



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS SPECIAL MEETING

JULY 31, 2014

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

Questions About an Agenda Item

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

Meeting Procedures

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

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

This meeting will be webcast. To see the webcast, please visit <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx> at the time of 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 SPECIAL MEETING AGENDA

THURSDAY
JULY 31, 2014
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Chairperson, Nate Miley

1. **Opening Comments**
Roll Call
Pledge of Allegiance

The Chair shall call the meeting to order and make opening comments. The Clerk of the Boards shall take roll of the Board members. The Chair shall lead the Pledge of Allegiance.

Oath of Office/Swearing-in New Member of the Board of Directors

PUBLIC COMMENT ON NON-AGENDA MATTERS

2. **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 3 – 10)

Staff/Phone (415) 749-

3. Minutes of the Regular Board of Directors Meeting of June 18, 2014 Clerk of the Boards/5073

The Board of Directors will consider approving the draft minutes of the Regular Board of Directors Meeting of June 18, 2014.

4. Board Communications Received from June 18, 2014 through July 30, 2014 J. Broadbent/5052
jbroadbent@baaqmd.gov

A copy of communications directed to the Board of Directors received by the Air District from June 18, 2014 through July 30, 2014, if any, will be at each Board Member's place.

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

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

6. Notice of Violations Issued and Settlements in Excess of \$10,000 in June 2014 **B. Bunger/4920**
jbroadbent@baaqmd.gov

In accordance with Resolution No. 2012-08, the Board of Directors will receive a list of all Notices of Violation issued, and all settlements for amounts in excess of \$10,000 during the month of June 2014.

7. Consideration to Authorize the Executive Officer/APCO to enter into a Contract with the Metropolitan Transportation Commission (MTC) for the Air District's portion of the Joint Policy Committee Staffing Costs in Fiscal Year Ending 2015. **J. Broadbent/5052**
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract with the Metropolitan Transportation Commission (MTC) in an amount to exceed \$70,000 for the Air District's portion of the Joint Policy Committee staffing costs in Fiscal Year Ending (FYE) 2015.

8. Consider Authorizing the Executive Officer/APCO to enter into a Contract Amendment with Symsoft Solutions (Symsoft) for the My Air Online Website Project **J. Broadbent/5052**
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract amendment to increase the contract with Symsoft Solutions (Synmsoft) for the My Air Online Website project in an amount not to exceed \$30,000.00.

9. Consider an Oppose Position on Assembly Bill (AB) 69 – Perea **J. Broadbent/5052**
jbroadbent@baaqmd.gov

The Board of Directors will consider an oppose position on Assembly (AB) 69 – Perea.

10. Consider Amending the Health Officer Classification **J. Broadbent/5052**
jbroadbent@baaqmd.gov

The Board of Directors will consider amending the Health Officer classification.

CLOSED SESSION

11. **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. **Communities for a Better Environment, et al. v. Bay Area AQMD, Kinder Morgan Material Services, LLC, et al., Real Parties in Interest**, San Francisco County Superior Court, Case No. CPF-14-513557
- b. **Communities for a Better Environment v. Bay Area AQMD, Chevron Products Company, et al., Real Parties in Interest**, San Francisco County Superior Court, Case No. CPF-14-513704
- c. **South Coast AQMD v. The Superior Court of the State of California for the County of Los Angeles, Browning-Ferris Industries of California, Inc., Real Parties in Interest**, Second District Court of Appeal, Case No. B256002

12. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Government Code Section 54957 and 54957.6)**

Pursuant to Government Code Section 54957 and 54957.6, the Committee will meet in closed session to conduct a performance evaluation of the Executive Officer.

13. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Government Code Section 54957 and 54957.6)**

Pursuant to Government Code Section 54957 and 54957.6, the Committee will meet in closed session to conduct a performance evaluation of the District Counsel.

OPEN SESSION

COMMITTEE REPORTS

14. Report of the **Personnel Committee** Meetings of July 7, 2014 and July 28, 2014

CHAIR: B. Wagenknecht

J. Broadbent/5052

jbroadbent@baaqmd.gov

15. Report of the **Climate Protection Committee** Meeting of July 17, 2014

CHAIR: J. Avalos

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Committee received the following reports:

A) **State and Federal Climate Policy Update**

None; receive and file.

B) **Regional Climate Protection Work Program Update**

None; receive and file.

16. Report of the **Executive Committee Meeting** of July 21, 2014
CHAIR: N. Miley

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee received the following reports:

A) **Hearing Board Quarterly Report – April through June 2014**

None; receive and file.

B) **Joint Policy Committee Update**

None; receive and file.

C) **Update of Remote Participation Protocol for Committee Meetings**

The Executive Committee (Committee) received only informational items and has no recommendations of approval by the Board of Directors. Staff will provide information requested by the Committee on Item C: Update of Remote Participation Protocol for Committee meetings to the full Board, during the Report of the Executive Committee.

D) **Final Report: Air Monitoring Technology and Methodology Expert Panel**

None; receive and file.

E) **Bay Area Commuter Benefits Program Implementation**

None; receive and file.

17. Report of the **Stationary Source Committee Meeting** of July 21, 2014
CHAIR: J. Gioia

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee received the following report:

A) **Update on the Development of Regulation 12, Rule 15: Petroleum Refining Emissions Tracking**

None; receive and file. Staff will provide an update on rule development.

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

18. Report of the Executive Officer/APCO

The Executive Officer/APCO will provide the Board of Directors a report of recent and upcoming activities.

19. Chairperson's Report

The Board Chair will provide the Board of Directors a report of recent and upcoming activities.

20. Time and Place of Next Meeting:

Wednesday, September 3, 2014, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

21. Adjournment

The Board meeting shall be adjourned by the Board Chair.

**CONTACT THE CLERK OF THE BOARDS
939 ELLIS STREET SF, CA 94109**

**(415) 749-5073
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities. Notification to the Executive Office should be given at least 3 working days prior to the date of the meeting so that arrangements can be made accordingly.

Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's headquarters at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
 FOR QUESTIONS PLEASE CALL (415) 749-5016 or (415) 749-4941**

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

JULY 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Monday	28	9:30 a.m.	4 th Floor Conf. Room
Special Board of Directors Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Thursday	31	9:45 a.m.	Board Room

AUGUST 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	6	9:45 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i> - CANCELLED	Monday	18	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	20	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i> - CANCELLED	Wednesday	27	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	28	9:30 a.m.	Board Room

SEPTEMBER 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	3	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	10	9:00 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	15	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	17	9:45 a.m.	Board Room
Board of Directors Climate Protection Committee – <i>(Meets 3rd Thursday every other Month)</i>	Thursday	18	9:30 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	24	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	25	9:30 a.m.	Board Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: June 24, 2014

Re: Minutes of the Board of Directors Regular Meeting of June 18, 2014

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Regular Meeting of June 18, 2014.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of June 18, 2014.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher

Reviewed by: Rex Sanders

Attachment: Draft Minutes of the Board of Directors Regular Meeting of June 18, 2014

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

Board of Directors Regular Meeting
Wednesday, June 18, 2014

DRAFT MINUTES

- CALL TO ORDER:** Chairperson Nate Miley called the meeting to order at 9:55 a.m.

Opening Comments: None.

Roll Call:

Present: Chairperson Nate Miley; Vice-Chairperson Carole Groom; Secretary Eric Mar; and Directors Susan Adams, John Avalos, Teresa Barrett, Tom Bates, Cindy Chavez, David Hudson, Ash Kalra, Liz Kniss, Jan Pepper, Mary Piepho, Mark Ross, Jim Spering and Brad Wagenknecht.

Absent: Directors Margaret Fujioka, John Gioia, Scott Haggerty, Roger Kim (on behalf of Edwin Lee), Carol L. Klatt, and Shirlee Zane.

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

- PUBLIC COMMENT ON NON-AGENDA MATTERS:**

Abby Sterling, KPIX TV, addressed the Board of Directors (Board) asking about regulation of condensable particulate matter in follow up to an inquiry to staff. Chairperson Miley referred the matter to staff for response. Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), acknowledged the referral and said staff would provide an update to the Stationary Source Committee (SSC) at its meeting in July.

Greg Karras, Communities for a Better Environment, provided written material and addressed the Board in follow up to a public records request to staff regarding emissions. Chairperson Miley referred the matter to staff for response. Mr. Broadbent acknowledged the referral and requested time to provide the Board and public an update that is appropriate to the complex issues involved. Brian Bunger, District Counsel, said staff responded initially to the record request and the request is currently being processed. Chairperson Miley requested an update be delivered to the SSC in July.

Bill Almon Quarry No, provided written material and addressed the Board regarding alleged emissions at the Lehigh cement facility in excess of the limits imposed by an addendum to the Health Risk Assessment and requested assistance. Mr. Broadbent said the issue is part of an ongoing compliance discussion and staff will work with SSC Chairperson Gioia on agendizing an update, likely in September.

Tim Brand referenced correspondence previously submitted by Dr. Gary Latshaw, provided written material and addressed the Board to summarize the same. Mr. Broadbent said staff would meet with Messrs. Almon and Brand. Director Pepper asked to be notified of the meeting in advance.

3. PROCLAMATION/AWARDS:

Chairperson Miley recognized Brian Bateman, Health and Science Officer, upon his retirement for his years of service with the Air District. Mr. Bateman addressed the Board in appreciation. Mr. Broadbent recognized Mr. Bateman for his service.

Director Avalos recognized Tom Story, Advanced Projects Advisor, who completed the milestone of 45 years of service with the Air District during this first half of the calendar year. Mr. Story addressed the Board in appreciation.

Director Avalos recognized Carol Lee, Senior Air Quality Engineer, who completed the milestone of 25 years of service with the Air District during this first half of the calendar year. Ms. Lee addressed the Board in appreciation.

