

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

Board of Directors Regular Meeting
March 16, 2011

APPROVED MINUTES

CALL TO ORDER: Chairperson Tom Bates called the regular meeting to order at 9:45 a.m.

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

Roll Call: Chairperson Tom Bates; Vice Chair John Gioia; and Directors John Avalos, Susan Gorin, Carole Groom, Scott Haggerty, Jennifer Hosterman, David Hudson, Nate Miley, Johanna Partin, Mark Ross, James Spring, Gayle B. Uilkema, Brad Wagenknecht, Ken Yeager, and Shirlee Zane

Absent: Secretary Ash Kalra; and Directors Harold Brown, Carol Klatt, Liz Kniss and Eric Mar

OATH OF OFFICE/SWEARING-IN OF NEW BOARD MEMBERS:

The Clerk of the Boards administered the Oath of Office to new Board Member John Avalos of the City and County of San Francisco.

PUBLIC COMMENTS: None

CONSENT CALENDAR (Items 1-5):

- 1. Minutes of March 2, 2011 Regular Meeting;**
- 2. Communications;**
- 3. Referral of Proposed Budget for Fiscal Year Ending 2012 to the Budget and finance Committee**
- 4. Resolution to Authorize the Executive/Officer/APCO to Enter into a Contract with Caltrans on Behalf of the Air District for an Environmental Justice Transportation Planning Grant**
- 5. Subordination Request from City of Novato**

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

Adopted Resolution 2011-04 Authorizing the Executive/Officer/APCO to Enter into a Contract with Caltrans on Behalf of the Air District for an Environmental Justice Transportation Planning Grant.

COMMITTEE REPORTS AND RECOMMENDATIONS

6. Report of the Stationary Source Committee Meeting of March 3, 2011

Chair: G. Uilkema

The Stationary Source Committee met on Thursday, March 3, 2011 and deferred approval of the December 13, 2010 minutes.

The Committee received an update of the following:

- Proposed Regulation 11, Rule 17: Limited Use Stationary Compression Ignition Engines in Agricultural Use;
- Proposed Regulation 12, Rule 13: Metal Melting and Processing Facilities;
- Proposed Amendments to Regulation 9, Rule 7: NO_x and CO from Industrial, Institutional and Commercial Boilers, Steam Generators and Process Heaters.

The next meeting of the Stationary Source Committee will be on Thursday, May 5, 2011 at 9:30 a.m.

Board Action: Director Uilkema made a motion to approve the report of the Stationary Source Committee; Director Sperring seconded the motion; which carried unanimously without objection.

Noted Present:

Directors Susan Garner, Liz Kniss and Eric Mar were noted as present.

7. Report of the Public Outreach Committee Meeting of March 3, 2011

Chair: M. Ross

The Public Outreach Committee met on Thursday, March 3, 2011 and approved the minutes of July 21, 2010 and October 25, 2010.

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

- The Executive Officer/APCO to enter into contract extensions for the 2011 Summer Spare the Air campaign (\$900,000 in CMAQ funding), the Smoking Vehicle Assistance Program, Resource Teams and Employer Program (\$695,000 in TFCA funding);
- The Executive Officer/APCO to enter into a contract with Kearns and West in an amount not exceed \$200,000 to assist staff with the development of a District-wide Public Engagement Policy and Plan; and
- The Executive Officer/APCO to enter into a contract with the Prescott-Joseph Center in the amount of \$215,000 to support the expansion of Breathmobile services into the Bayview Hunters Point neighborhood.

The Committee also received an overview of the Winter Spare the Air season and new multilingual campaign elements.

The next meeting of the Public Outreach Committee will be on Monday, April 4, 2011 at 9:30 a.m.

Public Comment:

Susan Goldsborough, Families for Clean Air, Mill Valley, submitted a letter into the record regarding concerns of wood smoke exposure in Marin and Sonoma counties and discussed air monitoring results prepared by Sonoma Technology.

Beverly Wood, Novato, urged the District to review and identify high risk subpopulations to better define wood smoke problems and discussed various discrepancies in air monitoring stations throughout Sonoma and Marin counties.

Patti Weisselberg, Families for Clean Air, Mill Valley, commended the District for its wood smoke outreach efforts, spoke of her desire for additional public outreach and enforcement, and asked that the District verify exemptions from the wood smoke regulations.

