



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
EXECUTIVE COMMITTEE MEETING

COMMITTEE MEMBERS

TOM BATES – CHAIR
ASH KALRA – SECRETARY
CAROLE GROOM
JENNIFER HOSTERMAN
BRAD WAGENKNECHT

JOHN GIOIA – VICE-CHAIR
SUSAN GARNER
SCOTT HAGGERTY
MARK ROSS

MONDAY
APRIL 11, 2011
9:30 AM

4TH FLOOR CONFERENCE ROOM
939 ELLIS STREET
SAN FRANCISCO, CA 94109

AGENDA

1. **CALL TO ORDER – ROLL CALL**
2. **PUBLIC COMMENT PERIOD** *(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.*
3. **APPROVAL OF MINUTES OF NOVEMBER 22, 2010**
4. **QUARTERLY REPORTS OF THE HEARING BOARD: OCTOBER – DECEMBER 2010 AND JANUARY 2011 – MARCH 2011**
T. Dailey/5073
Tom.Dailey@kp.org
5. **JOINT POLICY COMMITTEE UPDATE**
J. Roggenkamp/4646
jroggenkamp@baaqmd.gov
Ted Droettboom will provide an update on the activities of the Joint Policy Committee.
6. **UPDATE ON THE IMPLEMENTATION OF THE AIR DISTRICT'S CEQA GUIDELINES AND COMMUNITY RISK REDUCTION PLANS (CRRP)**
J. Broadbent/5052
jbroadbent@baaqmd.gov
The Committee will receive an update on the implementation of CEQA Guidelines and Community Risk Reduction Plans.
7. **PRODUCTION SYSTEM PROJECT UPDATE**
J. McKay/4629
jmckay@baaqmd.gov
The Committee will receive an update on the Air District's Production System.

CLOSED SESSION

8. 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 Employee's Association, Inc.

OPEN SESSION

9. COMMITTEE MEMBER COMMENTS/OTHER BUSINESS

Any member of the Committee, 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).

10. TIME AND PLACE OF NEXT MEETING: AT THE CALL OF THE CHAIR

11. ADJOURNMENT

**CONTACT EXECUTIVE OFFICE- 939 ELLIS STREET SAN
FRANCISCO, CA 94109**

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

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least three 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 District's offices 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 District's website (www.baaqmd.gov) at that time.

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

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

APRIL 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(At the Call of the Chair)</i>	Monday	11	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Meeting	Wednesday	13	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	20	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	28	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(At the Call of the Chair)</i>	Thursday	28	Immediately Following Mobile Source	4 th Floor Conf. Room

MAY 2011

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

JUNE 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	1	9:45 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	15	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	23	9:30 a.m.	4 th Floor Conf. Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 24, 2011

Re: Executive Committee Draft Meeting Minutes

RECOMMENDED ACTION

Approve attached draft minutes of the Executive Committee meeting of November 22, 2010.

DISCUSSION

Attached for your review and approval are the draft minutes of the November 22, 2010 Executive Committee meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Reviewed by: Rex Sanders

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

DRAFT MINUTES

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

Call to Order - Roll Call: Chairperson Brad Wagenknecht called the meeting to order at 9:50 a.m.

Present: Chairperson Brad Wagenknecht; Secretary John Gioia; Committee Members Susan Garner, Carole Groom, Scott Haggerty, Mark Ross, and Pamela Torliatt

Absent: Vice Chairperson Tom Bates; Committee Member Susan Garner and Gayle B. Uilkema

Public Comment Period: None.

Approval of Minutes: Approval deferred, due to lack of a quorum.

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

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

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

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

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

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

Committee Comments/Questions: None.

Public Comment:

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

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

Committee Action: None; for information only.

3. Approval of Minutes

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

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

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

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

Committee Comments/Questions:

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

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

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

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

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

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

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

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

Public Comment:

None.

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

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

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

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

Committee Comments/Questions:

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

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

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

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

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

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

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

Public Comment:

None.