Director Groom recognized Steven Chin, Supervising Human Resources Analyst, who completed the milestone of 30 years of service with the Air District during this first half of the calendar year. Mr. Chin addressed the Board in appreciation.

Director Groom recognized Emmanuel Jimenez, Air Quality Instrument Specialist, who completed the milestone of 30 years of service with the Air District during this first half of the calendar year. Mr. Jimenez addressed the Board in appreciation.

Director Groom recognized Michelle Torres, Air Quality Technician, who completed the milestone of 30 years of service with the Air District during this first half of the calendar year. Ms. Torres addressed the Board in appreciation.

Director Kniss recognized Harold Lips, Principal Air Quality Engineer, who completed the milestone of 25 years of service with the Air District during this first half of the calendar year. Mr. Lips addressed the Board in appreciation.

Director Piepho recognized Charles McClure, Supervising Air Quality Engineer, who completed the milestone of 25 years of service with the Air District during this first half of the calendar year. Mr. McClure addressed the Board in appreciation.

Chairperson Miley recognized Hiroshi Doi, Senior Air Quality Instrument Specialist, who completed the milestone of 25 years of service with the Air District during this first half of the calendar year. Mr. Doi addressed the Board in appreciation.

Chairperson Miley recognized Virginia Manolo, Senior Accounting Assistant, Roland Wiebe, Air Quality Instrument Specialist, and Barry Young, Senior Advanced Projects Advisor, in absentia, for their completion of milestone years of service with the Air District during this first half of the calendar year.

CONSENT CALENDAR (ITEMS 4 – 12)

- 4. Minutes of the Board Regular Meeting of June 4, 2014;**
- 5. Board Communications Received from June 4, 2014 through June 17, 2014;**
- 6. Air District Personnel on Out-of-State Business Travel;**
- 7. Notice of Violations Issued and Settlements in Excess of \$10,000 in May 2014;**
- 8. Approve Proposed Memorandum of Understanding Between the Bay Area Air Quality Management District and Bay Area Air Quality Management District Employees' Association (EA);**
- 9. Approval for Execution of a Contract Totaling in Excess of \$70,000 for Site Development Work Required by U.S. Environmental Protection Agency Mandated Near-Road Monitoring Adjacent to Interstate 80 at Aquatic Park, Berkeley, CA.**
- 10. Consider Authorizing Contract Amendments for the My Air Online Program;**
- 11. Consider Authorizing a Contract Amendment for Spare the Air Resource Teams; and**
- 12. Consider a Support Position on Senate Bill 1249 – Hill.**

Board Action:

Director Wagenknecht made a motion, seconded by Director Piepho, to approve Consent Calendar Items 4 through 12, inclusive.

Board Comments:

The Board and staff discussed, regarding agenda items 11 and 12, the intent, lack of committee consideration and staff recommendations.

Public Comments:

Paul Grazzini, EA, addressed the Board in support of the staff recommendation regarding agenda item 8, reported the outcome of the EA vote on the same and provided an overview of the negotiation process. Chairperson Miley commended the outcome of the negotiations and described the balancing of interests the Board performs.

Director Piepho suggested that the term “fringe benefits” not be used as a descriptor for health care in the future in light of the diminutive connotation of an earned benefit.

Board Action (continued):

The motion carried by the following vote of the Board:

AYES: Adams, Barrett, Bates, Chavez, Groom, Hudson, Kniss, Miley, Pepper, Piepho, Ross, Spering and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Avalos, Fujioka, Gioia, Haggerty, Kalra, Kim, Klatt, Mar and Zane.

COMMITTEE REPORTS AND RECOMMENDATIONS

13. Report of the Public Outreach Committee (POC) Meeting of June 5, 2014

Committee Chairperson Ross

The POC met on Thursday, June 5, 2014, and approved the minutes of October 31, 2013.

The POC received the staff presentation *Great Race for Clean Air*, including a program overview, participant statistics, participant categories and the winners.

The POC then received the staff presentation *2014 Spare the Air Creative Elements*, including campaign highlights, advertising, website utilization, media relations, employer outreach and next steps. Staff will deliver a summary of new creative elements today for the full Board.

The POC then received a staff presentation on the Bay Area Commuter Benefits Program communications plan. Presented were program objectives; constituent discussion tools; an overview of the program on the 511 SF Bay website; review of a 3-minute video explaining the program that will be shown today; an outreach summary; and an overview of opinion-shaping and advertising efforts.

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

Board Comments: None.

Public Comments: No requests received.

Board Action: None; receive and file.

14. Report of the Ad Hoc Building Oversight Committee (AHBOC) Meeting of June 18, 2014

Committee Chairperson Miley

The AHBOC met on Wednesday, June 18, 2014, and approved the minutes of April 16, 2014.

The AHBOC received and discussed a status report on the Regional Agency Headquarters, including a construction update and future schedule; the inter-agency shared services delivery assessment currently being conducted; and the next steps with respect to the selection of the furniture manufacturer/dealer team.

The AHBOC then received, discussed and recommends authorizing the Executive Officer/APCO to enter into a contract for project/construction management services to assist in oversight of improvements to Air District space in 375 Beale Street in an amount not to exceed \$300,000 and further recommends that the Board increase the FYE 2015, Program 104 budget by a corresponding \$300,000.00, to be drawn from the Air District's undesignated reserves.

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

Board Action:

Chairperson Miley made a motion, seconded by Director Spering, to approve the recommendations of the AHBOC.

Board Comments:

Director Ross suggested the inclusion of an electronic voting system in the new headquarters.

Public Comments: No requests received.

Board Action (continued):

The motion carried by the following vote of the Board:

- AYES: Adams, Barrett, Bates, Chavez, Groom, Hudson, Kniss, Miley, Pepper, Piepho, Ross, Spering and Wagenknecht.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Avalos, Fujioka, Gioia, Haggerty, Kalra, Kim, Klatt, Mar and Zane.

The Board screened a video provided by the Bay Area Headquarters Authority summarizing construction progress to date.

13. Report of the POC Meeting of June 5, 2014 (continued)

The Board screened a video provided by staff entitled *Bay Area Commuter Benefits Program*.

PRESENTATION

15. Overview of the Home Box Office (HBO) Documentary “Toxic Hot Seat”

Dan Dunnigan, Former Member of the Air District Board, addressed the Board regarding the documentary, *Toxic Hot Seat*.

The Board screened a video trailer of the documentary, *Toxic Hot Seat*, as provided by Mr. Dunnigan.

Mr. Dunnigan announced future public screenings of the feature-length documentary, noted the importance of the issue to all members of the public and introduced Donald Lucas, Ph.D., Staff Scientist, Environmental Energy Technologies Division, Lawrence Berkeley Laboratory, who gave the guest presentation *Balancing the Equations on Flame Retardants: Regulations, Health, Fire Safety*.

Mr. Dunnigan offered to arrange for additional public screenings upon request.

Board Comments:

The Board and staff discussed the date and location of future public screenings and the usefulness of providing additional contact information in the handout material.

Public Comments: No requests received.

Board Action: None; receive and file.

CLOSED SESSION

The Board adjourned to Closed Session at 11:48 a.m.

16. EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), the Board met in closed session with legal counsel to consider the following cases:

Communities for a Better Environment, et al. v. Bay Area AQMD, Kinder Morgan Material Services, LLC, et al., Real Parties in Interest, San Francisco County Superior Court, Case No. CPF-14-513557.

Communities for a Better Environment v. Bay Area AQMD, Chevron Products Company, et al., Real Parties in Interest, San Francisco County Superior Court, Case No. CPF-14-513704.

17. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2), the Board met in closed session to confer with legal counsel to consider significant exposure to litigation from one potential case.

OPEN SESSION

The Board resumed Open Session at 12:29 p.m. with no reportable action.

PUBLIC COMMENT ON NON-AGENDA MATTERS: No requests received.

BOARD MEMBERS' COMMENTS: None.

OTHER BUSINESS

18. Report of the Executive Officer/APCO:

Mr. Broadbent gave the staff presentation *Summary of Ozone Seasons*; recognized and thanked Mr. Grazzini and Christopher Coelho, Air Quality Inspector, for their roles on behalf of the EA during negotiations with the Air District and Jack Colbourn, Director of Administrative Services, for his role on behalf of the Air District; and announced the Annual Conference of the Air and Waste

Management Association (AWMA) is Tuesday, June 24, 2014 through Friday, June 27, 2014 with the Chairperson's Dinner scheduled for Wednesday night.

The Board and staff discussed the recent spate of fires in the Bay Area and the likelihood of difficult air quality challenges ahead during the fire season.

19. Chairperson's Report:

Chairperson Miley announced he will not attend the AWMA Annual Conference due to other obligations; congratulated Director Hudson on his re-appointment to the Board; announced the appointment of Mayor Margaret Fujioka, City of Piedmont, to the Board; commended all those who participated in labor negotiations between the Air District and EA for their successful and professional efforts; and announced the cancellation of the Board meetings on July 2, 2014 and July 16, 2014.

Mr. Broadbent announced the appointment of Anthony Fournier to the position of Director of Strategic Incentives.

20. Time and Place of Next Meeting:

Wednesday, August 6, 2014, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

21. Adjournment: The Board meeting adjourned at 12:36 p.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 16, 2014

Re: Board Communications Received from June 18, 2014 through July 30, 2014

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from June 18, 2014 through July 30, 2014, if any, will be at each Board Member's place at the July 31, 2014 Special Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Reviewed by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 2, 2014

Re: District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

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

The report covers the out-of-state business travel for the month of June 2014. The monthly out-of-state business travel report is presented in the month following travel completion.