Mr. Broadbent reported that a full discussion of the *Winter Spare the Air* program will be presented to the Board of Directors at its April 6, 2011 regular meeting and an upcoming Public Outreach Committee meeting.

Board Member Discussion:

In response to Director Haggerty, Mr. Broadbent noted that the higher number of complaints received from the Sonoma and Marin areas has a lot to do with their geographic location, and said staff can review the need for greater emphasis and enforcement in those areas. He said that over the last few years, the wood smoke program had continually matured and refinement is ongoing.

Director Zane questioned and confirmed with Air Quality Program Manager Barbara Coler that the District issued 59 warning letters and 2 Notice of Violations (NOVs) this season, with fines of \$400 each. Last season, 310 warnings and 9 NOVs were issued. Director Zane asked that additional enforcement be undertaken and fines issued, citing the District's work to provide extensive education and outreach to homeowners and businesses since the program's inception.

Director Gorin questioned where citations were occurring in Marin and Sonoma counties, suggested local officials work with specific neighborhoods and that they avoid wood burning on all days.

Director Ross thanked speakers for their input, recognized the program's evolution and agreed that targeted mailings and enforcement can be further emphasized in Marin and Sonoma counties.

Vice Chair Gioia highlighted the program's initial start-up and the District's sensitivity and/or recognition of lower income families with no sources of heat. He suggested a better understanding of the entire situation. Director Uilkema concurred and asked that staff provide verification prior to renewal of exemptions for businesses and homes.

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

8. Report of the Legislative Committee Meeting of March 7, 2011

Chair: S. Garner

The Legislative Committee met on Monday, March 7, 2011 and approved the minutes of December 6, 2011.

The Committee discussed new bills, and recommends Board of Directors' approval of the positions listed in the table below and as distributed to Directors. Note the Committee changed staff's "Support" recommendation to "Watch" on AB 343 (Atkins) and AB 710 (Skinner).

The Committee also recommends that the Board endorse as a principal that important air quality and climate change programs not be sacrificed under the banner of regulatory reform.

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

BILL NO.	AUTHOR	SUBJECT	RECOM-MENDATION
AB 128	Logue	Would allow ARB to, instead of imposing an air penalty, spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	Oppose
AB 333	Grove	Exempts counties with unemployment over 7% from AB 32	Oppose
AB 343	Atkins	Requires redevelopment plans to identify how redevelopment projects will help regions attain their SB 375 (GHG emission reduction) goals	Support WATCH
AB 382	Nestande	Requires all written district communications alleging violations to contain new detailed information, and imposes new requirements on inspectors	Oppose
AB 462	B. Lowenthal	Allows air districts to use AB 923 funds to replace older CNG tanks on school buses	Support
AB 710	Skinner	Infill Development and Sustainable Community Act; eliminates excessive minimum parking requirements in infill and transit-oriented development areas	Support WATCH
AB 942	Huber & B. Berryhill	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	Oppose
AB 1332	Donnelly	Abolishes ARB and transfers duties and obligations to CalEPA	Oppose
ABx1 2	Logue	Would allow ARB to instead of imposing an air penalty spend an equivalent amount on actions to comply with the violated regulation or on a supplemental project	Oppose
ABx1 7	Logue	Directs all penalties and fines collected by ARB into the General Fund, rather than air pollution remediation accounts	Oppose

SB 170	Pavley	Allows South Coast Air District to receive intellectual property benefits or revenues from projects funded with grant funds controlled by the South Coast	Support if Amended
BILL NO.	AUTHOR	SUBJECT	RECOMMENDATION
SB 209	Corbett	Prevents homeowners associations from blocking EV residential charging	Support
SB 582	Emmerson	Allows MPO's and air districts to jointly adopt regional commute benefit policies, with requirements on employers	Co-Sponsor
SB 724	Dutton	Expands ARB's requirements and considerations when assessing penalties, and imposes new deadlines and requirements on ARB when certifying engines	Oppose
SB 739	A.Lowenthal	Requires ports to assess infrastructure and air quality needs, in consultation with the local MPO and air district, specifying needed projects, funding, and timelines	Support

Vice Chairperson Gioia requested a brief presentation from staff on AB 710 (Skinner), stating there was discussion on the issue at the Legislative Committee meeting.

