

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5073

Board of Directors Regular Meeting
Wednesday, November 6, 2013

APPROVED MINUTES

CALL TO ORDER: Chairperson Ash Kalra called the meeting to order at 9:49 a.m.

OPENING COMMENTS:

Chairperson Kalra welcomed Director Roger Kim to the Board and shared a brief biography of Mr. Kim's public service.

Director Susan Adams introduced Ellie Cochran, Council Member, County of Maui, as a guest of the Board at today's meeting.

ROLL CALL

Present: Chairperson Ash Kalra; Vice-Chairperson Nate Miley; Secretary Carole Groom; and Directors Susan Adams, John Avalos, Teresa Barrett, Cindy Chavez, John Gioia, Scott Haggerty, David Hudson, Roger Kim (on behalf of Edwin Lee), Carol L. Klatt, Eric Mar, Jan Pepper, Mary Piepho, Mark Ross, Jim Spering, Brad Wagenknecht and Shirlee Zane.

Absent: Directors Tom Bates, Liz Kniss and Tim Sbranti.

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

PUBLIC COMMENT ON NON-AGENDA MATTERS: None.

PROCLAMATION(S)/AWARD(S):

Chairperson Kalra, on behalf of the Board of Directors, recognized Jim Smith, Air Quality Program Manager of Communications and Outreach, who is retiring after completing six years of dedicated service with the Air District.

NOTED PRESENT: Director Mar was noted present at 9:53 a.m.

Mr. Smith addressed the Board in appreciation. Director Ross also recognized Mr. Smith for his service. Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), on behalf of staff, recognized Mr. Smith for his service.

CONSENT CALENDAR (ITEMS 1 – 5)

- 1. Minutes of the Board of Directors Regular Meeting of October 16, 2013;**
- 2. Board Communications Received from October 16, 2013 through November 5, 2013;**
- 3. Quarterly Report of Executive Office and Division Activities;**
- 4. Air District Personnel on Out-of-State Business Travel; and**
- 5. Approve Reclassifying One Air Quality Engineering Manager to Senior Advanced Projects Advisor and Y-Rating the Salary and Benefits.**

Public Comments: None.

Board Comments: None.

Board Action: Director Wagenknecht made a motion to approve Consent Calendar Items 1, 2, 3, 4 and 5; Director Adams seconded; and the motion carried unanimously.

COMMITTEE REPORTS AND RECOMMENDATIONS

- 6. Report of the Executive Committee (EC) Meeting of October 21, 2013**
Chairperson Kalra

The EC met on Monday, September 21, 2013, and approved the minutes of August 5, 2013.

The EC received from Terry Trumbull, Esq., Chairperson of the Hearing Board, the Quarterly Report of the Hearing Board for July through September 2013, including summaries of the cases and fees collected.

The EC also received from Robert Bornstein, Ph.D., Chairperson of the Advisory Council, the Report of the Advisory Council: May through October 2013, including background on the constitution and mission of the Council and a summary of recent meetings.

The EC then received the staff presentation Bay Area Commuter Benefits Program (Program), which is being developed by the Air District and the Metropolitan Transportation Commission (MTC) in response to Senate Bill (SB) 1339 enacted in fall 2012. The Program would require employers with 50 or more full-time employees in the Bay Area to provide commuter benefits to their employees. The presentation described the purpose of the Program; the four commuter benefit options that employers could choose among; applicability of the Program; program implementation efforts and recent progress; employer outreach; local and existing program coordination; and next steps in the Program development process.

The next meeting of the EC is Monday, November 18, 2013, at 9:30 a.m.

Public Comments: None.

Board Comments: None.

Board Action:

Chairperson Kalra made a motion to approve the report of the EC; Director Piepho seconded; and the motion carried unanimously.

7. Report of the Stationary Source Committee (SSC) Meeting of October 21, 2013
Committee Chairperson Gioia

The SSC met on Monday, October 21, 2013, and approved the minutes of September 16, 2013.

The SSC received the staff presentation Rule Effectiveness Study, including an overview of Air District compliance and enforcement programs, the rule effectiveness study objectives, and overviews of the rule effectiveness studies of Regulation 8, Rule 5: Tank Degassing, and Regulation 9, Rule 7: Boilers.