DISCUSSION

The following out-of-state business travel activities occurred in the month of June 2014:

Damian Breen, Deputy Air Pollution Control Officer, attended 2014 DOE Hydrogen and Fuel Cells Program Meeting in Washington, District of Columbia June 15, 2014 – June 20, 2014.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 21, 2014

Re: Notices of Violation Issued and Settlements in Excess of \$10,000 June 2014

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

In accordance with Resolution No. 2012-08, attached to this Memorandum is a listing of all Notices of Violation issued, and all settlements for amounts in excess of \$10,000 during the calendar month prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties collected are included in the Air District's general fund budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian C. Bungler

Attachments

NOTICES OF VIOLATION ISSUED

The following Notice(s) of Violation were issued in June 2014:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Advanced Fabrication Technology, LLC	B2956	Hayward	A50212A	6/10/14	8-19-320	Solvent and solvent rags stored in open containers
BASF Corporation	A2513	Newark	A53209A	6/26/14	2-1-307	Exceeded condition #18725 thruput limits
SEW Eurodrive, Inc	A4003	Hayward	A50211A	6/10/14	8-19-320	Open coating containers

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
All Custom Wood Works	B0330	Concord	A53091A	6/24/14	8-32-304	Use of non-complying stain
Chevron Products Company	A0010	Richmond	A53190A	6/11/14	2-6-307	Dev #3623, Flaring in violation of 40 CFR 60 Subpart J (60.104(a)(1))
Chevron Products Company	A0010	Richmond	A53190B	6/11/14	10	Dev #3623, Flaring in violation of 40 CFR 60 Subpart J (60.104(a)(1))
Chevron Products Company	A0010	Richmond	A53191A	6/11/14	2-6-307	Dev #3642, Flaring in violation of 40 CFR 60 Subpart J (60.104 (a)(1))
Chevron Products Company	A0010	Richmond	A53191B	6/11/14	10	Dev #3642, Flaring in violation of 40 CFR 60 Subpart J (60.104 (a)(1))
Chevron Products Company	A0010	Richmond	A53192A	6/11/14	2-6-307	Dev #3709, Flaring in violation of 40 CFR 60 Subpart J (60.104 (a)(1))

AGENDA: 6

Chevron Products Company	A0010	Richmond	A53192B	6/11/14	10	Dev #3709, Flaring in violation of 40 CFR 60 Subpart J (60.104 (a)(1))
Chevron Products Company	A0010	Richmond	A53193A	6/11/14	2-6-307	Dev #3724, Flaring in violation of 40 CFR 60 Subpart J (60.104 (a)(1))
Chevron Products Company	A0010	Richmond	A53193B	6/11/14	10	Dev #3724, Flaring in violation of 40 CFR 60 Subpart J (60.104 (a)(1))
Chevron Products Company	A0010	Richmond	A53194A	6/11/14	2-6-307	Dev #3775, Flaring in violation of 40 CFR 60 Subpart J (60.104 (a)(1))
Chevron Products Company	A0010	Richmond	A53194B	6/11/14	10	Dev #3709, Flaring in violation of 40 CFR 60 Subpart J (60.104 (a)(1))
Chevron Products Company	A0010	Richmond	A53254A	6/19/14	10	Flaring not due to SU/SD/Malf, vent gas H2S > 230 mg/dscf 40 CFR 60 subpart J (60.104 (a))
Chevron Products Company	A0010	Richmond	A53254B	6/19/14	2-6-307	Flaring not due to SU/SD/Malf, vent gas H2S > 230 mg/dscf 40 CFR 60 subpart J (60.104 (a))
Chevron Products Company	A0010	Richmond	A53255A	6/19/14	12-11-502.3	12-11-502.3.1(a) Two (2) flaring samples missed per Reg. 12-11
G3 Minerals, Byron Plant	A1472	Byron	A53166A	6/19/14	2-1-307	Failed source test- NTV-1430
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A52975A	6/3/14	2-6-307	Dev. 3815, temp below p/c 23125 part 14 limit
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A52975B	6/3/14	1-523.3	Dev. 3815, temp below p/c 23125 part 14 limit
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A52976A	6/3/14	8-5-306.2	Deviation 3895, PV valve not gas-tight
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A53827A	6/19/14	1-522.7	Deviation 3840 CEM Nox excess reported >96 hrs occurrence

AGENDA: 6

ST Shore Terminals LLC	A0581	Crockett	A53828A	6/23/14	8-33-309	8-33-309.10 Dev 3888, missed annual correlation testing
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53073A	6/4/14	2-6-307	T5 condition 7406, B10 TO <1350 degrees
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53074A	6/4/14	2-6-307	NOx >65ppm Failed Source Test OS-5090
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53075A	6/4/14	1-522.6	Failed F.A.T. (O2) 93-14
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53076A	6/11/14	9-2-301	>60 ppb H2S/3 min @ Waterfront GLM 06P48
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53655A	6/10/14	2-6-307	No steam injection as required by PC 19528/21
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53656A	6/10/14	2-6-307	No steam injection as required by PC 19538/21 06P96

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Compass Transportation	V0383	South San Francisco	A35483A	6/4/14	CCR	13CCR2485 No passengers; Idling >5 minutes
Compass Transportation	V0383	South San Francisco	A35484A	6/4/14	CCR	13CCR2485 No passengers; Idling >5minutes
Compass Transportation	V0383	South San Francisco	A35485A	6/4/14	CCR	13CCR2485 No passengers; Idling >5 minutes

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Donald Von Raesfeld Power Plant	B4991	Santa Clara	A51383A	6/17/14	2-6-307	NOV #A51383-NOx excess-P/C #24252-20a-RCA#06P65

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Anheuser-Busch LLC	A0606	Fairfield	A53407A	6/17/14	2-1-301	Failure to receive an Authority to Construct and valid Permit to Operate
Anheuser-Busch LLC	A0606	Fairfield	A53407B	6/17/14	2-1-302	Failure to receive an Authority to Construct and valid Permit to Operate
Solano County Facilities Operations	A1995	Fairfield	A53408A	6/19/14	2-1-307	Failure to meet a permit condition
Valero Refining Company - California	B2626	Benicia	A53804A	6/12/14	8-18-301	Two open-end sample lines leaking > 100 ppm

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were no settlement(s) for \$10,000 or more completed in June 2014.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 14, 2014

Re: Consideration to Authorize the Executive Officer/APCO to enter into a contract with the Metropolitan Transportation Commission (MTC) in an amount to exceed \$70,000 for the Air District's portion of the Joint Policy Committee (JPC) staffing costs in the Fiscal Year Ending (FYE) 2015

RECOMMENDED ACTION:

Authorize the Executive Officer/APCO to enter into a contract with the Metropolitan Transportation Commission (MTC) in an amount to exceed \$70,000 for the Air District's portion of the Joint Policy Committee staffing costs in Fiscal Year Ending (FYE) 2015.

DISCUSSION

MTC and the Air District, as members of the Joint Policy Committee (JPC), are committed to supporting JPC staffing on behalf of the four JPC member agencies. The Air District's share of the staffing costs for FYE 2015 is not to exceed \$129,000, to cover salary and benefits for the JPC Executive Director. The JPC Executive Director is responsible for the following duties:

- Providing policy analysis, supporting the JPC's regional goals, developing and assisting in the completion of JPC initiatives, and helping to coordinate regional policymaking by promoting cohesive and collaborative relationships among the four regional agencies;
- Coordinating the development of the JPC's regional economic development strategy, in consultation with the Bay Area Council Economic Institute and in concert with JPC's consideration of a variety of regional agency policies;
- Overseeing JPC policy efforts related to climate protection, sea level rise and adaptation strategies;
- Assisting with the coordination and integration of air quality and adaptation issues in the next Plan Bay Area (Sustainable Communities Strategy) as the plan evolves into a more comprehensive regional effort;
- Assisting the JPC Chair in preparing agendas, supporting materials and minutes for JPC action. Assisting the Chair in preparing for JPC Executive Committee meetings;
- Assisting with other initiatives as directed by the JPC Chair and Executive Committee.

Both agencies commitments in FYE 2015 total \$258,000 to provide funding for the JPC Executive Director staffing costs.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None. Funds for this contract are allocated in the FYE 2015 adopted budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Rex Sanders
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 19, 2014

Re: Consider Authorizing the Executive Officer/APCO to execute an amendment to increase the Contract with Symsoft Solutions for the My Air Online Website Project in an Amount not to Exceed \$30,000.00

RECOMMENDED ACTION:

Recommend Board of Directors:

- 1) Authorize the Executive Officer/APCO to execute an amendment to increase the contract with Symsoft Solutions (Symsoft) for the My Air Online Website project in an amount not to exceed \$30,000.00.

BACKGROUND

On June 19, 2013, the Bay Area Air Quality Management District (Air District) Board of Directors (Board) selected SymSoft Solutions (SymSoft) via a request for proposals (RFP) 2013-003, as the contractor for the My Air Online website project (My Air Online). The purpose of My Air Online is to modernize the Air District's web presence to: 1) provide online services to the regulated community; and 2) to simplify and expand access to air quality information for members of the public. Subsequently, SymSoft have delivered on a number of separate task orders including the completion of a new website design, a content strategy, and the production of website information architecture, editorial and style guidelines.

DISCUSSION

While SymSoft has completed its scope of work successfully under the original RFP and contract, the Air District envisions that it will need minor additional design and guideline updates as it completes the construction phase of the My Air Online website project. Staff is therefore requesting that the Board of Directors authorize an extension of the current SymSoft contract to include a time and materials amendment, not to exceed \$30,000.00, for this additional design work.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None. Funding for the vendor contract recommendations is included in the proposed Fiscal Year Ending (FYE) 2015 budget and will be funded from the My Air Online and Website Development and Maintenance Programs.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 18, 2014

Re: Consider an Oppose Position on Assembly Bill 69 - Perea

RECOMMENDED ACTION:

Consider an oppose position on Assembly Bill (AB) 69 - (Perea).

