



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
REGULAR MEETING  
SEPTEMBER 21, 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 1<sup>st</sup> 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.

# BOARD OF DIRECTORS REGULAR MEETING AGENDA

WEDNESDAY  
SEPTEMBER 21, 2016  
9:45 A.M.

BOARD ROOM  
1<sup>st</sup> 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.*

## CONSENT CALENDAR (ITEMS 3 – 14)

Staff/Phone (415) 749-

3. Minutes of the Board of Directors Regular Meeting of July 20, 2016 Clerk of the Boards/5073

*The Board of Directors will consider approving the draft minutes of the Regular Board of Directors Meeting of July 20, 2016.*

4. Board Communications Received from July 20, 2016 through September 20, 2016

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A copy of communications directed to the Board of Directors received by the Air District from July 20, 2016 through September 20, 2016, 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](mailto: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. Notices of Violations Issued and Settlements in Excess of \$10,000 in the months of July and August 2016

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto: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 months of July and August 2016.*

7. Quarterly Report of the Executive Office and Division Activities for the Months of April 2016 – June 2016

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A summary of Board of Directors, Hearing Board and Advisory Council meeting activities for the fourth quarter is provided for information only. Also included is a summary of the Executive Office and Division Activities for the months of April 2016 – June 2016.*

8. Consider Authorizing a 5-Year Computer Hardware Maintenance Contract **J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to transfer \$238,770 from undesignated reserves to the current Fiscal Year Ending (FYE) 2016 budget and authorize the Executive Officer/APCO to enter into a purchase agreement with Berkeley Communications Inc. in an amount not exceed \$238,770 for the procurement of a computer server maintenance contract.*

9. Consider Authorizing the Executive Officer/APCO to Amend a Contract with Commercial Interior Builders, Inc. (CIB) in an Amount not to Exceed \$124,990 **J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to amend a contract with Commercial Interior Builders, Inc. (CIB) in an amount not to exceed \$124,990.*

10. Consider Authorizing the Executive Officer/APCO to Enter into a Contract with NOVO Construction (NOVO) in an Amount not to exceed \$300,000.00 for Design, Construction, and Installation of Equipment in the Air District Laboratory's Clean Room **J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract with NOVO Construction (NOVO), in an amount not to exceed \$300,000.00 for contracting services in the design, construction, and installation of equipment needed in the Air District Laboratory's Clean Room.*

11. Consider Adopting of Amendments to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations **J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider adopting amendments to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations, to increase the Executive Officer's contract signing authority from \$70,000 to \$100,000.*

12. Notification of Proposed Future Adoption 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](mailto:jbroadbent@baaqmd.gov)

*At its next meeting, the Board of Directors will consider adoption of amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 15: Non-Discrimination Policy and Complaint Procedure.*

13. Set Public Hearing for October 19, 2016 to Consider Adoption of Proposed Amendments to Regulation 9, Rule 3: Nitrogen Oxides, Particulate Matter, and Toxic Air Contaminants from Portland Cement Manufacturing  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*At the October 19, 2016 meeting, the Board of Directors will consider adopting proposed amendments to Regulation 9: Nitrogen Oxides, Particulate Matter, and Toxic Air Contaminants for Portland Cement Manufacturing).*

14. Extension of Contracts for My Air Online Development Services  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to execute contract amendments to extend three (3) contracts for vendors assisting with the development of the permitting and compliance systems of the My Air Online Program.*

## **COMMITTEE REPORTS**

15. Report of the **Climate Protection Committee** Meeting of September 15, 2016  
CHAIR: J. Pepper  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee received the following report:*

A) **Climate Legislation Update**

*1) None; receive and file.*

B) **Update on Climate Forward Bay Area: A Leadership Forum**

*1) None; receive and file.*

C) **Cap and Trade Update**

*1) None; receive and file.*

D) **Clean Air Plan/Regional Climate Protection Strategy Update**

*1) None; receive and file.*

16. Report of the **Executive Committee** Meeting of September 19, 2016  
CHAIR: E. Mar

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee will receive the following reports:*