The SSC then received the staff presentation Update on Neptune Crematorium, including background and health risk assessment result.

The SSC then received the staff presentation Formaldehyde Emissions from Wood Coatings, including overview, 2009 Amendments to Wood Coatings Rule, an explanation of formaldehyde emissions, a summary of 2011 formaldehyde emissions and conclusions.

The next meeting of the SSC is Monday, November 18, 2013, at 10:30 a.m.

Public Comments: None.

Board Comments: None.

Board Action:

Director Gioia made a motion to approve the report of the SSC; Director Piepho seconded; and the motion carried unanimously.

NOTED PRESENT: Director Zane was noted present at 10:03 a.m.

8. Report of the Climate Protection Committee (CPC) Meeting of October 23, 2013
Committee Chairperson Avalos

The CPC met on Wednesday, October 23, 2013, and approved the minutes of July 18, 2013.

The CPC received the staff presentation Assembly Bill 32 Scoping Plan 2013 Update, including background, accomplishments to date, an overview of the scoping plan update, highlights of the Bay Area workshop, state and regional collaboration and the plan update schedule.

The CPC then received the staff report Regional Climate Protection Strategy Resolution. The CPC discussed the draft resolution, provided comments and direction to staff, and recommends that the Board of Directors adopt the climate protection resolution, as amended and included as Attachment 1

to this item. The CPC also provided direction to staff on the draft 10-point work program, included as Attachment 2 to this item.

The next meeting of the CPC is Thursday, November 21, 2013, at 9:30 a.m.

Board Action:

Director Avalos made a motion to approve the report and recommendations of the CPC; and Director Adams seconded.

At the request of Chairperson Kalra, Mr. Broadbent provided background on the Air District climate protection program and the item before the Board today.

Public Comments:

Laura Galligan, 350 Bay Area, addressed the Board to thank the CPC and Air District staff and in support of the proposed resolution.

Floyd Earl Smith, 350 Bay Area, addressed the Board in support of the proposed resolution.

Linda Weiner, Sierra Club, addressed the Board in support of the proposed resolution, stronger resolution language yet and greater advocacy with local governments.

Amy Smith, Bay Area Regional Health Inequities Initiative, addressed the Board in support of the proposed resolution.

Patti Weisselberg, Families for Clean Air, addressed the Board in support of an expansion of the climate protection plan to include additional emissions, such as black carbon (BC).

Jed Holtzman addressed the Board in support of the proposed resolution.

Jess Dervin-Ackerman, Sierra Club, addressed the Board in support of the proposed resolution.

Janet Stromberg, 350 Bay Area, addressed the Board in support of the proposed resolution.

Board Comments:

Chairperson Kalra urged the Board to support the proposed resolution.

Director Avalos urged the Board to support the proposed resolution.

Director Zane noted the importance of engaging the issue in the face of recent extreme weather events and the unfortunate absence of melanoma as an identified related health concern and challenged her colleagues to establish regional climate protection authorities as done in Sonoma County.

Director Mar urged the climate movement to expand its field of targets in its effort to bring about change.

Director Haggerty asked staff to respond to a statement he heard elsewhere that suggested cleaner air may accelerate climate change and to provide financial projections about the cost of fulfilling the draft work program.

Director Haggerty asked if areas of non-attainment that are not considered communities of concern, such as one that he represents, will be included in the work defined under the proposed work program, which question was answered by Mr. Broadbent.

Director Gioia commended the state climate goal, said the Air District should do its part to attain the same, noted the abundance of co-benefits that will result from taking action, and expressed his support for the proposed resolution.

Director Ross commended the work program concept, urged everyone to keep in mind the short-term health concerns that could get lost while focused on long-term health concerns, and suggested consideration of an approach whereby carbon auction proceeds are utilized to enhance the pursuit of program goals.

Director Adams clarified which draft resolution is before the Board today and asked for a friendly amendment to the motion to revise the proposed resolution, page 2, to include a reference to Health and Safety Code Section 39002. Director Adams asked for confirmation that the draft work program is not being voted upon today and whether it is considered a living document, and suggested BC should be included in the work program. Mr. Broadbent said staff intend to bring the work program back for approval before the end of the year, that it would be a living document integrated in various ways in other Air District planning efforts and staff would report back to the CPC with adjustments. Director Adams said it is crucial that there be clarity in the parameters of data collection and analysis moving forward and expressed her support for the proposed resolution.