BACKGROUND

California's AB 32 (the Global Warming Solutions Act of 2006) requires a reduction of greenhouse gas (GHG) emissions to 1990 levels by 2020. The AB 32 Scoping Plan developed by the Air Resources Board (ARB) lays out how the state will achieve these reductions using a variety of regulatory, planning, incentive-based, and market approaches. The market approach used is a cap-and-trade program, which sets a limit or 'cap' on total GHG emissions which declines over time. Facilities can over comply, generating excess emission reductions that can be traded to facilities having a harder or more costly time complying. Since 2012, electricity generation, and the largest stationary sources of GHG emissions are included in the cap-and-trade program, and fuels are slated to be included at the start of 2015.

DISCUSSION

Assemblymember Henry Perea (D-Fresno) and 15 of his Democratic colleagues in the Assembly sent a letter last month to ARB, expressing concerns that including transportation fuels in the cap-and-trade program would raise fuel prices and hurt the California economy. Assemblymember Perea followed that by gutting and amending one of his bills (previously dealing with nitrate-contaminated water) to exempt fuels from cap-and-trade for three years. This newly-amended bill, AB 69, has not yet been referred by the Senate Rules Committee to a policy committee or committees in the Senate. However, it will likely be assigned and have a policy committee hearing in early August. A copy of the bill is attached.

While the bill has lengthy findings and declarations about the potential impacts of including fuels under the cap, its operative portion is quite short. It would simply delay for three full years (until January 1, 2018) the inclusion of the sources under cap-and-trade due to be included on January 1, 2015. Both the California Independent Oil Marketers Association and the Western States Petroleum Association pushed hard for having the fuels they sell be exempted from the cap-and-trade program. However, they were not successful in obtaining such an

exemption from the ARB, who weighed the issues carefully in their public rule-making process. Transportation is a major source of GHG emissions in California, and it is not realistically possible to attain AB 32's goals without significant reductions from this sector. The effect of AB 69 would be to eliminate emission reductions that would otherwise occur, and make it far harder if not impossible to meet 1990 emission levels by 2020. Because this will significantly increase GHG emissions, staff is bringing this item to the Board and is recommending an oppose position.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Tom Addison

Attachment: Assembly Bill 69 - Perea

AMENDED IN SENATE JULY 2, 2014

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN SENATE JULY 11, 2013

AMENDED IN SENATE JUNE 27, 2013

AMENDED IN SENATE JUNE 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 69

Introduced by Assembly Member Perea
(Coauthor: Assembly Member Stone)
(Coauthors: Assembly Members Brown, Daly, Hall, Roger Hernández,
Rodriguez, and Salas)
(Coauthors: Senators Correa and Torres)

January 10, 2013

An act to add ~~Article 6.5 (commencing with Section 14615) to Chapter 5 of Division 7 of the Food and Agricultural Code, and to add and repeal Chapter 4.7 (commencing with Section 116765) of Part 12 of Division 104 of Section 38576 to the Health and Safety Code, relating to drinking water, making an appropriation therefor *greenhouse gases*, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 69, as amended, Perea. ~~Groundwater: drinking water: Nitrate at Risk Fund. California Global Warming Solutions Act of 2006: market-based compliance mechanisms: exemption.~~

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring

and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing state board regulations require specified entities to comply with a market-based compliance mechanism beginning January 1, 2013, and require additional specified entities to comply with that market-based compliance mechanism beginning January 1, 2015.

This bill instead would exempt categories of persons or entities that did not have a compliance obligation, as defined, under a market-based compliance mechanism beginning January 1, 2013, from being subject to that market-based compliance mechanism beginning January 1, 2015, and until December 31, 2017. The bill would require all participating categories of persons or entities to have a compliance obligation beginning January 1, 2018.

This bill would declare that it is to take effect immediately as an urgency statute.

~~(1) Existing law, the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies.~~

~~This bill would establish the Nitrate at Risk Fund, to be administered by the department. This bill would continuously appropriate, without regard to fiscal years, the fund to the department for the purposes of loans, principal forgiveness loans, or grants to certain water systems operating in a high-nitrate at-risk area for specified purposes. This bill would require the state board, on or before January 1, 2022, to submit a report to the Legislature that includes specified information relating to the fund and contaminated drinking water. This bill would repeal these provisions on January 1, 2024.~~

~~(2) Existing law requires every person who manufactures or distributes fertilizing materials to be licensed by the Secretary of Food~~

~~and Agriculture and to pay a license fee that does not exceed \$300. Existing law requires every lot, parcel, or package of fertilizing material to have a label attached to it, as required by the secretary. Existing law requires a licensee who sells or distributes bulk fertilizing materials to pay to the secretary an assessment not to exceed \$0.002 per dollar of sales for all sales of fertilizing materials, as prescribed, for the purposes of the administration and enforcement of provisions relating to fertilizing materials. In addition to that assessment, existing law authorizes the secretary to impose an assessment in an amount not to exceed \$0.001 per dollar of sales for all sales of fertilizing materials for the purpose of providing funding for research and education regarding the use of fertilizing materials.~~

~~This bill, with prescribed exceptions, would require a person who sells for use in this state fertilizer materials to pay to the secretary a fertilizer materials charge, until January 1, 2016, of \$0.01 per dollar of materials. This bill, on and after January 1, 2016, would permit the department to increase the amount of the charge, as specified, to an amount no greater than \$0.04 per dollar of materials if 80% of the moneys in the fund are committed, and would require the Fertilizer Inspection Advisory Board to discuss the charge and provide a recommendation to the department. This bill would prohibit the fertilizer materials charge from being imposed when the department determines that more than \$60,000,000 of the moneys in the fund are uncommitted. This bill would require a seller of fertilizer materials to remit the charge to the secretary to be deposited in the fund.~~

~~(3) The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$. Appropriation: ~~yes~~-no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(a) The landmark California Global Warming Solutions Act of*
- 4 *2006 (Division 25.5 (commencing with Section 38500) of the*
- 5 *Health and Safety Code) set the goal of reducing greenhouse gas*
- 6 *emissions to 1990 levels by 2020. The act required the State Air*
- 7 *Resources Board to develop a scoping plan, including direct*
- 8 *regulations, performance-based standards, and market-based*

1 mechanisms to achieve this level of greenhouse gas emissions
2 reductions.

3 (b) The State Air Resources Board has implemented a
4 market-based compliance mechanism under the California Global
5 Warming Solutions Act of 2006 (Division 25.5 (commencing with
6 Section 38500) of the Health and Safety Code).

7 (c) Beginning January 1, 2015, the State Air Resources Board's
8 market-based compliance mechanism will expand from covering
9 large industrial facilities to include carbon-based transportation
10 fuels used today by the state's motorists.

11 (d) Including transportation fuels in a market-based compliance
12 mechanism will require suppliers of transportation fuels to
13 purchase carbon allowances for gasoline and diesel sold and used
14 in the state, therefore, adding a carbon price to the cost of
15 transportation fuels.

16 (e) The State Air Resources Board's regulatory analysis for the
17 market-based compliance mechanism anticipates carbon allowance
18 costs ranging from \$15 to \$75, inclusive, per ton between 2015
19 and 2020.

20 (f) Including transportation fuels in a market-based compliance
21 mechanism will link the cost of gasoline and diesel to potentially
22 volatile carbon markets placing the state's motorists, families, and
23 small businesses at risk.

24 (g) Many areas of the state continue to struggle from
25 disproportionately high unemployment rates and the state's
26 hard-working low-income and middle-income families will likely
27 suffer most from this sudden addition in addition to potentially
28 volatile carbon costs on transportation fuels.

29 (h) Before including transportation fuels in a market-based
30 compliance mechanism, the State Air Resources Board must ensure
31 that the state's motorists, families, and small businesses are
32 prepared for this carbon price signal with sufficient notice,
33 information, and protection from certain and volatile cost increases
34 for their transportation fuels.

35 SEC. 2. Section 38576 is added to the Health and Safety Code,
36 to read:

37 38576. (a) For purposes of this section, "compliance
38 obligation" means the quantity of greenhouse gas emissions for
39 which a person or entity is required to submit greenhouse gas

1 *emissions allowances or offsets to the state board pursuant to a*
2 *market-based compliance mechanism.*

3 *(b) (1) If the state board adopts a market-based compliance*
4 *mechanism pursuant to this part, only those categories of persons*
5 *or entities that had a compliance obligation beginning January 1,*
6 *2013, and until December 31, 2014, shall have a compliance*
7 *obligation beginning January 1, 2015, and until December 31,*
8 *2017.*

9 *(2) Beginning January 1, 2018, all categories of persons or*
10 *entities participating in a market-based compliance mechanism*
11 *shall have a compliance obligation.*

12 *SEC. 3. This act is an urgency statute necessary for the*
13 *immediate preservation of the public peace, health, or safety within*
14 *the meaning of Article IV of the Constitution and shall go into*
15 *immediate effect. The facts constituting the necessity are:*

16 *To allow sufficient lead time to make necessary adjustments to*
17 *the program before it takes effect January 1, 2015, it is necessary*
18 *for this act to take effect immediately.*

19 ~~SECTION 1. Article 6.5 (commencing with Section 14615) is~~
20 ~~added to Chapter 5 of Division 7 of the Food and Agricultural~~
21 ~~Code, to read:~~

22
23 ~~Article 6.5. Nitrate at Risk Fund Charge~~
24

25 ~~14615. (a) For the purposes of this section, "fund" means the~~
26 ~~Nitrate at Risk Fund created by Section 116765 of the Health and~~
27 ~~Safety Code.~~

28 ~~(b) (1) Except as provided in subdivision (d), every person who~~
29 ~~sells for use in this state fertilizer materials shall pay to the~~
30 ~~secretary the applicable charge. Those sales expressly include all~~
31 ~~sales made electronically, telephonically, or by any other means~~
32 ~~that result in a fertilizer material being shipped to or used in the~~
33 ~~state. There is a rebuttable presumption that fertilizer materials~~
34 ~~that are sold or distributed into or within this state by any person~~
35 ~~are sold or distributed for use in this state. A fertilizer materials~~
36 ~~charge shall be paid at the following rates for sales of fertilizer~~
37 ~~materials for use in this state:~~

