QIP Jr., Inc.	Hayward	Surface Coating of Misc. Metal Parts & Products
8/31/2011	C9893	Livermore Gas	Livermore	Failure to Meet Permit Conditions
8/26/2011	C0539	Broadway Gas	Oakland	Failure to Meet Permit Conditions
8/26/2011	C9284	ConocoPhillips #2611117	Oakland	No Permit to Operate
8/31/2011	A0591	East Bay Municipal Utility District	Oakland	Major Facility Review (Title V)
8/8/2011	C9278	Food & Gas Company/Valero	Oakland	No Authority to Construct, No Permit to Operate
7/6/2011	D1140	M & K Gas & Food	Oakland	Gasoline Dispensing Facilities
7/21/2011	D0302	Montclair Gas & Automotive	Oakland	Gasoline Dispensing Facilities
8/31/2011	S7134	Norton Lilly International	Oakland	Particulate Matter & Visible Emissions
7/21/2011	C0760	Westco Gas	Oakland	Gasoline Dispensing Facilities
8/31/2011	A3358	CEMEX Construction Materials Pacific, LLC	Pleasanton	Failure to Meet Permit Conditions
8/26/2011	C0693	Foothill Chevron	San Leandro	Failure to Meet Permit Conditions
7/21/2011	C9676	Foothill Valero	San Leandro	Gasoline Dispensing Facilities
8/26/2011	D0060	Premier Gasoline and Snacks	San Leandro	Gasoline Dispensing Facilities
8/26/2011	C9080	Cal Gas	San Lorenzo	No Authority to Construct, No Permit to Operate

**These facilities have received one or more Notices of Violations**  
**Report period: July 1, 2011 – September 30, 2011**  
**continued**

**Contra Costa County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
7/15/2011	C9590	Gas of America	Antioch	Gasoline Dispensing Facilities
7/21/2011	D1203	Golf Course Plaza Gas	Antioch	Gasoline Dispensing Facilities
9/9/2011	U7444	Kevin Ditmars	Byron	Open Burning
7/21/2011	C7876	ARCO	Concord	Gasoline Dispensing Facilities
8/30/2011	C9870	Unocal/76	Concord	Failure to Meet Permit Conditions
7/11/2011	A0581	ST Shore Terminals LLC	Crockett	Major Facility Review (Title V), Storage of Organic Liquids
8/26/2011	C9427	Flex Oil	Martinez	Gasoline Dispensing Facilities
8/8/2011	C9730	Martinez Carwash	Martinez	Failure to Meet Permit Conditions
8/26/2011	C8372	New Age Ventures Inc	Martinez	No Permit to Operate
8/16/2011	A7034	Plains Products Terminals LLC	Martinez	Major Facility Review (Title V), Storage of Organic Liquids, Wastewater (Oil - Water) Separators
7/29/2011	A0011	Shell Martinez Refinery	Martinez	Standards of Performance for New Stationary Sources, Major Facility Review (Title V), Marine Vessel Loading Terminals, Sulfur Dioxide
9/9/2011	B2758	Tesoro Refining and Marketing Company	Martinez	Particulate Matter & Visible Emissions, Hydrogen Sulfide
8/31/2011	C7311	Valero	Pleasant Hill	No Permit to Operate, Gasoline Dispensing Facilities
8/31/2011	A0057	BP West Coast Products, LLC	Richmond	Storage of Organic Liquids
9/13/2011	A0010	Chevron Products Company	Richmond	Flare Monitoring at Petroleum Refineries, Parametric Monitoring & Recordkeeping Procedures, No Authority to Construct, No Permit to Operate, Major Facility Review (Title V), Particulate Matter & Visible Emissions, Equipment Leaks
7/26/2011	A0423	Chevron Research and Technology Co	Richmond	Storage of Organic Liquids
9/13/2011	A2482	City of Richmond Water Pollution Control District	Richmond	Particulate Matter & Visible Emissions
8/31/2011	A0061	ConocoPhillips	Richmond	Storage of Organic Liquids
9/12/2011	B7419	Air Liquide Large Industries US LP	Rodeo	Major Facility Review (Title V)
7/21/2011	A0022	Conoco Phillips Refining Company	Rodeo	Major Facility Review (Title V)

**These facilities have received one or more Notices of Violations**  
**Report period: July 1, 2011 – September 30, 2011**  
**Continued**

**Contra Costa County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
8/16/2011	A0016	ConocoPhillips - San Francisco Refinery	Rodeo	Flare Monitoring at Petroleum Refineries, Wastewater (Oil - Water) Separators
8/31/2011	C9838	Chevron Inc.	Walnut Creek	No Permit to Operate
8/31/2011	C7639	Coast Oil Company Retail, LLC	Walnut Creek	Failure to Meet Permit Conditions
8/8/2011	B2999	Lafayette Woodworking	Walnut Creek	No Permit to Operate

**Marin County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
8/3/2011	B7052	BioMarin Pharmaceutical Inc.	Novato	No Authority to Construct, No Permit to Operate
8/3/2011	A2633	Mark Cheavacci Custom Cabinetry & Millwork	Novato	No Authority to Construct
8/22/2011	C1939	Betts Marin Car Wash	San Rafael	Gasoline Dispensing Facilities

**Napa County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
8/1/2011	A5433	Tulocay Cemetery Association	Napa	Parametric Monitoring & Recordkeeping Procedures
7/11/2011	A7407	Harold Smith & Son, Inc.	Saint Helena	No Authority to Construct, No Permit to Operate
7/11/2011	B2215	Napa Valley Coffee Roasting Co	Saint Helena	Failure to Meet Permit Conditions

**These facilities have received one or more Notices of Violations**  
**Report period: July 1, 2011 – September 30, 2011**  
**Continued**