A) **Hearing Board Quarterly Report: April – June 2016**

1) *None; receive and file.*

B) **Community Grant Program Guidelines**

1) *Recommend the Board of Directors approval of the Fiscal Year Ending (FYE) 2017 Community Grant Program guidelines.*

C) **Update on Climate Forward Bay Area: A Leadership Forum**

1) *None; receive and file.*

D) **Update on My Air Online**

1) *None; receive and file.*

17. Report of the **Stationary Source Committee** Meeting of September 19, 2016  
CHAIR: J. Gioia

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee will receive the following reports:*

A) **Upcoming Changes to Regulation 9, Rule 13: Cement Kilns**

1) *None; receive and file.*

B) **Amendments to Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants**

1) *None; receive and file.*

C) **Update on Woodstove and Fireplace Replacement Incentive Program**

1) *None; receive and file.*

## **CLOSED SESSION**

### **18. 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 cases:*

- A. **California Building Industry Association v. Bay Area AQMD**, Alameda County Superior Court, Case No. RG-10548693; California Court of Appeal, First Appellate District, Case No. A135335; California Supreme Court, Case No. S213478
- B. **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; First District Court of Appeal, Case No. A143634
- C. **Valero Refining Company – California, Tesoro Refining & Marketing Company, LLC, and Phillips 66 Company v. Bay Area AQMD**, Contra Costa County Superior Court, Case No. N16-0095.
- D. **Western States Petroleum Association, Valero Refining Company – California, Tesoro Refining & Marketing Company, LLC, and Phillips 66 Company v. Bay Area AQMD**, Contra Costa County Superior Court, Case No. N16-0963

### **19. INITIATING LITIGATION**

*Pursuant to Government Code Section 54956.9(c), a need exists to meet in closed session to decide whether to initiate litigation with respect to one case.*

## **OPEN SESSION**

### **PUBLIC COMMENT ON NON-AGENDA MATTERS**

### **20. 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**

- 21. *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**

22. Report of the Executive Officer/APCO

23. Chairperson's Report

24. Time and Place of Next Meeting:

*Wednesday, October 19, 2016, 375 Beale Street, San Francisco, California 94105 at 9:45 a.m.*

25. 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](mailto:mmartinez@baaqmd.gov)**

**(415) 749-5016**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
**[www.baaqmd.gov](http://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](http://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](mailto:rsanders@baaqmd.gov).

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
375 BEALE STREET, SAN FRANCISCO, CALIFORNIA 94105  
FOR QUESTIONS PLEASE CALL (415) 749-5016 or (415) 749-4941**

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

**SEPTEMBER 2016**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	19	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	19	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	22	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	28	9:30 a.m.	1 <sup>st</sup> Floor Board Room

**OCTOBER 2016**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Advisory Council Meeting</b> <i>(At the Call of the Chair)</i>	Monday	3	10:00 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	5	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED	Monday	17	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED	Monday	17	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	1 <sup>st</sup> Floor Board Room

## OCTOBER 2016

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Public Engagement Committee</b> <i>(At the Call of the Chair)</i>	Thursday	20	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	26	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	27	9:30 a.m.	1 <sup>st</sup> Floor Board Room

## NOVEMBER 2016

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets on the 3<sup>rd</sup> Thursday of every other Month)</i>	Thursday	17	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	21	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	21	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	23	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	24	9:30 a.m.	1 <sup>st</sup> Floor Board Room

HL – 8/25/16 (10:05 a.m.)

G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 7, 2016

Re: Minutes of the Board of Directors Regular Meeting of July 20, 2016

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RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Regular Meeting of July 20, 2016.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of July 20, 2016.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Maricela Martinez

Attachment 3A: Draft Minutes of the Board of Directors Regular Meeting of July 20, 2016.