Board Action (continued):

Director Avalos made a motion to approve the report and recommendations of the CPC with the amendment proposed by Director Adams; and Director Adams seconded.

Board Comments (continued):

Director Wagenknecht expressed his support for the proposed resolution.

Director Piepho asked for a friendly amendment to the motion to revise the proposed resolution to include a fourth bullet at page 3, that reads, “Continue to study and define economic impacts and/or benefits to residents and businesses within the Bay Area with implementation of the regional climate action strategy.”

Director Avalos said he does not support the amendment suggested by Director Piepho and explained it does not seem critical to the resolution. Director Piepho said it is important with every Board action taken to note the consideration of economic value and impact when considering policy impact. Chairperson Kalra suggested the language instead be inserted in the recital portion. Director Piepho suggested it is more appropriately inserted in the resolution portion. Director Avalos said Air District

staff lack the necessary expertise and the economic impact of non-action is unparalleled. Director Adams suggested the language instead be included in the work program. Director Piepho said she will acquiesce to the will of the Board but her concern is that it will be lost if left outside of the resolution and urged Director Zane to direct her challenge regarding the establishment of regional climate protection authorities to the California State Association of Counties (CSAC).

Director Pepper echoed Director Haggerty's desire to improve the health of all Bay Area residents and said she is honored to have the opportunity to support the proposed resolution.

Director Groom commended all that was said before her and the work program.

Director Sperring asked if discussion of this issue has included the impact on the economic health of the Bay Area, stated the importance of prioritizing the search for ways to support economic strategies that enhance the goals of improved climate health and expressed his lack of support for any resolution that does not make some mention of supporting economic strategies that complement the climate goals, which concern was addressed by Mr. Broadbent who suggested including a provision in the work program as part of item #4.

Director Avalos expressed his support for Mr. Broadbent's suggestion.

Director Sperring clarified that he is not focused on the economic impacts so much as the inclusion of a statement of support for those economic strategies that aide in the mission stated in the proposed resolution and, if included, that he will support the proposed resolution.

Director Kim expressed his gratitude for the opportunity to serve on the Board, for the warm welcome received and for the proposed resolution, and urged the staff to look at ways to shift the inventory and monitoring work that is so critical to the draft work program away from local jurisdictions that all too often lack the necessary resources and expertise.

Director Hudson said the issue of maximizing reductions while minimizing economic impact is clearly stated in state law, that greenhouse gases (GHG) are not the whole picture and there should be some inclusion of BC, the Air District should consider developing a per capita analysis of current and necessary GHG levels to meet state and local targets, and asked that the carbon sequestration program and reforestation protocol be included in SB 375 planning discussions.

Director Ross said any regulatory action by the Board has socio-economic impacts that should be considered.

Director Gioia said the proposed resolution will yield economic co-benefits by virtue of the health benefits and this should be memorialized in some way in the resolution.

Director Piepho restated her request to include a final bullet to the last portion of the proposed resolution that reads, "Continue to study and define economic impacts and/or benefits to residents and businesses within the Bay Area with implementation of the regional climate action strategy."

Chairperson Kalra said the staff suggestion is to include that provision in the work program.

Board Action (continued):

Director Avalos made a motion for the previous question with the resolution amendment as proposed by Director Adams; and Director Adams seconded.

Chairperson Kalra said economic impacts and strategies will be incorporated in the work program by staff. Director Zane asked if there is discussion on the motion for the previous question. Chairperson Kalra said there is not discussion. Director Zane said the suggested revision weakens the resolution.

Chairperson Kalra noted that no Board comments remain outstanding.

Director Avalos withdrew the motion for the previous question.

Director Haggerty and Mr. Broadbent discussed whether Air District staff will be conducting an economic analysis regardless of its inclusion in the proposed resolution.

Director Piepho asked if the specific language proposed as an amendment to the resolution will be included in the work program. Chairperson Kalra clarified that the draft work program is not being considered for approval today and amendments will be possible at a later date.

