

Errata Sheet

Revised Agenda

Board of Directors Meeting

Wednesday, October 19, 2016

The revised agenda reflects the title change to Agenda Item Number 13, from Public Hearing to Consider Adoption of Proposed Amendments to Regulation 9: Inorganic Pollutants, Rule 13: Nitrogen Oxides, Particulate Matter, and Toxic Air Contaminants for Portland Cement Manufacturing and adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA)

To

Public Hearing to Consider Adoption of Proposed Amendments to Regulation 9: Inorganic Pollutants, Rule 13: Nitrogen Oxides, Particulate Matter, and Toxic Air Contaminants for Portland Cement Manufacturing and **Directing Staff to File a Notice of Exemption** from the California Environmental Quality Act (CEQA)



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

REVISED BOARD OF DIRECTORS
REGULAR MEETING
OCTOBER 19, 2016

A regular meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 1st Floor Board Room at the Air District Headquarters, 375 Beale Street, San Francisco, California 94105.

**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/about-the-air-district/board-of-directors/resolutionsagendasminutes> 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.

REVISED BOARD OF DIRECTORS REGULAR MEETING AGENDA

WEDNESDAY
OCTOBER 19, 2016
9:45 A.M.

BOARD ROOM
1st FLOOR

CALL TO ORDER

Chairperson, Eric Mar

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.

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.

CLOSED SESSION

3. **CONFERENCE WITH LEGAL COUNSEL**

ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2))

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: one potential case.

OPEN SESSION

CONSENT CALENDAR (ITEMS 4 – 10)

Staff/Phone (415) 749-

4. Minutes of the Board of Directors Regular Meeting of September 21, 2016

Clerk of the Boards/5073

The Board of Directors will consider approving the draft minutes of the Regular Board of Directors Meeting of September 21, 2016.

5. Board Communications Received from September 21, 2016 through October 18, 2016
J. Broadbent/5052
jbroadbent@baaqmd.gov

A copy of communications directed to the Board of Directors received by the Air District from September 21, 2016 through October 18, 2016, if any, will be at each Board Member's place.

6. 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.

7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of September 2016
J. Broadbent/5052
jbroadbent@baaqmd.gov

In accordance with Resolution No. 2012-08, the Board of Directors will receive a list of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the month of September 2016.

8. Consider Adopting Changes to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 15: Non-Discrimination Policy and Complaint Procedure
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider adopting the recommended changes to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 15: Non-Discrimination Policy and Complaint Procedure as attached.

9. Set a Public Hearing on December 7, 2016 to Consider Proposed Amendments to Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants and adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA)
J. Broadbent/5052
jbroadbent@baaqmd.gov

At the December 7, 2016 meeting, the Board of Directors will consider proposed amendments to Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants and adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

10. Consider Authorizing the Execution of Purchase Orders in Excess of \$100,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures Section 4.3 Contract Limitations
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider transferring funds from the Reserve for Mobile Monitoring Equipment to Program 811 of the Fiscal Year Ending (FYE) 2017 budget and authorize the Executive Officer/APCO to execute a purchase order to Inficon in the amount not to exceed \$370,000.

COMMITTEE REPORT

11. Report of the **Mobile Source Committee** Meeting of September 22, 2016

CHAIR: S. Haggerty

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee received the following reports:

A) Projects and Contracts with Proposed Grant Awards over \$100,000

- 1) *Approve the Carl Moyer Program (CMP) and Transportation Fund for Clean Air (TFCA) projects with proposed grant awards over \$100,000;*
- 2) *Allocate \$1,500,000 in Mobile Source Incentive Funds (MSIF) for Compressed Natural Gas (CNG) tank replacements on school buses; and*
- 3) *Authorize the Executive Officer/APCO to enter into agreements with applicants for the recommended CMP and TFCA projects, and Lower Emission School Bus Program projects.*

B) Update on the Shuttle and Rideshare Program

- 1) *Approve \$406,000 in Transportation Fund for Clean Air – for fiscal year ending (FYE) 2017 Regional Funds to be transferred to the Spare the Air Program FYE 2017 budget for the purposes of:*
 - a. *Securing an advertising contract with the Livermore Amador Valley Transit Authority (LAVTA) at a cost of \$322,000 for FYE 2017, and*
 - b. *Paying approximately \$84,000 to cover the cost of wrapping seven LAVTA transit operated shuttle buses with Spare the Air messaging.*
- 2) *Authorize the Executive Officer/APCO to execute all contracts and agreements with LAVTA related to the wrapping and advertising rights; and*
- 3) *Authorize the Executive Officer/APCO to extend the advertising service contract with LAVTA at a cost not to exceed \$322,000 annually for up to two additional years, at the Air District's discretion, based on contractor's performance.*

C) Accept, Obligate, and Expend Funding from the Bay Area Clean Air Foundation (Foundation)

- 1) *Adopt a Resolution authorizing the Bay Area Air Quality Management District (Air District) to accept, oblige, and expend up to \$1,266,600, plus any interest accrued, from the Bay Area Clean Air Foundation (Foundation) for roadside air pollution monitoring projects; and*
- 2) *Authorize the Executive Officer/APCO to enter into all agreements necessary to accept and expend this funding.*

ADVISORY COUNCIL REPORT

12. Report of the **Advisory Council** Meeting of October 3, 2016
BOARD LIAISON: R. Sinks

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Council received the following reports:

A) **Council Deliberation on the Key Question**

1) *None; receive and file.*

B) **Air District Clean Air Plan: Areas for Future Focus**

1) *None; receive and file.*

PUBLIC HEARING

13. Public Hearing to Consider Adoption of Proposed Amendments to Regulation 9: Inorganic Pollutants, Rule 13: Nitrogen Oxides, Particulate Matter, and Toxic Air Contaminants for Portland Cement Manufacturing and Directing Staff to File a Notice of Exemption from the California Environmental Quality Act (CEQA)

The Board of Directors will consider adoption of proposed amendments to Regulation 9: Inorganic Pollutants, Rule 13: Nitrogen Oxides, Particulate Matter, and Toxic Air Contaminants for Portland Cement Manufacturing and directing staff to file a Notice of Exemption from the California Environmental Quality Act (CEQA).

PRESENTATIONS

14. **PRESENTATION BY MR. GORDON SCHREMP OF THE CALIFORNIA ENERGY COMMISSION**
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will receive an update on the processing of various crude oil types, the potential impacts of emission caps on the California gasoline market and trends in product exports and imports and the effects of recent refinery outages on those trends.

15. **UPDATE ON REGULATION 12, RULE 16: PETROLEUM REFINING FACILITY-WIDE EMISSIONS AND REGULATION 11, RULE 18: REDUCTION OF RISK FROM AIR TOXIC EMISSIONS AT EXISTING FACILITIES**

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will receive an informational update on Regulation 12, Rule 16; Petroleum Refining Facility-Wide Emissions Limits and Regulation 11, Rule 18; Reduction of Risk from Air Toxic Emissions at Existing Facilities.

PUBLIC COMMENT ON NON-AGENDA MATTERS

16. 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

17. *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: Update on Progress of Regulation 12, Rule 16 and Regulation 11, Rule 18

19. Chairperson's Report

20. Time and Place of Next Meeting:

Wednesday, November 16, 2016, 375 Beale Street, San Francisco, California 94105 at 9:45 a.m.

21. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
mmartinez@baaqmd.gov

(415) 749-5016
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting. Please note that all correspondence must be addressed to the “Members of the Board of Directors” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Board meeting. Any correspondence received after that time will be presented to the Board at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at rsanders@baaqmd.gov.