## AGENDA 3A – ATTACHMENT

Draft Minutes - Board of Directors Regular Meeting of July 20, 2016

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
(415) 749-5073

Board of Directors Regular Meeting  
Wednesday, July 20, 2016

### DRAFT MINUTES

*Note: Audio recordings of the meeting are available on the website of the Bay Area Air Quality Management District at <http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes>*

#### **CALL TO ORDER:**

1. **Opening Comments:** Chairperson Eric Mar called the meeting to order at 9:51 a.m.
2. **Roll Call:**

Present: Chairperson Eric Mar; Vice-Chairperson Liz Kniss; Secretary David Hudson; and Directors John Avalos, David J. Canepa, Cindy Chavez, Osby Davis, John Gioia, Carole Groom, Scott Haggerty, Rebecca Kaplan, Nate Miley, Karen Mitchoff, Jan Pepper, Deborah Raphael, Katie Rice, Mark Ross, Rod Sinks, Warren Slocum, Jim Spring, and Shirlee Zane.

Absent: Directors Teresa Barrett, Tom Bates, and Brad Wagenknecht.

#### **CLOSED SESSION (commenced at 9:54 a.m.)**

Jack Broadbent, Executive Officer/Air Pollution Control Officer, explained that the Board was to be briefed on both existing and anticipated litigation, which he believed will be relevant to the District's regulatory efforts moving forward.

#### **3. CONFERENCE WITH LEGAL COUNSEL**

##### **A) 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):*

**Western States Petroleum Association, Valero Refining Company – California, Tesoro Refining and Marketing Company, LLC, and Phillips 66 Company v. Bay Area AQMD, Contra Costa County Superior Court, Case No. N16-0963**

**Valero Refining Company – California, and Tesoro Refining & Marketing Company, LLC, and Phillip 66 v. Bay Area AQMD, Contra Costa County Superior Court, Case No. N16-0095.**

**B) 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 (commenced at 10:55 a.m.)**

Mr. Broadbent had nothing to report out following Closed Session. Chair Mar was alerted of three speakers who wished to give public comment on Item 3 after the Board went into Closed Session, and Chair Mar agreed to let them speak following Closed Session.

**Public Comment on Closed Session:**

Larry Chaset, 350 Bay Area, surmised that Brian Bunger, District Counsel, advised the Board that it is not legally defensible to impose a refinery-wide emissions cap, which Mr. Chaset disputed as incorrect. Mr. Chaset said that the District has unlimited legal ability to impose a refinery-wide emissions cap.

Roger Lin, Communities for a Better Environment (CBE), echoed Mr. Chaset's comments on behalf of the environmental organization that is spearheading the united advocacy of environmental organizations that support the emissions cap.

Kevin Buchan, Western States Petroleum Association (WSPA), addressed the Board regarding a legal analysis prepared by WSPA, concluding that a rulemaking which would set refinery-wide enforceable greenhouse gas (GHG) and criteria pollutant caps using an emissions baseline year of 2011-2013 would have serious legal shortcomings.

**CONSENT CALENDAR (ITEMS 4 - 9)**

- 4. Minutes of the Board of Directors Regular Meeting of June 15, 2016**
- 5. Board Communications Received from June 15, 2016 through July 19, 2016**
- 6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the months of May and June 2016**
- 7. Air District Personnel on Out-of-State Business Travel**
- 8. Notification of Proposed Future Adoption of Amendments to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations**
- 9. Consider Authorization to Issue a Purchase Order in Excess of \$70,000, Pursuant to Administrative Code, Division II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations, to Technical and Business Systems for Continued Operation of the BioWatch Monitoring Network**

Secretary Hudson made a motion, seconded by Vice Chair Kniss, to **approve** the Consent Calendar Items 4 through 9, inclusive; and the motion **carried** by the following vote of the Board:

- AYES: Avalos, Canepa, Chavez, Davis, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Mar, Miley, Mitchoff, Pepper, Raphael, Rice, Ross, Sinks, Slocum, Sperring, and Zane.
- NOES: None.