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

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

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

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

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

Implementation of the CEQA Guidelines include:

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

Various tools and resources include:

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

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

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

Results:

- Pilot projects underway in San Jose, San Francisco
 - Air District assisting with work plan development, emissions inventories, modeling
 - Regular meetings and calls with local staff
 - \$50,000 to SJ and SF to support local staff
 - Making progress on modeling, mapping growth areas, and outreach plans
- Preparing local emission inventories (regionwide)
 - Detailed modeling inputs for stationary sources
 - Local road and highway traffic volumes & emissions

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

The community development guidelines will:

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

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

Risk and hazard screening approach include:

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

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

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

Next steps include:

- Recommend that Board of Directors to change effective date for risk and hazard thresholds for new receptors
- Host local governments workshops
- Refine technical data and screening process
- Initiate technical working group

Committee Comments/Questions:

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

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

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

Chairperson Wagenknecht stated that the bottom line is health.

Closed Session

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

POTENTIAL LITIGATION (Government Code Section 54956.9 (b))

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

Open Session

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

Committee Member Comments/Other Business: None.

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

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

Vanessa Johnson
Executive Secretary

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 Memorandum

TO: Chairperson Tom Bates and Members of the Executive Committee
 FROM: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board
 DATE: April 6, 2011
 RE: Hearing Board Quarterly Report – October 2010 – December 2010 and January 2011 – March 2011

RECOMMENDED ACTION:

This report is provided for information only.

DISCUSSION:

Below is Hearing Board activity during the period from October 2010 through December 2010:

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
Marin/Mill Valley	<u>Docket No. 3594</u> - APCO vs. 101 MILL VALLEY CORPORATION, a California corporation; COPELAND CREEK APARTMENTS LLC; PAUL GHAFOORI, individually and <i>d/b/a</i> COPELAND CREEK APARTMENTS LLC and <i>d/b/a</i> BPG PACIFIC LLC and <i>d/b/a</i> UNOCAL #7380; a GASOLINE DISPENSING FACILITY, located at 630 Blithedale Avenue, Mill Valley, California, Site No. C7948 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing held October 14, 2010; continued to October 21, 2011; filed dismissal noting EVR upgrade complete.	===	===

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
Alameda/Union City	<u>Docket No. 3595</u> - APCO vs. SOM D. GUPTA, individually, a/k/a SON D. GUPTA, and d/b/a ANABE, INCORPORATED, ABE PETROLEUM LLC and AMI PETROLEUM, INC.; PAWAN K. GARG, a/k/a PAUL GARG, individually, a/k/a GARG PAWANK, and d/b/a AMI PETROLEIUM, INC.; ANABE, INCORPORATED, a California Corporation, and d/b/a AMI PETROLEUM and d/b/a ABE PETROLEUM; and a GASOLINE DISPENSING FACILITY, located at 33090 Mission Boulevard, Union City, Alameda County, California, Site No. C 1069, and a/k/a AMI PETROLEUM - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities</i>	8-7-302	Hearing Held October 14, 2010; Conditional Order for Abatement	===	===
Contra Costa/Antioch	<u>Docket No. 3596</u> - APCO vs. REZA MAHMOODI, individually and d/b/a Hillcrest Fuel Mart and/or Hillcrest Valero; REZA INC., individually and d/b/a Hillcrest Fuel Mart and/or Hillcrest Valero; AMAN POHYAR, individually and d/b/a Hillcrest Fuel Mart and/or Hillcrest Valero; a Gasoline Dispensing Facility located at 1801 Hillcrest Avenue, Antioch, California, Site No. C9147 – <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities</i>	8-7-302	Hearing Held October 21, 2010; Conditional Order for Abatement and Stipulation for Entry of Stipulated Conditional Order for Abatement	===	===
Solano/Vallejo	<u>Docket No. 3597</u> – APCO vs. SAEED GHAFOORI, a.k.a. PAUL GHAFOORI; BPG PACIFIC, LLC; ALI KAZEMINI; FERDOUS MOLLAI a.k.a. FERDOUS MOLLAI MEHRJERDI; JAGDEEP SIDHU; IVNINDER SIDHU; CYROUS BANI-HASHEMI; VALLEJO FAST GAS, Site No. C9361 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities</i>	8-7-302	Hearing Held October 21, 2010; Conditional Order for Abatement	===	===