Senior Advanced Projects Advisor, Tom Addison, reported that AB 710 has been in print for less than a month and deals with mandatory minimum parking requirements. Staff recommends a support position because mandatory parking requirements tend to encourage people to drive, thus reducing the use of transit, walking, biking, and other modes which help reduce emissions. The bill is sponsored by the Infill Builders Association. The bill was scheduled for two Policy Committee hearings and he sees the bill as something that will evolve and likely be changed in a number of ways over the course of the year from local government feedback.

Vice Chairperson Gioia read part of the bill language into the record, stating it would “prohibit a city or county from requiring more than one parking space per residential unit and more than one parking space per 1,000 square feet of commercial or other nonresidential space for a residential or mixed-use residential project located in a transit intensive area, as defined, or subject to an adopted downtown area plan, an adopted neighborhood plan, or an adopted redevelopment project area.”

Director Partin confirmed that the District does take action on federal legislation, and she asked about House Bill 910, the Energy Tax Prevention Act of 2011. The bill would strip the Environmental Protection Agency of its power to regulate greenhouse gas emissions. Mr. Broadbent noted that District, in response to a request as a member of the National Association of Clean Air Agencies, took the initiative of preparing a letter in opposition and the matter can be brought back to the Legislative Committee for follow-up.

Director Sperring requested separating out the recommendations for AB 343 and SB 739, at which point he will vote to oppose the stated positions.

Board Action: Director Garner made a motion to approve the report and recommendations of the Legislative Committee; Director Hosterman seconded the motion; which carried by the following voice vote (18-1-2): Ayes: Avalos, Bates, Garner, Gioia, Gorin, Groom, Haggerty, Hosterman, Hudson, Kniss, Mar, Miley, Partin, Ross, Uilkema, Wagenknecht, Yeager, Zane. Noes: Spering (only on AB 343 and SB 739); Absent: Kalra and Klatt.

9. Report of the Climate Protection Committee Meeting of March 7, 2011

Chair: J. Hosterman

The Climate Protection Committee met on Monday, March 7, 2011 without an established quorum and deferred approval of the November 29, 2010 minutes.

The Committee received an update from Bruce Riordan, Climate Consultant, on the Joint Policy Committee/Climate Bay Area's development of a regional climate protection strategy, and the Climate Bay Area's project to identify important and high impact projects that link the climate/energy crisis and the economic crisis. The five key projects are:

- 1) Sustainable Community Strategy (SB 375);
- 2) Bay Area adaptation strategy;
- 3) Home and business building retrofits;
- 4) Electric vehicle strategy; and
- 5) Local renewable power

The Committee then received an update on the status of local Climate Action Plans (CAPs) in the Bay Area, reviewed the District's support of development of CAPs, web portal tracking, and expansion of adopted CAPs in the Bay Area. Cities are including more emission sources and specific measures in their plans and incorporating climate protection elements in their general plans.

The Committee then received an update on District actions to implement AB 32 control measures. The Committee discussed five CARB regulations and their reporting requirements, performance standards, exemptions, and applicability:

- Landfill Methane Control Measure
- Semiconductor Operations
- Sulfur Hexafluoride Use (non-utility and non-semiconductor)
- Stationary Refrigerant Management Program
- Cap-and Trade Regulation

The Committee then discussed its meeting schedule and work in the coming year. The next meeting of the 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 Uilkema seconded the motion; which carried unanimously without objection.

CLOSED SESSION

The Board of Directors adjourned to Closed Session at 10:34 a.m.

11. CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6(a))

Agency Negotiators: Jack P. Broadbent, Executive Officer/APCO

Jack M. Colbourn, Director of Administrative Services

Employee Organization: Bay Area Air Quality Management District Employee's Association, Inc.

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):

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

OPEN SESSION

The Board of Directors reconvened in Open Session at 11:12 a.m. District Counsel Bunger stated there was no reportable action taken.

PUBLIC COMMENT ON NON-AGENDA MATTERS – None

OTHER BUSINESS

- 8. Report of the Executive Officer/APCO:** Mr. Broadbent reported that the District, MTC and ABAG are moving forward with examining a potential relocation of District offices through its work with CB Richard Ellis. An RFP was issued to firms in the Bay Area and he will provide a report at the Executive Committee Meeting on April 11, 2011, with the entire process expected to be completed sometime in May.
- 9. Chairperson's Report:** Chairperson Bates announced the cancellation of the April 20, 2011 Board of Directors meeting.