**Santa Clara County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
9/9/2011	A0017	Lehigh Southwest Cement Company	Cupertino	No Authority to Construct, No Permit to Operate, Major Facility Review (Title V)
9/28/2011	B4643	Gilroy Gardens, Inc.	Gilroy	No Authority to Construct
9/28/2011	B4643	Gilroy Gardens, Inc.	Gilroy	No Permit to Operate
9/15/2011	U9132	Gilroy Transports	Gilroy	Commercial Vehicle Idling Citation
8/26/2011	C9462	Monterey Chevron	Gilroy	Failure to Meet Permit Conditions
7/18/2011	A5771	J C Cleaners	Milpitas	Perc & Synthetic Solvent Dry Cleaning Operations
9/28/2011	U9386	Morgan Hill Growers	Morgan Hill	Open Burning
9/9/2011	A2740	City of Mountain View (Shoreline Landfill)	Mountain View	Solid Waste Disposal Sites
9/9/2011	A2561	Shoreline Amphitheatre	Mountain View	Solid Waste Disposal Sites
8/26/2011	C0060	Gas Depot at Winchester	San Jose	No Authority to Construct, No Permit to Operate, Gasoline Dispensing Facilities
7/13/2011	C9723	Gas N' Go	San Jose	No Authority to Construct, No Permit to Operate
9/27/2011	C9810	Montague Valero	San Jose	Failure to Meet Permit Conditions
7/13/2011	C9930	Moorpark Valero - Attn: Jerome Hoa Tran	San Jose	No Authority to Construct, No Permit to Operate
9/28/2011	A0778	San Jose/Santa Clara Water Pollution Control	San Jose	Major Facility Review (Title V)
8/26/2011	C4360	Al's Arco	Santa Clara	Gasoline Dispensing Facilities
8/26/2011	C4430	Santa Clara Gas Company	Santa Clara	Gasoline Dispensing Facilities
8/8/2011	A8998	West Valley Community College	Saratoga	No Authority to Construct, No Permit to Operate

**These facilities have received one or more Notices of Violations**  
**Report period: July 1, 2011 – September 30, 2011**  
**Continued**

**Solano County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
7/11/2011	B2626	Valero Refining Company - California	Benicia	Flare Monitoring at Petroleum Refineries, Major Facility Review (Title V), Particulate Matter & Visible Emissions, Storage of Organic Liquids
8/26/2011	C9979	Bonfare Market #31	Fairfield	Gasoline Dispensing Facilities
7/11/2011	B8563	Concrush Inc	Fairfield	No Authority to Construct, No Permit to Operate
9/9/2011	E0896	Puerto Vallarta Auto Body Shop	Vallejo	No Permit to Operate
9/9/2011	B8104	Southard Auto Body & Repair	Vallejo	No Permit to Operate, Motor Vehicle & Mobile Equip Coating Operations
7/6/2011	C8749	Vallejo City Gas	Vallejo	Gasoline Dispensing Facilities

**Sonoma County**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
9/9/2011	B3085	Complete Collision Center, LLC	Santa Rosa	No Permit to Operate
8/16/2011	B3602	Deposition Sciences Inc.	Santa Rosa	No Authority to Construct, No Permit to Operate
7/29/2011	B5950	Ecco Caffè	Santa Rosa	Failure to Meet Permit Conditions
8/3/2011	B4845	Santa Rosa/Carrera Plating	Santa Rosa	No Permit to Operate, Failure to Meet Permit Conditions
8/8/2011	B6718	Taylor Maid Farms	Sebastopol	Failure to Meet Permit Conditions
7/11/2011	F5331	Joe Leveroni	Sonoma	Open Burning
7/11/2011	U8007	Robert Carey	Sonoma	Open Burning

**These facilities have received one or more Notices of Violations  
 Report period: July 1, 2011 – September 30, 2011  
 Continued**

**Out of Area Counties**

<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
8/23/2011	U8754	Krajicek, Inc.	Denison	Commercial Vehicle Idling Citation
8/4/2011	U8430	Boyett Petroleum	Modesto	Gasoline Bulk Terminals & Gasoline Delivery Vehicles
8/4/2011	N1032	KAG West, LLC	West Sacramento	Gasoline Bulk Terminals & Gasoline Delivery Vehicles

**Closed Notice of Violations with Penalties by County  
July 1, 2011 – September 30, 2011**

<b>Alameda</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
ABE Petroleum - Olympic Oil	C8930	Hayward	\$10,815	1
Alvarado Valero	C8505	Union City	\$4,000	1
AMI Petroleum	C1069	Union City	\$17,325	1
ARCO Facility #00498	C9549	Livermore	\$775	1
Bedrock Oil	C8384	San Lorenzo	\$4,750	1
Bridgelux	E0080	Livermore	\$1,000	1
City of Pleasanton Service Center	C8344	Pleasanton	\$875	1
Cresco Equipment Rentals	C9985	Pleasanton	\$250	1
Dublin San Ramon Services District - Wastewater TP	A1371	Pleasanton	\$500	1
Foothill Chevron - Bedrock Oil, Inc	C9849	Hayward	\$4,000	1
Fremont Gasoline	D0718	Fremont	\$2,000	1
Mission Valley Rock Co	A0595	Sunol	\$4,000	4
Montclair Gas & Automotive	D0302	Oakland	\$3,000	1
Monument Gas	C0743	San Leandro	\$800	2
Monument Gas	C0743	San Leandro		
Ruby Hill Development, Joint Venture	C9255	Pleasanton	\$500	1
SOMA Environmental Engineering, Inc	U3116	Pleasanton	\$2,000	1
Trans Bay Container Terminal	B2387	Oakland	\$5,000	6
Unocal #7176	C5960	Dublin	\$700	1
Valero Refining Co SS#7399	D0361	Pleasanton	\$900	1
Vasco Valero Inc	D0258	Livermore	\$900	1
		<b>Total Violations Closed:</b>		<b>29</b>