COUNTY/CITY	<u>PARTY/PROCEEDING</u>	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Alameda/Fremont	<u>Docket No. 3598</u> - APCO vs. Cheuk Fung, individually, and <i>d/b/a</i> Max Gas, Warm Springs Valero, and/or Warm Springs Gas; Cheuk M. & Juilan Fung Trust; a Gasoline Dispensing Facility located at 39925 Mission Boulevard, Fremont, California, Site No. D0587, <i>a/k/a</i> Max Gas; a Gasoline Dispensing Facility located at 47700 Warm Springs Boulevard, Fremont, California, Site No. C8687 – <i>Accusation and Request for Conditional Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing Held October 28, 2010; Conditional Order for Abatement Hearing held December 2, 2010; Amended Conditional Order for Abatement	===	===
Alameda/Oakland	<u>Docket No. 3599</u> - APCO vs. SALVATION ARMY, INC., a California corporation, and <i>d/b/a</i> SALVATION ARMY, a Gasoline Dispensing Facility, Site No. C0488; SAM TIBERMACHINE, individually; DAVID BOYD - <i>Accusation and Request for Conditional Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing Held October 28, 2010; Conditional Order for Abatement	===	===
Contra Costa/Richmond	<u>Docket No. 3600</u> - APCO vs. SURJIT RATTU, individually, and <i>a/k/a</i> SAM RATTU, and <i>d/b/a</i> CUTTING FOOD AND GAS, a Gasoline Dispensing Facility, Site No. D0450, <i>a/k/a</i> CUTTING MINI MARKET (ARCO); CUTTING FOOD AND GAS, INC., a California corporation, and <i>d/b/a</i> CUTTING FOOD AND GAS, <i>a/k/a</i> CUTTING MINI MARKET (ARCO) – <i>Accusation and Request for Conditional Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing Held November 4, 2010; Conditional Order for Abatement	===	===
Contra Costa/Antioch	<u>Docket No. 3602</u> - RETAIL ALLIANCE, LLC - <i>Application for Interim and Regular Variance from regulation relating to Authority to Construct and requiring orderly procedures for review of new sources of air pollution and modification and operation of existing sources).</i>	2-1-301	Hearing Held November 18, 2010; Interim Variance denied; order – Hearing for regular Variance scheduled December 9, 2010; Variance w/d by applicant; Order for Dismissal Filed 12/9/10	10/27/10 to 9/28/11	===

COUNTY/CITY	<u>PARTY/PROCEEDING</u>	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Santa Clara/Sunnyvale	<u>Docket No. 3603</u> – APCO vs. MOHSEN EFRAN KHAZIRI; ELENA KHAZIRI; and the Gasoline Dispensing Facility located at 724 N. Mathilda Avenue, Sunnyvale, California, Site No. D0284, known as Sunnyvale Beacon Gas and Carwash, also known as Chevron and/or Sunnyvale Carwash - <i>Accusation and Request for Conditional Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearings Held December 9, 2010; Conditional Order for Abatement	===	===
Santa Clara/Sunnyvale	<u>Docket No. 3603</u> – APCO vs. MOHSEN EFRAN KHAZIRI; ELENA KHAZIRI; and the Gasoline Dispensing Facility located at 724 N. Mathilda Avenue, Sunnyvale, California, Site No. D0284, known as Sunnyvale Beacon Gas and Carwash, also known as Chevron and/or Sunnyvale Carwash – <i>Request for Modification of Conditional Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearings Held to consider Modification of Order Held January 27, 2011; Amended Conditional Order for Abatement Filed	===	===
Santa Clara/Santa Clara	<u>Docket No. 3604</u> – CALIFORNIA PAPERBOARD CORPORATION – <i>Request for a Short Term Variance from Regulation 2, Rule 1, Section 307, insofar as they require compliance with Condition No. 19838.1.</i>	2-1-307	Hearing scheduled for December 23, 2010; applicant requests withdrawal; Order for Dismissal Filed	11/19/10 to 11/30/10	===
Contra Costa/Richmond	<u>Docket No. 3605</u> – CHEVRON PRODUCTS COMPANY – <i>Request for an Emergency Variance from Regulation 8, Rule 5, Section 321.1; primary seal requirements of storage tank equipment.</i>	8-5-321.1	Final Order Granting Emergency Variance	11/17/10 to 12/17/10	===