ABSTAIN: None.  
ABSENT: Barrett, Bates, and Wagenknecht.

### **COMMITTEE REPORTS/COUNCIL REPORT**

In anticipation of a large number of speakers for Item 14, Chair Mar requested that the reading of the Chair Reports be waived and only action items be read.

#### **10. Report of the Legislative Committee Meeting of June 27, 2016**

The Legislative Committee Chair Report read:

The Legislative Committee met on Monday, June 27, 2016, and postponed the approval of the minutes of March 30, 2015, October 26, 2015, and March 21, 2016, for lack of quorum.

The Committee discussed the consideration of new bills and a consensus of the members present supported the following positions for the Air District:

AB 1965 (Cooper): Support

The next meeting of the Committee is at the Call of the Chair.

This concludes the Chair's report of the Legislative Committee.

#### **Public Comments:**

No requests received.

#### **Board Comments:**

None.

#### **Board Action:**

Director Mitchoff made a motion, seconded by Vice Chair Kniss, to **approve** the recommendation of the Legislative Committee; and the motion **carried** by the following vote of the Board:

AYES: Avalos, Canepa, Chavez, Davis, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Mar, Miley, Mitchoff, Pepper, Raphael, Rice, Ross, Sinks, Slocum, Spering, and Zane.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Barrett, Bates, and Wagenknecht.

#### **11. Report of the Mobile Source Committee Meeting of June 30, 2016**

The Mobile Source Committee Chair Report read:

The Committee met on Thursday, June 30, 2016 and approved the minutes of February 25, 2016 and May 5, 2016.

The Committee reviewed and discussed the staff presentation, *Projects with Proposed Awards over \$100,000*. The Committee recommends the Board approve:

1. Carl Moyer Program and Transportation Fund for Clean Air projects with proposed grant awards over \$100,000 as shown in Attachment 1; and
2. Allocation up to \$1,151,430 in Transportation Fund for Clean Air funding as match for California Air Resources Board (ARB) Low Carbon Transportation Greenhouse Gas Emission Reduction Funds for zero-emission truck and bus pilot commercial deployment projects using a project cost-effectiveness of \$500,000 per ton of emissions reduced;
3. Adoption of a resolution that authorizes the Air District's acceptance, obligation, and expenditure of Greenhouse Gas Emission Reduction Funds;
4. Authorization of the Executive Officer/Air Pollution Control Officer to enter into agreements for the recommended Carly Moyer Program and Transportation Fund for Clean Air projects and with the ARB and partners for the acceptance and expenditure of Greenhouse Gas Emission Reduction Funds.

The Committee then reviewed and discussed the staff presentation *Accept, Obligate, and Expend Funding from the Bay Area Clean Air Foundation and from the United States Environmental Protection Agency*. The Committee recommends the Board approve:

1. Adoption of a Resolution authorizing the Air District to accept, oblige, and expend up to \$972,262.70 from the Bay Area Clean Air Foundation for electric vehicle and vehicle buyback projects; and
2. Adoption of a Resolution authorizing the Air District to accept, oblige, and expend up to \$1,420,263 in funds from the U.S. Environmental Protection Agency to replace three locomotives;
3. Authorization of the Executive Officer/Air Pollution Control Officer to enter into all agreements necessary to accept and expend this funding.

The Committee then reviewed and discussed the staff presentation *Emissions Reduction from Air District Grant Programs*.

The Committee finally reviewed and discussed the staff presentation *Fiscal Year Ending 2017 Transportation Fund for Clean Air Regional Fund Policies*. The Committee recommends the Board approve:

1. The proposed Fiscal Year Ending 2017 Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria presented in Attachment A.