**Closed Notice of Violations with Penalties by County**  
**July 1, 2011 – September 30, 2011**  
**Continued**

<b>Contra Costa</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Air Liquide Large Industries US LP	B7419	Rodeo	\$30,000	1
Antioch Unified School Dist	D0955	Antioch	\$550	1
BNSF Railway Company	B4704	Richmond	\$750	1
Chevron Avon Terminal	A0091	Martinez	\$4,300	3
Chevron Products Company	A0010	Richmond	\$170,000	2
City of Walnut Creek	C7093	Walnut Creek	\$800	1
Costco Wholesale Gasoline Service Station	C0563	Concord	\$250	1
Cutting Arco & Food Mart	C8441	Richmond	\$1,000	1
FASTSTOP	C8543	Martinez	\$400	1
Gateway Generating Station	B8143	Antioch	\$7,500	1
GAWFCO USA	D1083	Lafayette	\$975	1
Les Trapps Jr	S7680	Pittsburg	\$900	4
Lone Tree Chevron	C8560	Antioch	\$1,500	2
Marsh Creek Stables	U1530	Brentwood	\$400	1
Safeway Stores Inc, Bakery Plant	A0093	Richmond	\$18,000	2
Tesoro Refining and Marketing Company	B2758	Martinez	\$497,375	48
<b>Total Violations Closed:</b>				<b>71</b>

**Closed Notice of Violations with Penalties by County  
July 1, 2011 – September 30, 2011  
Continued**

<b>Marin</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Betts Marin Car Wash	C1939	San Rafael	\$1,000	1
Econo Gas	C9547	Larkspur	\$3,000	1
GAWFCO USA Gasoline	C0099	San Rafael	\$1,000	1
Leroy Martinelli	U6242	Point Reyes Station	\$3,000	1
Marinwood Chevron	C1952	San Rafael	\$500	1
San Quentin State Prison	A4094	San Quentin	\$1,400	1
		<b>Total Violations Closed:</b>		<b>6</b>
<b>Napa</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Biagi Bros. Inc.	U6888	Napa	\$300	1
KAFV, Inc	C8262	Napa	\$750	2
		<b>Total Violations Closed:</b>		<b>3</b>
<b>San Francisco</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Costco Wholesale San Francisco #144	B7512	San Francisco	\$1,250	1
Pacific Gas & Electric	A0541	San Francisco	\$1,000	1
Unocal #250053	C2601	San Francisco	\$700	1
		<b>Total Violations Closed:</b>		<b>3</b>

**Closed Notice of Violations with Penalties by County**  
**July 1, 2011 – September 30, 2011**  
**Continued**

<b>San Mateo</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Neighborhood Mart #2	C5943	Montara	\$550	1
<b>Total Violations Closed:</b>				<b>1</b>
<b>Santa Clara</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
76 Gas Station #5962	D0459	San Jose	\$700	1
Berry Blue Valero	D0367	San Jose	\$800	1
Blossom Hill Gasoline	C8931	San Jose	\$3,000	1
Cal Gas & Diesel	D0901	San Jose	\$2,000	1
County of Santa Clara West Yard Division	C8317	San Jose	\$500	1
El Monte Union 76	C9068	Mountain View	\$775	1
Foxworthy Gas	D0493	San Jose	\$5,000	1
Goruba Fair Oaks 76	C9322	Sunnyvale	\$775	1
Johnny's Fuel	D0385	San Jose	\$3,500	1
Meridian Chevron Auto Service	C9500	San Jose	\$3,000	1
Mineta San Jose International Airport	C4184	San Jose	\$1,925	1
Montague Valero	C9810	San Jose	\$1,000	1
Pacific Pride Cardlock #81	C7394	San Jose	\$750	1
The Garlic Farm Center	D0463	Gilroy	\$4,750	1
Unocal #6397	D0457	Milpitas	\$1,000	1
Valero Refining Co SS#7528	D0420	Mountain View	\$775	1
<b>Total Violations Closed:</b>				<b>16</b>

**Closed Notice of Violations with Penalties by County**  
**July 1, 2011 – September 30, 2011**  
**Continued**

<b>Solano</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Alliance Tank Line, Inc.	A0061	Dixon	\$500	1
Vallejo City Gas	C8749	Vallejo	\$3,000	1
<b>Total Violations Closed:</b>				<b>2</b>
<b>Sonoma</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Chris Bowland	U6751	Santa Rosa	\$2,000	1
Gasco	C9649	Petaluma	\$1,000	1
Joe Leveroni	F5331	Sonoma	\$2,000	1
Koller's Town & Country Cleaners	A8463	Petaluma	\$2,000	2
Larkfield Union 76	C9215	Santa Rosa	\$1,000	1
Save Mart Supermarkets	C0867	Rohnert Park	\$4,000	1
Union 76 - Saiid Kahangi	C9373	Santa Rosa	\$1,000	1
Unocal #4320	C7228	Santa Rosa	\$750	1
Unocal #4935	C9244	Santa Rosa	\$1,000	1
<b>Total Violations Closed:</b>				<b>10</b>
<b>District Wide</b>				
<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
SMS Line Inc.	U6887	Bridgeview	\$300	1
Boyett Petroleum	B2611	Modesto	\$500	1
<b>Total Violations Closed:</b>				<b>2</b>

**ACRONYMS AND TERMINOLOGY**

ABAG	Association of Bay Area Governments
AC	Authority to Construct issued to build a facility (permit)
AMBIENT	The surrounding local air
AQI	Air Quality Index
ARB	[California] Air Resources Board
ATCM	Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BANKING	Applications to deposit or withdraw emission reduction credits
BAR	[California] Bureau of Automotive Repair
BARCT	Best Available Retrofit Control Technology
BIODIESEL	A fuel or additive for diesel engines that is made from soybean oil or recycled vegetable oils and tallow. B100=100% biodiesel; B20=20% biodiesel blended with 80% conventional diesel
BTU	British Thermal Units (measure of heat output)
CAA	[Federal] Clean Air Act
CAL EPA	California Air Resources Board
CCAA	California Clean Air Act [of 1988]
CCCTA	Contra Costa County Transportation Authority
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CMA	Congestion Management Agency
CMAQ	Congestion Management Air Quality [Improvement Program]
CMP	Congestion Management Program
CNG	Compressed Natural Gas
CO	Carbon monoxide
EBTR	Employer-based trip reduction
EJ	Environmental Justice
EIR	Environmental Impact Report
EPA	[United States] Environmental Protection Agency
EV	Electric Vehicle
HC	Hydrocarbons
HOV	High-occupancy vehicle lanes (carpool lanes)
hp	Horsepower
I&M	[Motor Vehicle] Inspection & Maintenance ("Smog Check" program)
ILEV	Inherently Low Emission Vehicle
JPB	[Peninsula Corridor] Joint Powers Board
LAVTA	Livermore-Amador Valley Transit Authority ("Wheels")
LEV	Low Emission Vehicle
LNG	Liquefied Natural Gas
MPG	Miles Per Gallon

MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards (federal standards)
NO <sub>x</sub>	Nitrogen oxides, or oxides of nitrogen
NPOC	Non-Precursor Organic Compounds
NSR	New Source Review
O <sub>3</sub>	Ozone
PM <sub>2.5</sub>	Particulate matter less than 2.5 microns
PM <sub>10</sub>	Particulate matter (dust) less than 10 microns
PM <sub>&gt;10</sub>	Particulate matter (dust) over 10 microns
POC	Precursor Organic Compounds
pphm	Parts per hundred million
ppm	Parts per million
PUC	Public Utilities Commission
RFG	Reformulated gasoline
ROG	Reactive organic gases (photochemically reactive organic compounds)
RIDES	RIDES for Bay Area Commuters
RTP	Regional Transportation Plan
RVP	Reid vapor pressure (measure of gasoline volatility)
SCAQMD	South Coast [Los Angeles area] Air Quality Management District
SIP	State Implementation Plan (prepared for <i>national</i> air quality standards)
SO <sub>2</sub>	Sulfur Dioxide
TAC	Toxic Air Contaminant
TCM	Transportation Control Measure
TFCA	Transportation Fund for Clean Air [BAAQMD]
TIP	Transportation Improvement Program
TMA	Transportation Management Association
TOS	Traffic Operations System
tpd	tons per day
Ug/m <sup>3</sup>	micrograms per cubic meter
ULEV	Ultra low emission vehicle
ULSD	Ultra low sulfur diesel
USC	United States Code
UV	Ultraviolet
VMT	Vehicle miles traveled (usually per <i>day</i> , in a defined area)
VTA	Santa Clara Valley Transportation Authority
ZEV	Zero Emission Vehicle

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

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

From: Jack P. Broadbent  
Executive Officer/APCO

Date: November 16, 2011

Re: Notice of Proposed Amendments to the Air District's Administrative Code Division  
II Fiscal Policies and Procedures - Section 4.4 Contracts with Minority Business  
Enterprises and Women's Enterprises and Section 4.6 Contracts

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RECOMMENDED ACTION

This item is to provide notice of Proposed Amendments to the Air District's Administrative Code, Division II Fiscal Policies and Procedures - Section 4.4 Contracts with Minority Business Enterprises and Women's Enterprises and Section 4.6 Contracts.

BACKGROUND AND DISCUSSION

In accordance with provisions of the Administrative Code governing amendments to the Code, notice is hereby given at the Board of Directors regular meeting of November 16, 2011 that the Board of Directors will consider at its next regular meeting, amendments to the Administrative Code, Division II Fiscal Policies and Procedures - Section 4.4 Contracts with Minority Business Enterprises and Women's Enterprises and Section 4.6 Contracts.

In the September 19, 2011 Personnel Committee meeting, the Personnel Committee was provided with a summary of the human resources audit report which included a revised Equal Employment Opportunity Plan. The Personnel Committee recommended that the Air District review its policy regarding equal opportunity for contractors and consultants. As a result, the Air District has revised its policy regarding "contracts with minority business enterprises and women's enterprises."

This noticing action starts the process of amending the Air District's Administrative Code to incorporate the proposed amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Satnam Hundel and Jason Jimenez

Reviewed by: Jack M. Colbourn

Attachment: Proposed Amendments to Division II Fiscal Policies and Procedures - Section 4.4  
Contracts with Minority Business Enterprises and Women's Enterprises and  
Section 4.6 Contracts

## PROPOSED ADMINISTRATIVE CODE AMENDMENTS

Proposed Amendment to Division II, II Fiscal Policies and Procedures - Section 4.4 Contracts with Minority Business Enterprises and Women's Enterprises and Section 4.6 Contracts as follows:

### 4.4 **CONTRACTS WITH MINORITY BUSINESS ENTERPRISES AND WOMEN'S BUSINESS ENTERPRISES.**

It is the policy of the Board of Directors of the Bay Area Air Quality Management District that the District comply with its DBE Program where lawful and appropriate and to encourage minority, veteran, and women owned businesses bid on contracts with the District to the extent allowable by law.

### 4.6 **CONTRACTS.**

#### (a) **PURCHASING POLICY.**

##### (1) **Methods of Purchasing:**

- (A) **FORMAL BID** - A bid obtained under sealed bid procedures and which is publicly opened and read.
- (B) **INFORMAL BID** - A written bid solicited from a vendor when the cost of the equipment or services/supplies is so low as to not justify the costs of the formal bidding procedures.
- (C) **TELEPHONE BID** - Telephone bids may be utilized by the Business Manager/designee when, in the judgment of the APCO or Director of Administrative Services, the best interest of the District may be served due to the need for immediate delivery or for other valid reasons.
- (D) **MONOPOLY/SINGLE SOURCE BID** - An award may be made without a formal bid when the item to be purchased can be obtained from only one source and the item/service is one which does not lend itself to substitution. Said bids must be confirmed in writing.
- (E) **PRIOR BID/LAST PRICE** - An award may be made on the basis of a prior bid or on the basis of a last price, if the conditions of a previous purchase are the same.
- (F) **LETTER QUOTATION** - Letter quotation is an informal, written offer made to the District by a vendor.

(2) Formal bidding shall be used by the District when economies of scale can be achieved or when there are equal or competitive products and also when discounts are applicable

(3) Where federal money will fund all or part of the goods/services that will be purchased the proposals, bids or other documents

prepared, shall include the following information: 1) the percentage of the total costs of the goods or services which will be financed with federal funds; 2) the dollar amount of federal funds for the goods or services; and 3) the percentage and dollar amount of the total costs of the goods or services that will be financed by non-governmental sources (per Public Notification Requirement Appropriation Laws).