COUNTY/CITY	<u>PARTY/PROCEEDING</u>	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Contra Costa/Crockett	<u>Docket No. 3606</u> – CROCKETT COGENERATION – <i>Request for an Emergency Variance from Regulation 2, Rule 2, Section 301; Condition 14970; parts 27 & 29 and from Regulation 2, Rule 6, Section 307 relating to review of new and modified sources, use of BACT, TBACT and emission offsets and non-compliance of Major Facility Review requirements</i>	2-2-301 2-6-307	Final Order Granting Emergency Variance	12/18/10 to 1/17/11	===
Alameda/Hayward	<u>Docket No. 3607</u> - CALIFORNIANS FOR RENEWABLE ENERGY, INC. (CARE) – <i>Appeal of Russell City Energy Center for an Issuance of Authority to Construct and Request for Fee Waiver.</i>	ATC	Pro Forma Hearing 1/6/11; Hearing Held 2/2/11; Order Approved Denying Fee Waiver, Application for leave to intervene, Denying motion to strike document and/or continue hearing and Dismissing Appeal for lack of jurisdiction.	===	===
Alameda/Hayward	<u>Docket No. 3608</u> – APPEAL OF ROBERT SIMPSON – <i>Appeal of an Issuance of Authority to Construct and Request for Fee Waiver.</i>	ATC	Received Appeal without Filing Fee; matter closed	===	===
Alameda/Hayward	<u>Docket No. 3609</u> – APPEAL OF CITIZENS AGAINST POLLUTION – <i>Appeal of an Issuance of Authority to Construct and Request for Fee Waiver.</i>	ATC	Received Appeal without Filing Fee; matter closed	===	===

Below is Hearing Board activity during the period from January 2011 through March 2011:

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
Santa Clara/San Jose	<u>Docket No. 3610</u> – APCO vs. PETROMART RETAIL GROUP, INC., a California corporation, and d/b/a TULLY SHELL AUTO CARE, a Gasoline Dispensing Facility, Site No. C9696; GAWFCO ENTERPRISES, INC., a California corporation; TEDDY IP, an individual, d/b/a TULLY SHELL AUTO CARE; MING SHIU, an individual, d/b/a TULLY SHELL AUTO CARE; THANH Q. TU, an individual, d/b/a TULLY SHELL AUTO CARE - <i>Accusation and Request for Conditional Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing Held March 3, 2011; EVR Upgrade verified as complete; Order for Dismissal	===	===
Alameda/Hayward	<u>Docket No. 3611</u> – APCO vs. BALJIT GREWAL, an individual, and d/b/a SERVO GAS – FOOTHILL BOULEVARD, a Gasoline Dispensing Facility, Site No. D0337 - <i>Accusation and Request for Conditional Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing Scheduled for March 3, 2011; EVR Upgrade verified as complete; Dismissed.	===	===
Contra Costa/Richmond	<u>Docket No. 3612</u> – CHEVRON PRODUCTS COMPANY – <i>Request for an Emergency Variance from Regulation 8, Rule 5, Section 321.3 –primary seal requirements of storage tank equipment</i>	8-5-321.3	Emergency Variance approved	1/31/11 to 3/1/11	===
Contra Costa/Richmond	<u>Docket No. 3613</u> – CHEVRON PRODUCTS COMPANY – <i>Request for a Regular Variance from Regulation 8, Rule 5, Section 321.1 Regulation 8, Rule 5, Section 321.3.1; Regulation 8, Rule 5, Section 321.3.2; Regulation 2, Rule 1, Section 307; Regulation2, Rule 6, Section 307; and Standard Conditions 1.A and 1.B.2 of Applicant's Major Facility Review Permit</i>	8-5-321.1 8-5-321.3.1 & 321.3.2 2-1-307 2-6-307 Std Condtns 1.A & 1.B.2	Hearing Scheduled for April 7, 2011; Withdrawn by Applicant	3/2/11 to 8/31/11	===