38 ~~(1) Until January 1, 2016, a charge of \$0.01 per dollar of~~
39 ~~materials sold.~~

1 ~~(2) On and after January 1, 2016, the State Department of Public~~
2 ~~Health may increase the amount of the charge to an amount no~~
3 ~~greater than \$0.04 per dollar of materials sold if 80 percent of the~~
4 ~~moneys in the fund are committed. In determining the amount of~~
5 ~~the charge, the State Department of Public Health shall consider~~
6 ~~the demand for the moneys in the fund. In determining the charge,~~
7 ~~the State Department of Public Health shall allow stakeholder~~
8 ~~participation and make available to the public the information upon~~
9 ~~which the State Department of Public Health calculates, bases, or~~
10 ~~determines the charge. The Fertilizer Inspection Advisory Board,~~
11 ~~described in Section 14581, shall discuss the charge and provide~~
12 ~~a recommendation to the State Department of Public Health.~~

13 ~~(2) A seller of fertilizer materials shall remit the fertilizer~~
14 ~~materials charge to the secretary to be deposited in the fund.~~

15 ~~(e) The fertilizer materials charge shall not be imposed when~~
16 ~~more than sixty million dollars (\$60,000,000) of the moneys in~~
17 ~~the fund are uncommitted.~~

18 ~~(d) A person is not required to pay the charge provided for in~~
19 ~~this section as follows:~~

20 ~~(1) In those cases where the person did not first sell the fertilizer~~
21 ~~material into or within this state or have actual knowledge, at the~~
22 ~~time of its sale, that the fertilizer would be sold for use in this state.~~

23 ~~(2) If the fertilizer material is for use in further manufacturing~~
24 ~~or formulating of fertilizer material.~~

25 ~~SEC. 2. Chapter 4.7 (commencing with Section 116765) is~~
26 ~~added to Part 12 of Division 104 of the Health and Safety Code,~~
27 ~~to read:~~

28

29

~~CHAPTER 4.7. NITRATE AT RISK FUND~~

30

31 ~~116765. The Nitrate at Risk Fund is hereby established in the~~
32 ~~State Treasury, to be administered by the State Department of~~
33 ~~Public Health. Notwithstanding Section 13340 of the Government~~
34 ~~Code, moneys in the Nitrate at Risk Fund are continuously~~
35 ~~appropriated, without regard to fiscal years, to the State Department~~
36 ~~of Public Health for the purposes described in Section 116766.~~

37 ~~116766. (a) Moneys in the Nitrate at Risk Fund shall be used~~
38 ~~for loans, principal forgiveness loans, or grants to a water system~~
39 ~~operating in a high-nitrate at-risk area that is one of the following:~~

1 ~~(1) A small community water system serving a disadvantaged~~
2 ~~community.~~

3 ~~(2) An unregulated system of 2 to 15, inclusive, service~~
4 ~~connections.~~

5 ~~(3) A nontransient noncommunity water system owned by a~~
6 ~~public agency.~~

7 ~~(b) Moneys in the Nitrate at Risk Fund may be used for any of~~
8 ~~the following purposes:~~

9 ~~(1) Preplanning drinking water projects.~~

10 ~~(2) Planning drinking water projects.~~

11 ~~(3) Interim water solutions.~~

12 ~~(4) Constructing drinking water projects.~~

13 ~~(5) Operating and maintaining drinking water systems. The~~
14 ~~State Department of Public Health shall ensure that moneys used~~
15 ~~for the purposes of this paragraph are for the operation and~~
16 ~~maintenance of drinking water systems in communities that have~~
17 ~~a substantial need and otherwise would not be able to afford to~~
18 ~~operate or maintain their systems. The State Department of Public~~
19 ~~Health shall ensure that moneys available for the operation and~~
20 ~~maintenance of a particular drinking water system pursuant to this~~
21 ~~paragraph shall not be permanent and shall be phased out over~~
22 ~~time.~~

23 ~~(e) Moneys in the Nitrate at Risk Fund shall not be used for~~
24 ~~loans, principal forgiveness loans, or grants to a water system that~~
25 ~~is a small community water system for the purposes of either~~
26 ~~paragraph (2) or (4) of subdivision (b) unless no other funding~~
27 ~~source is available to that system for that purpose.~~

28 ~~116767. (a) On or before January 1, 2022, the state board, in~~
29 ~~consultation with any other state entity or research institution as~~
30 ~~appropriate, shall submit to the Legislature a report that includes~~
31 ~~all of the following information:~~

32 ~~(1) Communities that rely on contaminated drinking water as a~~
33 ~~primary source of drinking water.~~

34 ~~(2) The principal contaminants and other constituents of concern~~
35 ~~affecting groundwater and contamination levels in the groundwater~~
36 ~~sources for the communities described in paragraph (1).~~

37 ~~(3) Potential solutions and funding sources to clean up or treat~~
38 ~~groundwater or to provide alternative water supplies to ensure the~~
39 ~~provision of safe drinking water to communities identified in~~
40 ~~paragraph (1).~~

1 ~~(4) The effect of the use of the moneys in the Nitrate at Risk~~
2 ~~Fund for the purposes described in Section 116766 on nitrate~~
3 ~~contaminated groundwater used as a source of drinking water.~~

4 ~~(b) A report to be submitted pursuant to subdivision (a) shall~~
5 ~~be submitted in compliance with Section 9795 of the Government~~
6 ~~Code.~~

7 ~~116768. If the responsibility for administering Chapter 4~~
8 ~~(commencing with Section 116270) is transferred to the state board,~~
9 ~~the state board shall succeed to and is vested with all of the~~
10 ~~authority, duties, powers, responsibilities, and jurisdiction of the~~
11 ~~State Department of Public Health pursuant to this article.~~

12 ~~116769. This article shall remain in effect only until January~~
13 ~~1, 2024, and as of that date is repealed, unless a later enacted~~
14 ~~statute, that is enacted before January 1, 2024, deletes or extends~~
15 ~~that date.~~

16 ~~SEC. 3. This act is an urgency statute necessary for the~~
17 ~~immediate preservation of the public peace, health, or safety within~~
18 ~~the meaning of Article IV of the Constitution and shall go into~~
19 ~~immediate effect. The facts constituting the necessity are:~~

20 ~~To address the public health problem of nitrate-contaminated~~
21 ~~drinking water as soon as possible, it is necessary for this act to~~
22 ~~take effect immediately.~~

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 28, 2014

Re: Consider Amending the Health Officer Classification

RECOMMENDATION

Recommend that the Board of Directors, amend the Health Officer classification with a change to the annual salary range starting at \$144,187 and ending at \$175,261 (Salary Range 156M). This classification would be unrepresented and would reside in the management bargaining unit.

BACKGROUND

Air District staff has identified a need to revise this position classification to include additional duties related to the management of the Air District Community Engagement Program. A revision of a job classification requires approval by the Board of Directors.

DISCUSSION

The Health Officer will continue to provide leadership and advice on health related policy matters and strategies to include conducting complex health related projects and studies, and with the proposed revisions, will manage the Community Engagement Program. This job will continue to be responsible for developing and presenting health policy issues and recommendations to the Air District Board and executive management.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no financial impact beyond that already contemplated in the Fiscal Year Ending 2015 budget. This recommendation will not increase FTEs.

Respectfully Submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jack Colbourn
Reviewed by: Jean Roggenkamp

Attachment - Health Officer Classification

HEALTH OFFICER

DEFINITION

Under executive direction, provides leadership and advice on health related policy matters and strategies including conducting complex health related projects and studies; plans, organizes and directs the community engagement program and activities of the Air District; serves as the District's liaison with other agencies; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

This single-position class is a management level specialized position. The incumbent performs project-oriented assignments requiring considerable professional knowledge and significant independent action and judgment. The incumbent is responsible for health-related policy and program development and implementation, and performs complex health related activities for the District. Incumbents may represent the District in strategic situations and speak with the authority of the District; successful performance requires the use of sound judgment and initiative. This position directs all activities of the Community Engagement Program and is responsible for accomplishing goals and objectives related to community engagement for the agency.

EXAMPLES OF DUTIES (Illustrative Only)

Reviews health policy issues related to air quality; develops and presents recommendations to the District's Board and executive management.

Devises substantive health related policy and strategy for the District.

Provides leadership and coordinates staff in conducting analyses of health related issues; summarizes, prepares and presents reports of findings; coordinates with divisions to develop related policies and recommendations for actions to mitigate effects or address the issues.

Conducts complex and specialized health issue related studies involving technical, administrative and policy matters, often of a confidential nature.

Tracks, reviews and analyzes current and proposed health related policies, regulations and legislation on the state, national and global level; notifies the District of significant activities and implications.

Assists in the development and implementation of goals, objectives, policies, procedures and work standards.

Researches national, state and local policy designed to address environmental health impacts; prepares opinions and recommendations on health related issues which impact the Air District's programs and initiatives.

Represents the District with industry, the public, special interest groups and other agencies on air quality and health and related matters. Represents the District to external stakeholders; leads outreach efforts to the media and community groups.

Develops and directs the implementation of goals, objectives, policies, procedures and work standards for the Community Engagement Program.

Health Officer
July 2014
Page 2 of 4

Oversees implementation of the Air District's Public Participation Plan.

Responsible for risk communication between the Air District and the public and community organizations.

Directs the preparation and administration of assigned budget.

Communicates District policies, rules and regulations to staff and is responsible for staff productivity and discipline.

Selects personnel and provides for their training and professional development.

Coordinates and directs Community Engagement Office staff and activities such as public engagement processes in the Public Participation Plan.

Provides technical and managerial direction, training and support to District staff and others regarding community relations and community information for the District.