- (4) In all cases in which written specifications are prepared and submitted for public bid and a trade name is specified, the specifications shall contain the phrase "or equivalent" and the bidder shall be allowed to bid upon such. The Director of Administrative Services shall determine whether the proposed alternative is equivalent.
  - (5) The District reserves the right to accept one part of a bid and reject another, and to waive technical defects, if to do so best serves the interests of the District.
  - (6) Subject to other provisions of District policy, a bid will be awarded to the bidders offering the best value for quality goods and services. The following may be considered in determining the bid that provides the best value: bid price, proven cost-effectiveness, extended warranty, extended quality discount, esthetic value, expedient delivery of goods or services or other features of sufficient value.
  - (7) The preparation of detail specifications may be waived by the APCO if any of the following circumstances are present:
    - (A) Public health or property may be endangered by delay.
    - (B) Cost of labor will exceed savings.
    - (C) Required dates cannot be met.
    - (D) Monopoly/single source items are required.
    - (E) Prior experience has proven that a particular material, type of equipment, supplies or service is more economical to the District.
    - (F) The cost to prepare detailed plans/specifications or bids will exceed possible savings that could be derived from such plans/specifications or bids.
    - (G) Emergency purchases.
    - (H) Value of contract is less than \$25,000.
- (b) SERVICES OF CONSULTANTS.
- (1) Consultant Selection Policy
    - (A) Due to the nature of the work to be performed or the level of staffing required, it may, from time to time, be necessary to

utilize the services of outside consultants who are not employees of the District.

(B) It is the policy of the District in the selection of any required outside consultants to encourage participation of minority, women and/or disadvantaged business enterprises in the bidding process in accordance with Section II-4.4 to the extent allowable by law.

(C) Prior to release of a request for consulting services, the following shall be prepared:

(i) A statement of the work to be performed,

(ii) A statement of the qualifications of persons necessary to perform the requested work, which can include a specification of experience/education/training in general or specific fields; and

(iii) An assessment of the resources needed to carry out the project, i.e. capital equipment or supplies.

(D) Determination of Provider Services

Based on an evaluation of the information prepared according to Section II-4.6 (b)(1)(C), and any other information gathered, the APCO or designee shall evaluate the ability of staff to perform all or part of the work. If it is determined that all or part of the work should be performed by an outside consultant, the APCO shall determine if the work should be performed by sole source or whether it should be performed after a bid solicitation and award.

(E) Contracts for temporary employment services or consultant services shall meet the requirement of the District Purchasing Policy.

(c) BID SOLICITATION.

(1) For all contracts for goods or services with a value of \$70,000 or greater, the following documents shall be prepared as required by the person(s) designated by the APCO.

(A) Instructions to Bidders (for written bids)

(B) Proposal Submittal Requirements

(C) Draft contract, including all terms and conditions of the work to be performed, and

(D) A list of potential bidders

(2) The following steps will be followed to identify potential bidders for all contracts for goods or services with a value of \$40,000 or more, but less than \$70,000.

- (A) All qualified suppliers of the required goods or services with outlets in the Bay Area shall be contacted (in the case of informal or telephone bids); or
  - (B) At least one supplier of the required goods or services in each of the Bay Area counties shall be contacted (in the case of informal or telephone bids); or
  - (C) The steps listed in Section (3) shall be followed.
- (3) The following steps will be followed to identify potential bidders for all contracts for goods or services with a value of \$70,000 or more.
- (i) Bids shall be solicited by any method as allowed in Section 4.6 (a) on purchases of services, materials or supplies excluding scientific and technical equipment and services uniquely available from a sole source. Where all sources of such services, materials or supplies in the Bay Area are known, bids may be requested from such sources by all means when it is deemed by the APCO or designee to be in the best interest of the District.
- (4) The APCO may waive the provisions of this section or award a sole-source bid if:
- (A) The cost of labor for preparation of the documents exceeds the possible savings that could be derived from such detailed documents; or
  - (B) Public health or property may be endangered by delay; or
  - (C) Prior experience has shown that the desired services are only available from the sole-source; or
  - (D) Other circumstances exist which require such waiver in the satisfactory interests of the District.
- (d) BID AWARD.
- (1) Prior to accepting a bid that is not the lowest of three qualified and responsive bids, other qualified and responsive bidders will be provided with an opportunity to match the additional features provided in the bid of highest value. These bidders will be provided with a list of the features, but not the price.
  - (2) The requesting staff person shall present to the APCO their evaluation of the bids and a recommendation for the award. Upon approval of the recommendation, staff shall negotiate an agreement and prepare it for the APCO's signature.

- (3) If the APCO determines that no bidder could satisfactorily serve the interests of the District, the APCO may decline to make an award.
- (4) The District reserves the right to have an Evaluation Panel comprised of District employees to review and analyze the bids and offer a recommendation of acceptance of a bid to the Director of Administrative Services. Upon review of the recommendation of the panel, the Director may accept or reject the recommendation of the panel. If accepted, the Director will recommend award of the bid to the APCO for his review/approval. If the recommendation of the panel is rejected by the Director of Administrative Services, the panel will reconvene to review the bids further.
- (5) Further renewal of any contract that has been awarded for two consecutive years without competitive bid shall require APCO or Board approval depending upon authorization of the contract to be extended. Service contracts with the original manufacturer of equipment or software are exempt from this requirement.
- (6) The District shall rebid a contract for financial auditing services every three years.

**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: November 16, 2011

Re: Notice of Proposed Amendments to the Air District's Administrative Code Division II  
Fiscal Policies and Procedures - Section 5.6 Receipts for Expenses

RECOMMENDED ACTION

This item is to provide notice of Proposed Amendments to the Air District's Administrative Code, Division II Fiscal Policies and Procedures - Section 5.6 Receipts for Expenses.