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
Santa Clara/San Jose	Docket No. 3614 – APPEAL OF ROBERT M. SARVEY ON THE LOS ESTEROS CRITICAL ENERGY FACILITY – <i>Appeal on the Issuance of Authority to Construct for Facility ID #B3289</i>	ATC	Pro Forma Hearing Scheduled for April 21, 2011 to consider fee waiver, request for intervention, and set briefing schedule	===	===

FOURTH QUARTER NOTES:

- During the fourth quarter of 2010, the Hearing Board and Clerk scheduled for hearing and processed fourteen (14) Accusations and Applications for Variances and Appeals, some of which were withdrawn before or at the hearings or negotiated compliance plans with the Legal Division, (Dockets 3599, 3602, and 3604). The Accusations were brought against gas station owners who have not complied with the April 30, 2010 ARB deadline for EVR compliance.
- Two additional Appeals were received and filed (Dockets 3608 and 3609); however, filing fees were not received from appellants and the dockets were not acted upon and closed.
- The Hearing Board approved thirteen (13) Orders.
- The Hearing Board also received a status update from the District Counsel of all outstanding Abatement Orders at the Hearing Board’s December 2, 2010 meeting.
- Hearing Board Subcommittee member Christian Colline met with the Hearing Board Clerk on December 15, 2010 and further revisions were made to the Hearing Board Rules.
- The Hearing Board collected \$8,667 during the fourth quarter of 2010.

FIRST QUARTER NOTES:

- During the first quarter of 2011, the Hearing Board and Clerk processed five (5) Accusations and applications for Variances and Appeals, some of which were withdrawn before or during the hearings (Dockets 3610, 3611 and 3613). The Hearing Board scheduled four (4) hearings and approved six (6) Orders.
- Status reports and requests for continuance were received for two dockets; one of which was heard and approved for further continuance; and one docket was approved as modified by the Hearing Board.

- Two Appeals were received but not filed due to non-receipt of filing fees.
- The Hearing Board collected \$9896.27 during the first quarter of 2011.
- Hearing Board Subcommittee Member Christian Colline met with the Hearing Board Clerk on March 30, 2011 and updated the Hearing Board Rules. The final Hearing Board Rules have been noticed and sent out for final comment and are expected to be approved in April 2011.

EXCESS EMISSION DETAILS

<u>COMPANY NAME</u>	<u>DOCKET NO.</u>	<u>TOTAL EMISSIONS</u>	<u>TYPES OF EMISSIONS</u>	<u>PER UNIT COST</u>	<u>TOTAL AMT COLLECTED</u>
					\$ 0
				TOTAL COLLECTED:	<u>\$ 0</u>

Respectfully submitted,

Thomas M. Dailey, M.D.
Chair, Hearing Board

Prepared by: Lisa Harper
Reviewed by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Tom Bates and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 25, 2011

Re: Joint Policy Committee Update

RECOMMENDED ACTION:

None; receive and file.