The motion to approve the report and recommendations of the CPC with the amendment proposed by Director Adams carried unanimously.

9. Report of the Mobile Source Committee (MSC) Meeting of October 24, 2013
Committee Chairperson Haggerty

The MSC met on Thursday, October 24, 2013, and approved the minutes of September 26, 2013.

The MSC reviewed Projects with Proposed Grant Awards Over \$100,000 and recommends Board approval of six projects for the replacement of off-road diesel engines, including two tractors in Sonoma County and six loaders, three each in Napa and Sonoma Counties.

The MSC then received an informational update on the Regional Plug-In Electric Vehicle Readiness Plan, including its key readiness findings, strategies to accelerate electric vehicle adoption and next steps to finalize the plan.

The MSC also received an informational update on the Regional Bicycle Share Pilot Project, including descriptions of the program's web and mobile presence, social media utilization, current system use statistics and next steps for the pilot.

Finally, the MSC reviewed Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria for Fiscal Year Ending 2014 and recommends Board approval of those policies and criteria included in Attachment A to the staff report.

The next meeting of the MSC is on Thursday, December 5, 2013, at 9:30 a.m.

Public Comments: None.

Board Comments: None.

Board Action:

Director Haggerty made a motion to approve the report and recommendations of the MSC; Director Wagenknecht seconded; and the motion carried unanimously.

10. Report of the Public Outreach Committee (POC) Meeting of October 31, 2013
Committee Chairperson Ross

The POC met on Thursday, October 31, 2013, and approved the minutes of May 29, 2013.

The POC received the staff presentation 2013 Spare the Air Season, including campaign highlights, advertising, a review of website utilization by the public, a summary of media relations, employer outreach, community events, and social media reach and active followers, resource teams and next steps.

The POC then received the staff presentation 2013-14 Winter Spare the Air Campaign, including overview, advertising, outreach placement, media outreach, social media and alert notification. Emphasis will be made this season to get information about the program out to non-English speaking communities throughout the region.

The POC then received the staff presentation The Air District's Public Participation Plan, including key elements, public comment period, workshops and community meetings, key revisions to the plan and next steps.

The POC then received the staff presentation Spare the Air Youth Program's upcoming Youth for the Environment and Sustainability (YES) Conference, including overview, youth transportation to summit and summit content. Board members commented on how outreach was conducted for event and noted they would like to be more involved in outreach efforts in the future. MTC staff was present and discussed planning elements and enthusiasm for this first year program. After this chair report, staff will report on the YES Conference held on Saturday, November 2, 2013, at the Joseph P. Bort MetroCenter Auditorium in Oakland.

The next meeting of the POC is at the call of the Chair.

Board Comments:

Mr. Broadbent presented a video recording of the YES Conference.

Public Comments: None.

Board Action:

Director Ross made a motion to approve the report of the POC; Director Wagenknecht seconded; and the motion carried unanimously.

PRESENTATION

11. Overview of the 2013/2014 Wood Smoke Reduction Program

Mr. Broadbent introduced the topic and Eric Stevenson, Director of Technical Services, who gave the staff presentation Overview of the 2013-14 Winter Spare the Air Season, including reasons for wood smoke reduction; background on the wood smoke rule; complaint, violation and exceedance statistics; reductions attributable to the program; and summaries of program partnerships, outreach efforts, advertising and alert notifications.

Director Zane asked, regarding slide 4, PM_{2.5} Exceedances / Complaints & Violations, about the reason for the discrepancy between the numbers of complaints and violations, which question was answered by Mr. Stevenson.

Mr. Stevenson concluded the presentation.

Board Comments:

Director Haggerty asked that the wood chipping pilot program be extended to the Livermore area.

Director Miley expressed his support for the program and asked about the available exemptions, which information was provided by Mr. Stevenson and Brian Bunker, District Counsel. Director Miley relayed a constituent concern about excessive propane and electricity bills for heating in place of wood, which comment was addressed by Wayne Kino, Director of Compliance and Enforcement, and Mr. Broadbent. Director Miley expressed his support for the program, stated his desire for enhanced public understanding of the program and asked staff to follow up with the constituent.