The next meeting of the Committee is on Thursday, September 22, 2016, at 9:30 a.m., at 375 Beale Street, San Francisco, CA 94105.

I move that the Board approve the Mobile Source Committee recommendations.

This concludes the Chair Report of the Mobile Source Committee.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Director Haggerty made a motion, seconded by Secretary Hudson, to **approve** the recommendation of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

AYES: Avalos, Canepa, Chavez, Davis, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Mar, Miley, Mitchoff, Pepper, Raphael, Rice, Ross, Sinks, Slocum, Spring, and Zane.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Barrett, Bates, and Wagenknecht.

**12. Report of the Public Engagement Committee Meeting of July 18, 2016**

The Public Engagement Committee Chair Report read:

The Committee met on Monday, July 18, 2016, and approved the minutes of May 2, 2016.

The Committee reviewed and discussed the staff presentation, *Opportunity for Spare the Air Advertising on the Oakland Broadway Shuttle*, including: background; the opportunity; and recommendations. The Committee recommends the Board:

1. Approve \$235,000 to be allocated to the Transportation Fund for Clean Air - Spare the Air Program budget for Fiscal Year Ending 2017 for the purposes of:
  - a. Securing an advertising contract with the City of Oakland at a cost of \$185,000 per year for up to two years, and
  - b. Wrapping four AC transit operated shuttle buses at a cost of approximately \$50,000 on the Broadway route in the City of Oakland with the Spare the Air messaging.
2. Authorize the Executive Officer/Air Pollution Control Officer to execute all contracts and agreements with the City of Oakland related to the wrapping and advertising rights; and
3. Authorize the Executive Officer/ Air Pollution Control Officer to extend the advertising service at a cost not to exceed \$185,000 for an additional year, at the Air District's discretion, based on contractor performance.

The Committee then reviewed and discussed the staff presentation *Public Participation Plan (PPP) Status and Update Process*, including: background: what is PPP?; a living guiding document; overview of implementation actions; status of implementation action items; examples of completed actions and those in progress; next steps and need for update; and draft timeline for PPP update.

The Committee finally reviewed and discussed the staff presentation *Approval of Contract for Graphic Design*, including: background; overview; and staff recommendation. The Committee recommends the Board:

1. Authorize the Executive Officer/Air Pollution Control Officer to execute a one-year contract with Envall Design for a total amount not to exceed \$200,000 for graphic design services.

The next meeting is at the call of the Chair.

I move that the Board approve the Committee recommendations.

This concludes the Chair Report of the Public Engagement Committee.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Director Ross made a motion, seconded by Secretary Hudson, to **approve** the recommendation of the Public Engagement Committee; and the motion **carried** by the following vote of the Board:

AYES: Avalos, Canepa, Chavez, Davis, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Mar, Miley, Mitchoff, Pepper, Raphael, Rice, Ross, Sinks, Slocum, Sperring, and Zane.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Barrett, Bates, and Wagenknecht.

**13. Report of the Advisory Council Meeting of July 19, 2016**

The Advisory Council Ex-Officio Member Report read:

The Council met on Tuesday, July 19, 2016.

The Council discussed an Update on Refinery Rulemaking.

The Council members then continued deliberation over the efficacy of greenhouse gas caps for local refineries, considering information provided to date.

Finally, the Council received the staff presentation *2016 Clean Air Plan/Regional Climate Protection Strategy Update*, including: planning context; overview of climate action; climate protection resolution; Bay Area greenhouse gas emissions and projection to 2050 with key state programs; economic sector analysis; tools and objectives; transportation; stationary sources; energy; buildings; waste and water;

agriculture, natural, and working lands; short-lived climate pollutants; and key questions. The Council is considering the Clean Air Plan as the focus of their next key question.

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

This concludes the Chair Report of the Advisory Council.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

None; receive and file.