Manages contracts with outside consultants and other agencies involving community relations and community awareness campaigns.

Provides management lead direction, training and work review to professional, technical and support staff; resolves technical questions relating to the work.

Assists with the development of the District's strategic plan and managing its implementation.

Attends Air District departmental, board and committee meetings.

Directs and/or leads staff as assigned.

Manages personnel and resources as assigned.

Other duties as assigned.

QUALIFICATIONS

Knowledge of:

Administrative and managerial principles and practices, including goal setting, program and budget development and implementation and employee supervision.

Principles and practices of employee supervision, including selection, training, work evaluation, and discipline.

Principles and practices of public health and medical science, especially as related to air quality.

Applicable District rules and regulations and state and federal laws.

Principles and practices of public administration.

Principles and practices of effective public relations.

Methods and techniques of research, statistical analysis and report presentation.

State and federal legislative processes.

Principles and practices of effective writing.

Skill in:

Analyzing complex health-related, technical and administrative problems, evaluating alternative solutions and recommending effective courses of action.

Planning, assigning, directing and reviewing the work of others.

Interpreting and explaining state and federal laws, rules and regulations affecting public health and the environment.

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

Exercising sound independent judgment within general policy guidelines.

Preparing clear and concise reports, correspondence and other written materials.

Making persuasive presentations of ideas and recommendations to a variety of audiences.

Selecting, training and motivating staff.

Ability to:

Understand and explain the effects of environmental health-related issues, laws and regulations on District policy.

Understand state and federal laws affecting District policy.

Interpret, explain and apply District, state and federal air quality laws, rules and regulations.

Balance multiple demands and deadlines effectively.

Provide effective leadership and supervision to assigned staff.

Other Requirements:

Must possess a valid California driver's license.

Education and Experience:

A typical way to obtain the knowledge and skills is:

Equivalent to university graduation at the doctorate level with major coursework in public health (PhD) or medicine (M.D.) and one year of experience relative to the health effects of air pollution, or, achievement of a Masters (MPH) level degree in public health and three years of experience relative to the health effects of air pollution, and three years of lead or supervisory experience.

Working Conditions and Physical Demands

Work is performed in an office environment with limited exposure to conditions such as dust, fumes, odors, or noise. It involves occasional travel by car requiring the ability to see colors of traffic signs and notice and react to traffic, pedestrian and road conditions. Physical demands include the ability to use a computer for several hours a day, telephone, and other electronic communication devices. Also, occasionally lifting boxes weighing 20-30 pounds, walking, standing, bending and reaching.

FLSA – Exempt

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: July 7, 2014

Re: Report of the Personnel Committee Meetings of July 7, 2014 and July 28, 2014

PROPOSED RECOMMENDED ACTION:

The Personnel Committee (Committee) received only informational items and may have recommendations of approval by the Board of Directors.

BACKGROUND

The Committee met on Monday, July 7, 2014 and July 28, 2014, in Closed Session regarding Public Employee Performance Evaluations of the Executive Officer and District Counsel and may have reportable action.

There are no staff reports for the Closed Session items.

Chairperson Brad Wagenknecht will provide an oral report of the Committee meetings.

BUDGET CONSIDERATION/FINANCIAL IMPACTS:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher

Reviewed by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: July 17, 2014

Re: Report of the Climate Protection Committee Meeting of July 17, 2014

RECOMMENDED ACTION

The Climate Protection Committee (Committee) received only informational items and has no recommendations of approval by the Board of Directors.

BACKGROUND

The Committee met on Thursday, July 17, 2014, and received the following reports:

- A) State and Federal Climate Policy Update; and
- B) Regional Climate Protection Work Program Update.

Committee Chairperson John Avalos will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None.
- B) Enhanced climate protection activities require additional resources. Such resources have been included in the fiscal year ending (FYE) 2015 budget. Climate protection activities occurring through June 2014 were funded within the existing FYE 2014 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

Attachment A: 07/17/14 – Climate Protection Committee Meeting Agenda #4
Attachment B: 07/17/14 – Climate Protection Committee Meeting Agenda #5

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Avalos and Members
of the Climate Protection Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 3, 2014

Re: State and Federal Climate Policy Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The California Air Resources Board (CARB) approved the First Update to the AB 32 Scoping Plan on May 22, 2014. This Update builds upon the initial Scoping Plan with new strategies and recommendations that aim at reducing GHG emissions throughout California over the long term. Air District staff presented on this Update to the Committee on March 20, 2014.

In June, 2013, President Obama released his plan for addressing climate change. The President's Climate Action Plan focuses on cutting carbon pollution, and also addresses climate change adaptation and how the U.S. could lead international efforts to address global climate change. A cornerstone of the Plan's focus on cutting carbon emissions is an effort to establish federal standards for carbon emissions from power plants. Section 111 of the Clean Air Act gives the US Environmental Protection Agency (EPA) the authority to issue standards, regulations or guidelines that address carbon pollution from new and existing power plants. On September 20, 2013, the EPA proposed carbon pollution standards for new power plants (CAA Section 111(b)). On June 2, 2014, the EPA released a proposed rule limiting carbon pollution from existing power plants (CAA Section 111(d)).

DISCUSSION

On June 20, 2014, Governor Brown approved the California State Budget 2014-15, which includes an investment plan for auction proceeds under CARB's Cap and Trade program. These proceeds equal \$832 billion for the 2014-15 budget. Staff will provide an overview of the Scoping Plan Update, including discussion of the Cap and Trade Auction Proceeds Investment Plan and how funding from the Plan may be directed to the Bay Area.

Staff will also brief the Committee on the President's Climate Action Plan, focusing on the EPA's development of carbon pollution standards for power plants, including the status of rule-making and potential impacts for the Bay Area.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Abby Young
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John Avalos and Members
of the Climate Protection Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 1, 2014

Re: Regional Climate Protection Work Program Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

At the April 2, 2014 Board of Directors meeting, the Board adopted a 10-Point Climate Action Work Program (Attachment A) to guide and document the Air District's climate protection activities in the near term. Included in this Work Program is the development of a Regional Climate Protection Strategy, which will support progress toward achieving the Air District's regional goal of reducing greenhouse gas emissions 80% below 1990 levels by 2050. This goal was established on November 6, 2013, when the Air District Board of Directors unanimously adopted Resolution 2013-11, *Resolution Adopting a Greenhouse Gas Reduction Goal and Commitment to Develop a Regional Climate Action Strategy*.

DISCUSSION

Since the last Climate Protection Committee meeting, Air District staff has taken a variety of steps to begin implementing many of the items in the Work Program. Staff will present on efforts taken toward implementing the "10 Points," progress made to date, and next steps in implementing the Work Program.

BUDGET CONSIDERATION / FINANCIAL IMPACT

Enhanced climate protection activities require additional resources. Such resources have been included in the FYE 2015 budget. Climate protection activities occurring through June 2014 were funded within the existing FYE 2014 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Abby Young
Reviewed by: Henry Hilken

Attachment A: 10-Point Climate Action Work Program for the Bay Area

10-Point Climate Action Work Program

March 25, 2014

This 10-Point Climate Action Work Program represents the focus and direction of the Air District's Climate Protection Program in 2014 and 2015. This Work Program reflects the Air District's strength in playing a coordinating role for policy implementation at the federal, state, regional and local levels. The actions described below will serve as the Air District's priorities for the next two years as it continues to work with many stakeholders to reduce the Bay Area's greenhouse gas (GHG) emissions.

1. **Set GHG Reduction Goal** – Set a goal to reduce GHG emissions in the Bay Area 80% below 1990 levels by 2050 to align the Air District with Executive Order S-3-05, and work with stakeholders to develop interim targets and performance objectives, including per capita targets, to support this goal.
2. **Update GHG Inventory and Forecasting** – Update the Air District's regional GHG emissions inventory for the Bay Area. Conduct GHG emissions forecasts for 2020, a mid-term year and 2050. Use input from stakeholders, including local governments, to develop different GHG emissions scenarios, which will lay a foundation for the development of the Regional Climate Action Strategy described below. Seek to incorporate effects of federal, state (Scoping Plan), regional (Plan Bay Area and 2015 Clean Air Plan), and local (local climate action plans) initiatives. Identify gaps between forecast reductions from existing and proposed plans and measures, and the 2050 goal.
3. **Implement GHG Emissions Monitoring** – Initiate local monitoring of certain greenhouse gases, including methane and carbon dioxide. The Air District will integrate monitoring of methane within its current air monitoring network. The Air District will work with UC Berkeley researchers to collect local CO₂ emissions data through a university-led network of local CO₂ monitoring stations. Data collected will help develop a better understanding of ambient concentrations, variability and trends over time, as well as provide more specific local data for the regional GHG inventory.
4. **Develop Regional Climate Action Strategy** – Identify policy gaps between the 2050 GHG goal and interim GHG reduction targets and local climate action plans, Plan Bay Area, federal and state regulations and programs, and policies where the Air District has authority or influence to control GHG emissions. These potential Air District actions could be included in the 2015 Clean Air Plan and serve as a Regional Climate Action Strategy. The Strategy will encourage regional and local economic approaches that support the 2050 goal and interim targets of this Work Program. Conduct an economic and public health impacts study of the Strategy, including a focus on disadvantaged communities. Continue to work with the Joint Policy Committee and its member agencies to support regional planning efforts to reduce GHG emissions and benefit public health. Conduct a robust public outreach effort, as part of the 2015 Clean Air Plan process, including work with local researchers, representatives of affected industry, commercial interests, governing bodies, environmental organizations and community groups to engage them in discussion about the need, and path forward, for significant GHG reductions.
5. **Support and Enhance Local Action** – Increase the local implementation of GHG-reducing policies and programs through enhanced technical assistance to cities and counties and special districts in preparing and implementing local Climate Action Plans. Expand technical assistance to local governments through development of incentive programs, CEQA mechanisms and providing necessary data:
 - Support local climate action planning through data delivery, technical tools, providing a clearinghouse of information and promoting best practices;
 - Promote EV readiness and best practices in local plans;