Director Zane said she would like to see better enforcement and asked if staff has considered hiring a campaign consultant for enhanced outreach.

Director Gioia asked if staff has found that individuals call with multiple complaints regarding a single offense, which question was answered by Mr. Broadbent. Director Gioia said the program is an effort at balancing the heavy- and light-handed approaches to compliance, recalled his past advocacy for the continued issuance of warning letters for first-time offenders and urged caution amongst his colleagues when they review the data because the bottom line is that the program is working to improve conditions.

Director Groom stated her belief that the Air District has received professional outreach support, that Lisa Fasano, Director of Communications and Outreach, has provided excellent leadership in this field both in her work at the District and during outreach to the County of San Mateo, and that she can attest to the receipt of repeated complaints of single violations.

Director Adams requested more staff work at the grassroots level to enhance public outreach efforts.

Director Ross echoed the comments of Director Groom, suggested the program's success is an example of effective outreach and noted the high numbers generated in generally wealthier communities is good reason to use caution in extrapolating conclusions from the data presented alone.

Public Comments:

Ms. Weisselberg addressed the Board to thank the Air District for its partnership on a project in Santa Rosa to increase monitoring; suggested there is little or no program enforcement and that a recent public records request relative to program enforcement was denied in whole; and asked the Board to urge staff to release the requested documents. Director Gioia said the enforcement information is important as the explanation that complaints are often repeated makes sense but a public perception of inadequate enforcement should be avoided, urged everyone to keep in mind that staff cannot serve as the fireplace police, and warned against solutions that are from a Caucasian, middle-class focus.

Director Zane disagreed with the assessment that the program is working and requested that staff brief the Board on the enforcement component. Chairperson Kalra echoed Director Zane's request. Chairperson Kalra agreed with Mr. Broadbent's suggestion to brief the SSC and then the Board at the close of the Winter Spare the Air season.

Director Spering said criticism of the program is unnecessary and commended staff for their approach, noting that if they had been heavy-handed with enforcement the program would have been discontinued due to public pressure, urged restraint in releasing any records that contain personal information, and said staff has done an outstanding job on this program.

Chairperson Kalra expressed his trust in District Counsel for handling public records requests and his support for the program and staff's management of it, commended staff outreach and urged his colleagues on the Board to accept ownership of their crucial role in outreach within each of their home jurisdictions.

Director Zane asked staff to email the Board with a menu of outreach options for enhanced outreach efforts.

Board Action: None; informational only.

PUBLIC COMMENT ON NON-AGENDA MATTERS:

Tian Harter addressed the Board to commend the goal of reducing GHG emission to 80% below 1990 levels by 2050, shared his experiences as a grassroots activist and urged for the public to vote by taking the proper action in their daily lives.

BOARD MEMBERS' COMMENTS:

Director Piepho congratulated Director Hudson on his re-election in the City of San Ramon, asked for the assistance of Damian Breen, Director of Strategic Incentives, on an automobile charging facility at

Kaiser Hospital in Walnut Creek, and announced to CSAC San Jose conference attendees that the Delta County Coalition is having a reception on Tuesday, November 19, 2013, for a facilitated discussion on water and its importance to our state and region.

Director Spring clarified his earlier comments to mean that he feels staff does and repeatedly has exhibited a sensitivity to economic considerations, a fact that he appreciates.

Director Ross congratulated Director Hudson on his re-election.

OTHER BUSINESS

12. Report of the Executive Officer/APCO:

Mr. Broadbent presented a summary of the Ozone Season and introduced Air District Employee Association (EA) officers Paul Grazzini, President, and Christopher Coelho, Vice-President. Mr. Grazzini addressed the Board to introduce himself and to express his optimism about future work on the memorandum of understanding between the Air District and EA and the relocation to the new Air District headquarters at 375 Beale Street.

13. Chairperson's Report: Chairperson Kalra welcomed Director Chavez to the Board.

14. Time and Place of Next Meeting:

Wednesday, November 20, 2013, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

15. Adjournment: The Board meeting adjourned at 12:14 p.m.

151 Sean Gallagher

Sean Gallagher
Clerk of the Boards