BACKGROUND AND DISCUSSION

In accordance with provisions of the Administrative Code governing amendments to the Code, notice is hereby given at the Board of Directors regular meeting of November 16, 2011 that the Board of Directors will consider at its next regular meeting, amendments to the Administrative Code, Division II Fiscal Policies and Procedures - Section 5 Allowable Expenses.

In response to a recommendation from a financial audit, the Air District has revised its policy regarding "receipts for expenses." Employees will be reimbursed for hotel accommodations and meals using the applicable General Services Administration rate.

This noticing action starts the process of amending the Air District's Administrative Code to incorporate the proposed amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: David Glasser and Jason Jimenez  
Reviewed by: Jack M. Colbourn

Attachment: Proposed Amendments to Division II Fiscal Policies and Procedures - Section 5.6  
Receipts for Expenses

## PROPOSED ADMINISTRATIVE CODE AMENDMENTS

Proposed Amendment to Division II, II Fiscal Policies and Procedures - Section 5.6 Receipts for Expenses as follows:

### 5.6 RECEIPTS FOR EXPENSES.

Vouchers or receipts shall be presented to the Director of Administrative Services for all necessary and incidental expenses, provided, however, that vouchers or receipts need not be presented for bridge tolls, parking charges, telephone calls, meals, hotel accommodations and other miscellaneous travel and incidental expenses. Employees will be reimbursed for hotel accommodations and meal expenses using the applicable General Services Administration rate. ~~the individual items of which do not exceed ten dollars (\$10.00), provided further, that at the discretion of the APCO, employees of the District may be required to present such receipts or vouchers for amounts less than ten dollars (\$10.00) for purposes of internal control.~~

**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: November 5, 2011

Re: Report of the Nominating Committee Meeting of November 2, 2011

RECOMMENDED ACTION

The Committee recommends Board of Directors' approval of Board Officers for:

- Chairperson
- Vice Chairperson
- Secretary

BACKGROUND

The Nominating Committee met on Wednesday, November 2, 2011. The Committee considered the 2012 Board Officers for the 2012 Term of Office.

Attached is the staff report presented in the Nominating Committee packet.

Chairperson, Tom Bates will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Maricela Martinez

Reviewed by: Jennifer Cooper

Attachment(s)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Tom Bates and Members  
of the Nominating Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: October 26, 2010

Re: Consideration and Nomination of Board Officers for the 2012 Term of Office

RECOMMENDED ACTION:

Consider recommending Board of Directors' approval of Board Officers for:

- Chairperson
- Vice Chairperson
- Secretary

DISCUSSION

District Counsel, Brian Bunger has provided a memorandum addressed to Chairperson Bates that is attached for discussion. The memorandum includes pertinent provisions from the Air District's Administrative Code and the Board of Directors' Operating Policies and Procedures. The memorandum also discusses the role of the Nominating Committee.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Vanessa Johnson  
Reviewed by: Jennifer Cooper

Attachment(s)

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**OFFICE OF DISTRICT COUNSEL**

**MEMORANDUM**

**DATE:** September 27, 2011

**TO:** Tom Bates, Chairperson  
and Members of the Nominating Committee of the Board of Directors

**FROM:** Brian C. Bunger  
District Counsel

**SUBJECT:** Criteria for Recommendation of Officers of the Board of Directors

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The function of the Nominating Committee is “to recommend to the Board the officers for each calendar year.” Bay Area Air Quality Management District Administrative Code (“Admin. Code”), Division I, Section 6.8. In order to assist with this function, this Memorandum discusses the criteria to be applied by the Nominating Committee in making its recommendations for officers to the Board.

The Administrative Code contains certain criteria that the Nominating Committee must follow in making its recommendation for officers of the Board.

First, “the Committee shall not be bound by a recommendation of a previous Nominating Committee.” Admin. Code, Div. I, § 6.8.

Second, “[t]he Committee need not follow a strict rule of rotation between supervisor and city members but may take into account their proportionate membership on the Board of Directors.” Admin Code, Div. I, § 6.8.

Third, Section 6.8 further requires that “the Committee shall take into account the provisions of Section I-2.7.” Admin. Code, Div. I, § 6.8.

Section 2.7 of Division I of the Administrative Code sets forth a policy of the Board to rotate the positions of the Chairperson, Vice Chairperson and Board Secretary among the members of the Board “in a manner to assure participation in the affairs of the District from a wide representation of the membership.” Admin. Code, Div. I § 2.7. In this regard, Section 2.7 provides that “[I]n making its recommendations, the Nominating Committee shall take into account such factors as representation by those members appointed by Boards of Supervisors, those members appointed by City selection committees, those members from large counties, and those from small counties.” Admin. Code, Div. I § 2.7.

Thus, the Board has expressed a policy of rotating officer positions in order to ensure broad participation by all Board members in the affairs of the District. However, the Nominating Committee is not required to follow a strict rule of rotation between supervisor and city members. Nor is the Committee to be bound by the actions of any prior Nominating Committee. Finally, the Nominating Committee must take into account such factors as representation of supervisor and city members on the Board and the representation of members from large and small counties.

For your convenience, attached are copies of the pertinent sections of the District's Administrative Code.

**ADMINISTRATIVE CODE – SELECTED PROVISIONS****SECTION 2 BOARD OF DIRECTORS, OFFICERS - DUTIES****2.1 OFFICERS OF THE BOARD. (Revised 1/21/04)**

The presiding officer of the Board is the Chairperson of the Board of Directors. The Chairperson, Vice Chairperson and Secretary shall, no later than the first meeting in December of each year, be elected by the Board of Directors and assume office January 1, (effective January 1, 2005). The Chairperson shall preserve order and decorum at regular and special meetings of the Board. The Chairperson shall state each question, shall announce the decision, shall decide all questions of order subject to an appeal to the Board. The Chairperson shall vote on all questions, last in order of the roll, and shall sign all ordinances and resolutions adopted by the District Board while the Chairperson presides. (see Section II-4.3)

In the event that the Chairperson is unable, for whatever reason, to fulfill his or her one-year term of office, the Vice-Chairperson shall succeed the Chairperson and the Secretary shall succeed the Vice-Chairperson. Section 2.3 below shall determine the filling of the Secretary vacancy. In any event, no Board Officer shall serve more than three (3) years in any one Board office (Chairperson, Vice-Chairperson, or Secretary).