- Explore funding sources for incentives to improve energy efficiency, including work with ARB to potentially use Cap and Trade auction proceeds, and working with other potential sources of funding to increase investment in local and regional GHG reduction;
 - Update CEQA thresholds for GHGs and update CEQA Guidelines to assist cities, counties and other lead agencies;
 - Work with lead agencies to use the CAPCOA GHG Exchange for offsite mitigation under CEQA (e.g., work with organizations such as the Marin Carbon Project to develop protocols for GHG reduction credits); develop offset protocols that support GHG reduction projects in the Bay Area;
 - Work with GHG emissions data providers to provide regular and consistent data to local governments;
6. **Initiate Rule Development** – Initiate rule development to advance GHG reduction in sources subject to Air District regulatory authority, and identify opportunities to require GHG emission reductions in existing rules and policies. Examples may include:
- Integrate GHG emission reduction into the Air District’s permitting program to facilitate GHG emission reductions consistent with California’s Cap and Trade program and other federal and state provisions;
 - Reduce methane emissions and other short-lived climate pollutants, such as black carbon;
 - Enhance and/or backstop upcoming federal requirements to control GHG emissions from new and existing power plants;
 - Increase deployment of heat mitigating technologies and policies, such as cool roofing and cool paving;
 - Explore opportunities to reduce energy use in the residential, commercial and industrial sectors;
 - Work with stakeholder groups to identify additional opportunities to reduce GHG emissions through Air District rule-making.
7. **Expand Enforcement** – Expand enforcement of statewide regulations to reduce GHGs, especially short-term climate pollutants. Continue working with the Air Resources Board (ARB) to enforce existing Scoping Plan regulations addressing landfills, semiconductors and refrigerants. Work with ARB to explore further opportunities through the development of the Scoping Plan Update.
8. **Launch Climate Change & Public Health Impacts Initiative** – Collect and synthesize information, reports and data on climate change impacts related to air quality, public health and disproportionate impacts. Work with state and local public health professionals to identify policies and programs targeting impacts that affect air quality and public health, including wildfires and extreme heat. Include impacts associated with black carbon emissions. Identify strategies and funding opportunities to assist the most vulnerable populations and disadvantaged communities.
9. **Report Progress to the Public** – Select indicators to measure, track and report on progress toward the 2050 goal and related performance objectives. Report this information publicly, presented in a manner that informs and engages the public, such as Berkeley’s Climate Action Plan Results web page.
10. **Explore the Bay Area’s Energy Future** – Assign the Air District’s Advisory Council the role of investigating technical issues related to the Air District’s Climate Protection Program. Initially focus on the energy future of the Bay Area, including examining trends in Bay Area fossil fuel demand and production, and exploring opportunities for the Air District to promote and support the development of clean energy options.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: July 21, 2014

Re: Report of the Executive Committee Meeting of July 21, 2014

RECOMMENDED ACTION:

The Executive Committee (Committee) received only informational items and has no recommendations of approval by the Board of Directors. Staff will provide information requested by the Committee on Item C: Update of Remote Participation Protocol for Committee meetings to the full Board, during the Report of the Executive Committee.

BACKGROUND

The Committee met on Monday, July 21, 2014, and received the following reports:

- A) Hearing Board Quarterly Report – April through June 2014;
- B) Joint Policy Committee Update;
- C) Update of Remote Participation Protocol for Committee Meetings;
- D) Final Report: Air Monitoring Technology and Methodology Expert Panel; and
- E) Bay Area Commuter Benefits Program Implementation.

Chairperson Nate Miley will give an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

- A) None.
- B) None.
- C) None.
- D) Funds for equipment purchase have been placed into a reserve account for FYE 2015.

E) None; funding to administer the program is included in the Air District and Metropolitan Transportation Commission FYE 2015 budgets.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

Attachment A: 07/21/14 – Executive Committee Meeting Agenda #4
Attachment B: 07/21/14 – Executive Committee Meeting Agenda #5
Attachment C: 07/21/14 – Executive Committee Meeting Agenda #6
Attachment D: 07/21/14 – Executive Committee Meeting Agenda #7
Attachment E: 07/21/14 – Executive Committee Meeting Agenda #8

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members of the Executive Committee
From: Chairperson Terry Trumbull, Esq., and Members of the Hearing Board
Date: July 7, 2014
Re: Hearing Board Quarterly Report – April through June 2014

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the second quarter of 2014 (April through June), the Hearing Board:

- Held one hearing on one Accusation (3661). There were no hearings on Appeals or Variances;
- Processed a total of three orders, including one Accusation (3661) and two Requests for Withdrawal/Dismissal (3660 and 3662). There were no orders relative to Appeals, Variances or Emergency Variances; and
- Collected a total of \$0.00 in filing fees.

Below is a detail of Hearing Board activity during the same period:

Location: Contra Costa County; City of Richmond

Docket: 3660 CHEVRON PRODUCTS COMPANY – *Appeal*

Regulation(s): Permit to Operate Abatement Equipment, A-629, Temporary Carbon System for Abating No. 17 Pump Station Fugitive Emissions

Synopsis: In 1992, Appellant applied for a permit to install eight thermal oxidizers to abate various pump seal fugitive emissions and applied to use thermal oxidizers for the exemptions. In August 2013, Appellant found the thermal oxidizer operating at less than the minimum required temperature and filed emergency variance docket number 3653. During the course of an Enforcement investigation, Appellant was found not to have done any preventative maintenance of the thermal oxidizer since installation in 1992 (over 20 years of operation). The emergency variance request was denied on September 12, 2013. In January 2014, Respondent issued the permit to operate with new Permit Condition # 8869 Part 5 (requiring continual abatement with the thermal oxidizers) and new Permit Condition # 25708.

Status: Hearing postponed from April 17, 2014 to May 8, 2014; Order for Dismissal filed May 8, 2014

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$3,260.00

Location: Contra Costa County; City of San Pablo

Docket: 3661 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. ALEX AGUILAR – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to own and operate a body shop since at least 2012 without a permit to operate, failed to install a spray booth or use any filtration device for the coating operations, and failed to maintain volatile organic compounds, coating, or solvent records, as required per District regulations.

Status: Stipulated Conditional Order for Abatement submitted at hearing held April 10, 2014, and filed April 26, 2014

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A

Location: San Mateo County; City of South San Francisco

Docket: 3662 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. TIMOTHY SIMPSON; and D. J. SIMPSON COMPANY – *Accusation*

Regulation(s): 2-1

Synopsis: Respondent is alleged to own and operate a paint manufacturing facility since 1988, failed to pay the required permit fees for February 2010 – 2011, and the permit expired.

Status: Order for Dismissal filed June 27, 2014

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 8, 2014

Re: Joint Policy Committee Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Joint Policy Committee (JPC) consists of Board/Commission representatives of the four regional agencies and provides a forum for discussing issues of regional importance.

DISCUSSION

At the upcoming Executive Committee meeting, the JPC Director, Allison Brooks, will provide an update on the activities of the Joint Policy Committee.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 16, 2014

Re: Update of Remote Participation Protocol for Committee Meetings

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In 2010, the Executive Committee discussed over several meetings a remote participation protocol for the Board of Directors to attend Committee meetings. Air District staff identified and tested the capabilities of two remote videoconference locations, one at the Santa Rosa Junior College in Santa Rosa and the other at the Santa Clara County Building in the City of San Jose.

In October 2010, the Executive Committee recommended that the Board develop a protocol that would allow remote participation by members via videoconference and teleconference for committee meetings.

In January 2011, the Executive Committee recommended, and the Board adopted, a protocol for remote participation of committee meetings during meetings that were informational only (no remote voting).

In May 2013, the Executive Committee revisited the protocol, recommended changes to the protocol and the Board adopted the following Remote Participation Protocol for Committee meetings:

1. Allow remote participation by committee members for all committee meetings held in the Air District Headquarters 4th floor Conference Room at 939 Ellis Street in San Francisco, with the exception of Executive Committee and Personnel Committee meetings.
2. Any remote participation for committee meetings will occur only via video-conferencing at identified and secured locations.
3. Video-conferencing locations will be made available for committee meetings upon direction of the Executive Officer/APCO or by request by one or more members of the committee; provided the location(s) is/are available and all legal noticing requirements can be met.

The Air District staff utilizes the following video-conferencing locations to implement the protocol:

North Bay: Santa Rosa Junior College in Santa Rosa

South Bay: San Jose State University in San Jose

East Bay: California State University East Bay – Oakland Center.

In 2013, the Climate Protection Committee began to have larger stakeholder participation and public attendance at meetings. The Committee, which traditionally met in the 4th Floor conference room at the Air District, no longer accommodates the number of public members that attend the meetings. Air District staff, in consultation with the Chair of the Committee, moved the meeting to the 7th Floor Board Room in anticipation of a sustained increase in participation. The increase in participation has continued to date.

Director Shirlee Zane (Sonoma County) regularly participates in these Committee meetings via the videoconference location at Santa Rosa Junior College when the meeting is held in the 4th Floor Conference Room. Because the 7th Floor Board Room does not have videoconferencing capabilities, Director Zane is not able to participate via videoconference.

On March 18, 2014, Director Zane sent a letter to the Board of Directors asking the Board to, “revisit the remote conferencing policy. The letter is attached for your reference.

At the March 19, 2014 Board Meeting, Chair Miley referred Director Zane’s request to the Executive Committee for review.

At the May 28, 2014 Executive Committee Meeting, the committee met without a quorum and discussed the item and Chairperson Miley directed staff to provide cost estimates for the equipment necessary for both the full and less robust forms of remote participation.