DISCUSSION

Ted Droettboom will provide an update on the activities of the Joint Policy Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jean Roggenkamp

Reviewed by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Tom Bates and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 28, 2011

Re: Update on the Implementation of the District's CEQA Guidelines and Community
Risk Reduction Plans

RECOMMENDED ACTION:

Information only.

BACKGROUND

On June 2, 2010, the Bay Area Air Quality Management District Board of Directors unanimously adopted the CEQA thresholds of significance. The thresholds of significance are included in the Air District's updated CEQA Guidelines (June 2010). All of the adopted CEQA thresholds of significance – *except for the risk and hazards thresholds for new receptors* – are effective as of June 2, 2010. The risk and hazards thresholds for new receptors will become effective on May 1, 2011. On June 2, 2010 the Board also directed staff to report to the Board periodically on the implementation progress of the CEQA Guidelines and thresholds.

DISCUSSION

Since adoption of the CEQA thresholds, Air District staff has continued to meet extensively with local government officials and staff, developers, consultants, and stakeholder groups. Staff has met with staff from many local jurisdictions to discuss specific CEQA projects; has responded to numerous phone and email inquiries from local government staff, developers, and consultants; and has presented the CEQA Guidelines and thresholds to a number of stakeholder group meetings. It is clear that local lead agencies are familiar with the CEQA Guidelines, are using them in environmental review processes, and understand they may call upon District staff for assistance.

Staff conducted a series of three workshops in February and March 2011 to receive feedback from local government staff and others on the implementation of the CEQA Guidelines and to present updates on tools and methodologies being developed to assist local governments in applying the CEQA Guidelines. The workshops were held in Santa Rosa (2/22/11), Oakland (2/23/11), and Mountain View (3/3/11). Approximately 150 people attended the three workshops

including representatives from over 30 Bay Area local governments and various agencies, consultants, and non-profit groups.

Staff is continuing its work on the development of pilot Community Risk Reduction Plans (CRRPs) in San Jose and San Francisco. Staff is collaborating with San Jose staff on preparing the local emissions inventory for the city's CRRP. Staff also assisted with San Jose's outreach efforts including coordination of two public workshops on the CRRP. Staff is meeting regularly with San Francisco planning and health department staff to discuss modeling inputs and potential thresholds the city can use in their CRRP. Staff is also coordinating with San Francisco on modeling and estimating reductions from air filtration as a risk reduction strategy.

Staff is also preparing Community Development Guidelines to simplify the process for lead agencies in analyzing and mitigating risk and hazard impacts in proposed projects. Staff intends to provide a worksheet or checklist that outlines standardized setbacks and mitigation measures lead agencies can consider in their projects. Staff is continuing work on modeling local emissions and pollutant concentrations for roadways and stationary sources and estimating various potential risk reduction strategies to be part of the Community Development Guidelines.

The staff initiated an Air Quality Priority Development Area (PDA) workgroup with MTC and ABAG and is continuing to meet on a monthly basis. Staff is working with MTC and ABAG to assure that station area plans address risk and hazards on a community-wide approach. This effort will help streamline CEQA reviews for future proposed projects in station area plans. Staff presented on the recommended risk and hazard analysis approach for station area plans at MTC's recent Station Area Planning Workshop.

Staff will provide an update to the Executive Committee on implementation of the CEQA Guidelines, Air District collaboration with the other regional agencies, and progress on the CRRPs and Community Development Guidelines.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Resources to implement the CEQA Guidelines and support CRRPs are included in the FYE 2011 and proposed FYE 2012 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sigalle Michael
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Tom Bates and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 29, 2011

Re: Production System Project Update

RECOMMENDED ACTION:

None, receive and file.

DISCUSSION:

Staff will present the current status of this multi-year project, and a brief description of the next milestones. In December of 2006 staff presented the plan for implementation of the new production system. At that time, staff indicated that execution of the plan would be accompanied by detailed reports on the project status and accomplishments.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: John Chiladakis
Reviewed by: Jeffrey McKay