BOARD MEMBERS' COMMENTS - None

PRESENTATION

10. What's in the Air We Breathe and How Do We Measure It?

Director of Technical Services Eric Stevenson discussed the radiation monitor on the roof of this building, stating the District is part of an EPA program that measures radioactive levels in San Francisco, San Jose, and Sacramento. The monitors provide background information, deviation, and filter media levels and can determine whether the Bay Area is affected from radiation resulting from Japan's incidents.

Directors discussed the potential for radiation traveling west, the federal government as the lead agency, links posted on the District's website which refer to up-to-date information and the ability after the meeting for Board Members to visit the roof where the monitor is located.

Mr. Stevenson gave a presentation on the air we breathe, how is it measured, air quality standards, how attainment is determined, how the District is doing, specifics of the District's air monitoring network and locations measured. He pointed out there is now interest in ultrafine particles which is

being reviewed by the Advisory Council, described components of air, units of measurement, the human respiratory system, and said the level of risk depends on the following factors:

- The amount of type of pollution in the air;
- The amount of time the exposure occurs;
- The amount of air we breathe in a given time; and
- Overall health

Other exposures to air pollutants include:

- Eating food products contaminated by air toxins that have been absorbed by plants or animals, (Dioxin);
- Drinking water contaminated by air pollutants (Lead);
- Ingesting contaminated soil (Arsenic);
- Touching contaminated soil, dust or water where contaminants can be absorbed through the skin (PCBs)

He displayed a chart showing compounds the District is most active in controlling and information on their emission sources, key man-made sources, scale of impacts, health and other impacts, and peak levels seen. Health impacts come down to dollars; reductions equal better health and less health care costs. He reviewed involved agencies, stating the Air District was established in 1955 as the first regional air pollution agency. The California Air Resources Board (CARB) was established in 1967, and the U.S. EPA in 1970.

He reviewed Clean Air Act requirements, stating the state and national ambient air quality standards are set to protect human health and the environment, and reviewed primary and secondary standards and monitoring requirements, and criteria pollutants showing both national and state standards, and their averaging time.

Mr. Stevenson then reviewed attainment status, stating the District is in non-attainment for ozone, PM10 and PM2.5 for the State standard. For the federal standard, the District is in non-attainment for ozone and 24-hour average for PM2.5, but is unclassified for PM10.

Mr. Stevenson presented emission trends from 1980 to 2010 showing directly emitted ROG, NO_x, PM2.5 and SO₂ from facilities categorized by consumer products, on- and off-road, evaporation, refinery other industrial and combustion emissions. He then reviewed ozone creation, stating ground level or “bad” ozone is not emitted directly into the air, but is created by chemical reactions between NO_x and VOCs in the presence of heat and sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of oxides of nitrogen (NO_x) and volatile organic compounds (VOC).

Mr. Stevenson then presented ozone exceedance trends from 1968 to 2010, showing the number of days exceeding the National 8-hour Standard (75 ppb), number of days exceeding the State 1-hour Standard (90 ppb), and a 3 year running 8-hour average. He also displayed PM2.5 exceedance days from 2000 to 2010 showing the national 24-hour (35 ug/m³) and a 3 year running 24-hour, which show significant reduction. However, the trends for GHGs are increasing.

Mr. Stevenson presented air monitoring sites in the entire Bay Area. South Coast has a fairly extensive, but comparatively, the Bay Area AQMD has the densest network in the world. Mr. Broadbent added that Mr. Stevenson heads up the National Association of Clean Air Agencies Monitoring Committee, is considered to be a national/worldwide expert, and is often called on to speak.

Director Comments/Questions:

Directors discussed results which show diesel is the highest mobile source emission, measurements of attainment and non-attainment as averages, cites not meeting the standard, and confirmed that a future workshop will focus on legal status of attainment measures and the District's work.

10. **Time and Place of Next Meeting:** 9:45 a.m., Wednesday, April 6, 2011 – 939 Ellis Street, San Francisco, CA 94109.
11. **Adjournment:** The Board of Directors meeting adjourned at 11:56 a.m.

LS/ Lisa Harper

Lisa Harper
Clerk of the Boards