**PRESENTATION**

**14. UPDATE ON REFINERY RULEMAKING**

Mr. Broadbent said that this item is following up direction that was provided by the Board on June 15, 2016 regarding the extensive testimony given by the public supporting the imposition of mass emission caps on refineries and concerns about the potential for negative health impacts from refinery operations. Mr. Broadbent introduced Gregory Nudd, Rule Development Manager, who gave the staff presentation *Update on Refinery Rulemaking*, including: Board direction; actions taken; proposed approach; cancer risk drivers for and top sources of GHG emissions at typical large refineries; why focus on toxic risk; staff proposed toxic risks cap; CBE proposed emissions caps; deliverables; and schedule. Mr. Broadbent reiterated that staff plans to develop two rules simultaneously; staff-proposed Rule 11-18 regarding a toxic risk cap at all Bay Area facilities, and CBE-proposed Rule 12-16 regarding a numeric emissions cap for refineries alone. Both proposed rules are to be evaluated under the same Environmental Impact Report (EIR), which is anticipated to be ready for adoption by May 2017. Mr. Broadbent added that he would like the Board to oversee the staff and hold staff accountable for this schedule by way of the Stationary Source Committee.

Board Comments Prior to Public Comments:

The Board and staff discussed: the projected amount of time it would take to conduct separate EIRs for proposed Rules 11-18 and 12-16 individually, as opposed to conducting one EIR for both rules together, as staff recommends; the Board's ability to adopt both rules or just one of them; the air contaminants pertaining to each of the proposed rules; the need for transparent community and stakeholder oversight when and if conducting Health Risk Assessments (HRA); the frustration of further delays to an already overdue schedule by some Board members; whether or not the options being evaluated would consider the health impacts of peak emission levels, versus average levels; the amount of time it takes to conduct an HRA and the criteria used to prioritize facilities that are to be evaluated; the concern from some of the Board members that the refinery industry should not monitor or conduct HRAs on their own

facilities; the cap and reduce risk standards imposed by the South Coast Air Quality Management District, and the Bay Area's plan to first set a risk threshold at 25 in a million, and then 10 in a million, which the Board acknowledged will send a clear message to the facilities but increase the workload of engineering staff; why energy intensity limits, which were once considered alternatives to the caps, will now be considered in the context of the Clean Air Plan; the Air District's collaboration with other agencies and partners to address leaks from natural gas distribution systems (methane), which may be included in the Clean Air Plan; the timeline for the Clean Air Plan; the Air District's goals, versus the ARB's goals, for renewing the Cap and Trade program beyond 2020; models for and opportunities to reduce carbon and transform the electricity sector; and how the newly-proposed toxic risk cap is separate from and does not affect Air District Resolution No. 2014-07, *Addressing Emissions from Bay Area Petroleum Refineries*, which first mentions proposed Rule 12-16 (setting emissions thresholds and mitigating potential emissions increases).

Public Comments:

Lynn McGuire, Environmental Resources Management, addressed the Board regarding her support for the Advisory Council's deliberations on the development of Rule 12-16. Ms. McGuire said that she hopes that the Board considers the facts and opinions of the Advisory Council.

Rebecca Auerbach, Richmond resident, addressed the Board regarding her disappointment that staff recommended combining the emission cap option with the staff-proposed toxic risk cap and reduction rule (Rule 11-18) option under one Environmental Impact Report (EIR.) She urged the Board to move forward with the emissions cap option, bypassing the recommendations from the Advisory Council and staff.

Luci Rielly, California Nurses Association, addressed the Board regarding the high number of asthma patients that she has treated over twenty-four years and said that childhood asthma is only increasing. She urged the Board to cap emissions at refineries and take a stand against the oil industry.

Carolyn Bowden, California Nurses Association, emphasized the Air District's mission statement and said that each year that goes by is more irreversible damage to the environment and public health. She urged the Board to cap refinery emissions.