At the June 4, 2014 Board of Directors regular meeting, Executive Committee Report item, Director Zane asked staff to research a less expensive alternative that could be implemented in the board room, such as Skype or FaceTime technologies.

DISCUSSION

Staff has researched options for videoconferencing that could be implemented in the Board room and that would also meet the requirements of open meeting laws (Brown Act).

The Air District currently contracts with GovTV to provide webcasting services of Board Meetings and for the equipment required for webcasting those meetings. Staff asked GovTV to provide an informal quote to the Air District for the installation of a video conferencing system that would also meet the Brown Act requirements. As the Air District currently meets those requirements with its current videoconference locations, we used those locations as examples for GovTV to provide the quote.

The Brown Act requirements are that meetings must:

1. Make available a room for the meeting with 10-person minimum capacity;
2. Have building and conference rooms that are publicly accessible;
3. Use building and conference rooms that meet the requirements of the Americans with Disability Act and are accessible to those with disabilities.
4. Be near public transit for members of the public. If not near transit, there needs to be public parking available.
5. Have public noticing of the Agenda 72 hours before the start of the meeting somewhere the public would be able to see it as they passed by the location.

After researching using low-cost/free alternatives to videoconferencing such as Skype and FaceTime, staff found that these options are generally used for casual-use interactions and are not meant for formal public meetings in which the camera, software and technology is controllable by the meeting attendees and the Air District in order to make certain that the meeting complies with the requirements of the Brown Act.

The Air District's current videoconference locations have a fixed location and controllable technology that meet the Brown Act requirements. Staff asked GovTV to quote videoconferencing to/from these locations.

GovTV quoted the following:

- | | |
|---|----------|
| 1. Upfront hardware and installation cost | \$45,000 |
| 2. Video conferencing per meeting | \$750 |
| 3. Monthly maintenance | \$500 |

BUDGET CONSIDERATION/FINANCIAL IMPACT

Current costs for video conferencing (location fees) are included in the Fiscal Year Ending 2015 Air District Budget. Costs for adding videoconference service and equipment to the 7th Floor Board Room will increase the FYE 2015 Air District Budget by \$60,000.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Satnam Hundel

Reviewed by: Jack Colbourn

Attachment: Letter Addressed to the Board of Directors from Director Shirlee Zane dated
March 18, 2014

BOARD OF SUPERVISORS

575 ADMINISTRATION DRIVE, RM. 100A
SANTA ROSA, CALIFORNIA 95403

(707) 565-2241
FAX (707) 565-3778



SHIRLEE ZANE
Supervisor, Third District

March 18, 2014

Dear Fellow Bay Area Air Quality Management District Board of Directors,

As you know I am a member of the Bay Area Air Quality Management District's (BAAQMD) Climate Protection Committee. Since last year I have been participating by videoconference when the meetings are held in the 4th floor conference room. Videoconferencing has spared me (and our crowded Bay Area freeways, our climate and our air quality) the four hour roundtrip drive I would need to make to attend the meetings. Remote participation also appeals to my environmental sensibilities. **It took quite a bit of lobbying on my part to get the videoconferencing approved; frankly it has been frustrating to me that BAAQMD has been slow to embrace remote participation for committee meetings given its mission "to protect and improve public health, air quality, and the global climate."**

I write to you today because stakeholders have been quite active in attending the Climate Committee meetings. As such, BAAQMD staff have decided to move the meetings to the 7th floor Board room—where there is no videoconferencing capability. I have been advised by BAAQMD staff that I will now have only one option—to attend the Climate meetings in person. As a compromise I suggested that I participate via teleconference but according to staff teleconferencing has not been authorized by the Board.

With all due respect to Chair Miley and our Board, it does not make any sense whatsoever to make it virtually impossible for me to attend, of all things, a Climate Protection Committee meeting because I cannot justify the drive, both in terms of time constraints and with regard to GHG emissions. I also think that having a remote location can allow more stakeholders to participate without commuting. I know that Sonoma County's leading non-profit climate partner—The Climate Protection Campaign—will also not be able to participate without the remote location in Santa Rosa.

The Climate Committee is doing important work and I feel strongly that I need to continue to participate at the level that videoconferencing has allowed. I would ask that the Board revisit the remote conferencing policy to find a solution to this relatively simple problem. **To be quite frank, I can't believe how difficult it has been to bring the Air District into the modern era of remote participation, again, given its mission.**

Please let me know if you are willing to address this issue. I appreciate your consideration of my request.

Most sincerely,

Shirlee Zane
Supervisor, Third District

**Supervisor Shirlee Zane
Sonoma County's Third District**

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 14, 2014

Re: Final Report: Air Monitoring Technology and Methodology Expert Panel

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On August 6, 2012, a substantial fire occurred due to a hydrocarbon leak at a crude oil processing unit at the Chevron Refinery in Richmond, CA. The fire resulted in a large plume of black smoke and visible emissions from a refinery flare. The Contra Costa County Health Department issued a community warning and ordered a shelter-in-place for about five hours in Richmond, San Pablo and North Richmond. Thousands of residents sought medical treatment, with most claiming that they suffered respiratory and/or eye discomfort.

The August 6, 2012 incident prompted the Bay Area Air Quality Management District (Air District) staff and Board of Directors to identify a series of follow-up actions to enhance the Air District's response to similar incidents (Board of Directors, October 17, 2012). One of these actions was to convene a panel of air monitoring experts (Expert Panel) to recommend technologies, methodologies and tools to enhance community air monitoring capabilities near refineries. The Expert Panel was convened on July 11, 2013 with academics, researchers, community members, industry and government agency staff from around the state and nation with extensive knowledge and experience in air monitoring.

A report developed by the Desert Research Institute (DRI) and provided to the Expert Panel evaluated the Air District's current air monitoring network and reviewed applicable technologies and methodologies that might be utilized to enhance the air monitoring capabilities around refineries. Immediate actions were taken to improve ambient air monitoring capabilities near the refineries and purchase of additional instrumentation for Air District inspectors to utilize during incidents is ongoing. Using the DRI report as a starting point, the Expert Panel provided input on additional monitoring techniques as well as the best tools and methodologies available to collect data at fence lines, in nearby communities and during incidents. This report has been finalized and is now available on the Air District's website (located here [Expert Panel Report and Findings](#)).

DISCUSSION

The Expert Panel acknowledged the Air District's current air monitoring network meets or exceeds the requirements for which it is designed. However, the Panel believed monitoring at refinery fence lines and in nearby communities could be augmented to provide useful air quality information to the Air District, the refineries and the surrounding community. This input is being used to develop an air monitoring guidance document that will be part of Regulation 12, Rule 15, the Petroleum Refining Emissions Tracking Rule, which will require fence line monitoring at refineries and additional monitoring in nearby communities.

The Expert Panel also provided input on ways in which monitoring during incidents could be enhanced and supported the development of a mobile monitoring platform, capable of measuring multiple compounds accurately with real-time data availability. While the Air District currently has limited mobile capabilities, specific additional instrumentation needs to be acquired. In addition, Air District staff needs to be hired to operate, maintain and ensure equipment readiness. Until the Air District develops this capability, an agreement with the U.S. EPA Region IX Incident Response team has been reached to provide limited additional capabilities through their mobile monitoring platform. Air District staff will develop purchasing and staffing recommendations and for consideration by the Executive Committee in the fall.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funds for equipment purchase have been placed into a reserve account for FYE 2015.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Eric Stevenson
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 2, 2014

Re: Bay Area Commuter Benefits Program Implementation

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

Pursuant to Senate Bill 1339, the Air District and the Metropolitan Transportation Commission (MTC) worked together to develop a regional commuter benefits program. On March 19, 2014, the Air District Board of Directors approved Regulation 14, Rule 1: Bay Area Commuter Benefits Program (Program). The regulation took effect upon ratification by MTC on March 26, 2014. The Program requires employers with 50 or more full-time employees within the boundaries of the Air District to select one of four commuter benefit options to offer to their employees, to notify employers about the commute benefit selected, and to register via the 511.org website by September 30, 2014.

DISCUSSION

Air District staff will describe outreach and assistance provided to employers, experience in implementing the Program to date, and efforts that will be implemented by the Air District and MTC in coming weeks to encourage employers to comply with the Program by the September 30, 2014 deadline.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding to administer the program is included in the Air District and MTC Fiscal Year Ending 2015 budgets.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: David Burch
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: July 21, 2014

Re: Report of the Stationary Source Committee Meetings of July 21, 2014

RECOMMENDED ACTION

The Stationary Source Committee (Committee) received only an informational item and has no recommendations of approval by the Board of Directors.

BACKGROUND

The Committee met on Monday, July 21, 2014, and received the report *Update on the Development of Regulation 12, Rule 15: Petroleum Refining Emissions Tracking*.

Committee Chairperson John Gioia will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Air District staff intends to propose a new fee schedule in order to recover the Air District's costs of implementing the new rule.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

Attachment: 07/21/14 – Stationary Source Committee Meeting Agenda #4

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Stationary Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 3, 2014

Re: Update on the Development of Regulation 12, Rule 15: Petroleum Refining
Emissions Tracking

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On October 17, 2012, the Board of Directors approved staff's *Work Plan for Action Items Related to Accidental Releases from Industrial Facilities* that included, among the key actions, the development of a new rule that would apply to Bay Area petroleum refineries. The new rule would establish improved procedures for tracking air emissions from Bay Area refineries, and would require that fence-line and community air monitoring systems be installed and operated.

DISCUSSION

In this report, Air District staff will provide the Committee with an update on the development of the new Petroleum Refining Emissions Tracking rule, including:

- Rule development activities and stakeholder outreach,
- Proposed changes to the draft rule, and
- The rule development work that remains to be done and the expected completion schedule.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None. Air District staff intends to propose a new fee schedule in order to recover the Air District's costs of implementing the new rule.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Eric Stevenson
Reviewed by: Jean Roggenkamp