**2.2 CHAIRPERSON. (Revised 1/14/09)**

The Chairperson shall take the chair at the hour appointed for the meeting and call the District Board to order. In the absence of the Chairperson, the Vice-Chairperson shall call the Board to order and serve as temporary Chairperson. Upon arrival of the Chairperson, the Vice-Chairperson shall relinquish the chair upon the conclusion of the business then pending before the Board. In the absence, or self-determined inability to act, of the Chairperson, or the Vice-Chairperson when the Chairperson is absent, the Board Secretary shall call the Board to order and serve as temporary Chairperson. Upon arrival of the Chairperson or Vice-Chairperson, the Secretary shall relinquish the Chair upon the conclusion of the business then pending before the Board. In the absence, or self-determined inability to act, of the Chairperson, Vice Chairperson or Secretary, members of the Board of Directors shall, by an order on the Minutes, select one of their members to act as temporary Chairperson. Upon the arrival or resumption of ability to act, the Chairperson or Vice-Chairperson shall resume the Chair, upon the conclusion of the business then pending before the Board. It shall be the duty of the Chairperson to attend all meetings of the Bay Area Air Quality Management District Advisory Council.

**2.3 VICE CHAIRPERSON.**

If, for any reason, the Chairperson ceases to be a member of the Board, the Vice-Chairperson shall automatically assume the office of Chairperson and the Board Secretary shall automatically assume the office of Vice-Chairperson. If, for any reason, the Vice-Chairperson ceases to be a member of the Board, the Board Secretary shall automatically assume the office of Vice-Chairperson. In either eventuality, the Board Nominating Committee shall, upon the request of the Chairperson, make a recommendation at the Board meeting following such request to fill the office of Board Secretary. An election will then immediately be held for that purpose.

**2.4 BOARD SECRETARY.**

The Board Secretary shall be official custodian of the Seal of the District and of the official records of the District and shall perform such secretarial duties as may require execution by the Board of Directors. The Board Secretary may delegate any of these duties to the APCO, or to the Clerk of the Boards.

**2.5 MEETING ROLL CALL.**

Before proceeding with the business of the Board, the Clerk of the Boards shall call the roll of the members, and the names of those present shall be entered in the Minutes. The names of members who arrive after the initial roll call shall be noted in the Minutes at that stage of the Minutes.

**2.6 QUORUM.**

A majority of the members of the Board constitutes a quorum for the transaction of business, and may act for the Board.

**2.7 OFFICER ROTATION.**

It is intended that the positions of Chairperson, Vice Chairperson, and Board Secretary be rotated among the members in a manner to assure participation in the affairs of the District from a wide representation of the membership. In making its recommendations, the Nominating Committee shall take into account such factors as representation by those members appointed by Boards of Supervisors, those members appointed by City selection committees, those members from large counties, and those from small counties.

**SECTION 6 BOARD OF DIRECTORS, COMMITTEES**

**6.8 NOMINATING COMMITTEE. (Revised 10/4/95)**

The Nominating Committee will consist of the Chairperson of the Board, the past Chairperson of the Board and three (3) appointees of the Chairperson of the Board, or in the event the past Chairperson of the Board is no longer serving on the Board, four (4) appointees of the Chairperson of the Board. The Nominating Committee shall be appointed no later than the second Board Meeting in November of each year and shall serve until the appointment of a new Committee. It is the function of the Nominating Committee to recommend to the Board the officers for each calendar year. In making its recommendation, the Committee shall not be bound by a recommendation of a previous Nominating Committee. The Committee need not follow a strict rule of rotation between supervisor and city members but may take into account their proportionate membership on the Board of Directors. Additionally, the Committee shall take into account the provisions of Section I-2.7.

**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: November 7, 2011

Re: Report of the Personnel Committee Meeting of November 14, 2011

RECOMMENDED ACTION

The Personnel Committee may recommend Board of Directors approval of candidates to fill terms of office on the Advisory Council, and of candidates for appointment.

BACKGROUND

The Personnel Committee will meet on November 14, 2011 to consider:

The Advisory Council terms of office for ten members in the following categories which will expire on December 31, 2011: public health agencies (2), conservation organization (1), regional park district (1), park and recreation commissions (1), public mass transportation system (1), industry (1), community planning (1), architects (1), and organized labor (1).

Attached are the staff reports submitted to the Personnel Committee at the November 14, 2011 meeting. There is no staff report for the Closed Session item.

Chair Wagenknecht will provide an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Maricela Martinez  
Reviewed by: Jennifer Cooper

Attachment(s)

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Brad Wagenknecht and  
Members of the Personnel Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: October 26, 2011

Re: Conduct Interviews and Consider Recommending Board of Directors'  
Approval of Candidates for Appointment and Incumbents for Reappointment  
to the Air District's Advisory Council

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RECOMMENDED ACTION

Conduct interviews and consider recommending Board of Directors' approval of candidates for appointment to the Air District's Advisory Council.

BACKGROUND

Pursuant to Section 40261 of the California Health and Safety Code, the Air District is required to maintain an Advisory Council consisting of 20 members. Further, section 40262 requires that the member categories consist of at least three representatives of public health agencies; at least four representatives of private organizations active in conservation or protection of the environment within the bay district; at least one representative of colleges or universities in the state; and at least one representative of each of the following groups within the bay district: regional park district, park and recreation commissions or equivalent agencies of any city, public mass transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor. To the extent that suitable persons cannot be found for each of the specified categories, council members may be appointed from the general public. The new terms would expire on December 31, 2013.

DISCUSSION

The terms of office for ten members in the following categories will expire on December 31, 2011: public health agencies (2), conservation organization (1), regional park district (1), park and recreation commissions (1), public mass transportation system (1), industry (1), community planning (1), architects (1), and organized labor (1). Seven incumbent members reapplied for their respective categories, and their reappointment may be recommended by the Personnel Committee. Staff initiated a recruitment effort to fill the remaining three vacancies. After extensive recruitment and outreach efforts, staff received a total of nine applications for the vacancies.

The Human Resources Office and the Executive Office have assessed the candidates' experience and education relative to the positions for which the candidates applied and have selected six candidates with the most relevant qualifications to interview with the Personnel Committee under the categories of community planning, organized labor and public health.

On Monday, November 14, 2011 at 9:30 a.m., the six non-incumbent candidates will be interviewed. The length of each interview will be approximately fifteen minutes. The application materials of the six new candidates and the seven incumbent members are included for your review.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Rex Sanders  
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: November 1, 2011

Re: Overview of the 2011/2012 Wood Smoke Reduction Program

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The 2011/2012 winter marks the fourth season that the *Winter Spare the Air* (WSTA) program includes a mandatory curtailment of wood burning throughout the Bay Area when a WSTA alert is issued. The attached fact sheet provides history and information regarding Regulation 6, Rule 3, Wood-burning Devices and associated Air District activities.

DISCUSSION

For the 2011/2012 *WSTA* season, the Air District is working with local governments and the public to inform them about the air quality hazards of wood burning and about the wood burning rule. The advertising and outreach campaign uses multiple language TV, radio, print, web, billboard, grassroots and in-theater spots. Educational materials will be distributed to the public via direct mail, public events, door-to-door canvassing and through the website. The public can be notified of *WSTA* alerts by calling the 1-877-4NO-BURN phone line or signing up for *AirAlerts* emails and/or phone calls which will also be available in multiple languages. In addition, lessons learned in previous seasons will be applied to this season's Compliance and Enforcement activities.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Eric Stevenson  
Reviewed by: Jean Roggenkamp

Attachment: Wood Smoke Reduction Program Background and History Fact Sheet



# Wood Smoke Reduction Program Background and History Fact Sheet

**On July 9, 2008, the Board of Directors adopted Regulation 6, Rule 3: Wood-burning Devices to protect Bay Area residents from the public health impacts of fine particulate matter (PM<sub>2.5</sub>) and to reduce harmful emissions from wood burning.**

The rule requires the following:

- Prohibits wood burning on days forecast to exceed air quality standards for PM<sub>2.5</sub>
- Limits excess smoke and prohibits burning inappropriate materials/garbage at all times
- Restricts the sale and installation of non-EPA certified wood burning devices
- Requires labeling on firewood and solid fuels sold within the District
- Prohibits recreational, agricultural and other open burning on alert days

When a wood smoke violation is observed at a residence, a warning letter is issued. A second violation results in Notice of Violation (NOV) and a \$400 penalty.

The 2011/2012 winter is the fourth *Winter Spare the Air (WSTA)* season that includes a mandatory curtailment of wood burning on days forecast to exceed the 24-hour National Ambient Air Quality Standard (NAAQS) for PM<sub>2.5</sub>. The season commenced on November 1, 2011 and will end on February 29, 2012.

For the 2010/2011 season, 4 *WSTA* alerts were issued and 1 day exceeded the 24-hour PM<sub>2.5</sub> standard. In addition, the Air District called 2 recommended no burn days when air pollution was building over holiday weekends last season. This strategy resulted in the District successfully avoiding a mandatory *WSTA* alert due to the reduced smoke build up. Recommended no burn days will be part of the 2011/2012 program to reduce the potential build-up of PM<sub>2.5</sub>. Enforcement, compliance assistance and outreach will continue to focus efforts in areas with high burning and/or complaints. Inspection patrols will cover all Bay Area counties for curtailment or visible emissions violations throughout the season. The public can enter wood smoke complaints either online ([www.baaqmd.gov](http://www.baaqmd.gov)) or by phone (1(877)4NO-BURN).

Following is a table outlining the number by county of complaints recorded, warning letters and NOV's issued for the previous three *WSTA* seasons.



## Wood Smoke Reduction Program Compliance Activity

	2008-2009 WSTA Season			2009-2010 WSTA Season			2010-2011 WSTA Season		
	Complaints	Warning Letters	NOVs	Complaints	Warning Letters	NOVs	Complaints	Warning Letters	NOVs
<b>Alameda</b>	210	32		360	21		209	5	
<b>Contra Costa</b>	239	55		373	48	1	190	5	1
<b>Marin</b>	391	55		488	65		301	5	
<b>Napa</b>	43	12		83	33		36	0	
<b>San Francisco</b>	57	0		96	0		38	0	
<b>San Mateo</b>	170	15		225	27	2	193	2	
<b>Santa Clara</b>	180	33		457	28	4	279	13	1
<b>Solano</b>	32	11		43	11		25	0	
<b>Sonoma</b>	131	41	1	230	77	2	102	29	
<b>Totals</b>	<b>1453</b>	<b>254</b>	<b>1</b>	<b>2355</b>	<b>310</b>	<b>9</b>	<b>1373</b>	<b>59</b>	<b>2</b>
	<i>WSTA Alerts</i>	<b>11</b>		<i>WSTA Alerts</i>	<b>7</b>		<i>WSTA Alerts</i>	<b>4</b>	
	<i>PM<sub>2.5</sub> Excesses</i>	<b>13</b>		<i>PM<sub>2.5</sub> Excesses</i>	<b>9</b>		<i>PM<sub>2.5</sub> Excesses</i>	<b>1</b>	
	<i>Info Packets</i>	<b>1550</b>		<i>Info Packets</i>	<b>10270</b>		<i>Info Packets</i>	<b>592</b>	
	<i>Exemptions</i>	<b>0</b>		<i>Exemptions</i>	<b>44</b>		<i>Exemptions</i>	<b>49</b>	

**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: November 7, 2011

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

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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 began the third presentation in this series, which is an overview of the Air District's permit and enforcement programs. Due to time constraints, the completion of the presentation was postponed to a subsequent Board meeting.

DISCUSSION

Staff will complete the overview of the Air District's permit and enforcement programs at the Board of Directors' meeting scheduled for November 16, 2011.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Brian Bateman  
Reviewed by: Jeff McKay