Steven Yang, Chevron, addressed the Board regarding the curtailing of refinery operations that may result from capping emissions at current levels. He said that refinery emissions are often significantly below the limits of existing regulations because refineries do not need full use of their plants to meet market demands and they also want to ensure that their compliance margins are being met.

Walt Gill, Chevron, requested that the Board not impose numeric emission caps on refineries because it is the wrong approach to reducing emissions and would undermine the ARB's program designed to do the same thing.

Steven Nadel, Sunflower Alliance, addressed the Board regarding the need to implement the emissions cap immediately because the implementation timeframe of the other proposed approaches remain undetermined.

Richard Treadwell, Communities for a Better Environment, urged the Board to take full advantage of the opportunity presented by the emissions cap proposal, utilize the community organization and

involvement that is consistently demonstrated in the Bay Area, and give the emission cap its own separate EIR to expedite its adoption.

Daniel Lopez, Communities for a Better Environment, urged the Board to adopt the emissions cap on refineries, which he says is within the District's legal authority and should have its own EIR that should be completed by the end of 2016.

Marilyn Reynolds, 350 Bay Area, requested that the Board adopt and immediately implement the emissions cap on refineries and advocated for one of her former students that suffers from chronic asthma.

Laurie Mintzer, Chevron, addressed the Board regarding the time needed for refineries to comply with implementation deadlines and new rules. She requested that refineries be allowed three years to install new equipment and ensure the safety of refinery employees when complying with new regulations.

Mike Beck, Shell, addressed the Board regarding Shell's concern for the safety of the community and environment. He urged the Board to rely on scientific facts, rather than on emotions, when deciding whether or not to pass the emissions cap option, as the adoption of the cap may pose a threat to refinery job security. Mr. Beck also encouraged the Board to engage with refinery staff when developing regulation.

Shawn Lee, Chevron, addressed the Board regarding the increase of imported gasoline that he projects will result from the capping of emissions at Bay Area refineries. Mr. Lee referenced a study which indicates that pollution from China is being exported to the American west coast by winds, and urged the Board to consider the full impact of the proposed options.

Laura Galligan, Berkeley resident, addressed the Board regarding the immediate need for the emission cap option to be considered as a stand-alone project with its own EIR. She urged the Board to not be threatened by litigation and to remember the people whose health has been compromised by refinery emissions.

Claire Broome, Berkeley resident, addressed the Board regarding the increasing GHG emission levels that continue to increase because no action is being taken to stop them from increasing. She supported the immediate implementation of the emissions cap as a protective barrier to stop GHG emissions from increasing.

Ashley DeBlender, Shell, said that the proposed regulation presented by staff is not based upon sound science, will not reduce emissions at refineries, and compromises the job security of refinery workers. She requested that the Board support regulations that would reduce emissions and keep the economy strong.

Pam Ramirez, Richmond resident, addressed the Board regarding the need for the emissions cap at refineries to protect public health. Ms. Ramirez emphasized the urgency for the cap, referencing the 2012 Chevron refinery explosion and increasing global temperatures.

Tom Lewis, United Steel Workers Local 5, addressed the Board regarding the justice he feels is being denied to the community as long as it is delayed, regarding the protection of public health. Mr. Lewis also submitted his full comments in writing to the Board.

Jed Holtzman, 350 Bay Area, said that staff's proposed Rule 11-18 applies to facilities outside of the refinery industry, and also lacks a satisfactory implementation timeline, and therefore, is not the most expeditious solution to capping emissions at refineries. He urged the Board to adopt the emissions cap option as a stand-alone project and EIR, in order to prevent the emissions baseline from shifting any further due to the influx of approved refinery permits.

Bettina Hughes, 350 Marin, addressed the Board regarding the urgency of capping refinery emissions and making Option #3 a stand-alone project and EIR.

Nancy Navarro, Shell, requested that the District engage with the refineries in the development for this regulation and emphasized the longevity of refinery employees' careers in order to indicate that refinery workers do not seem to have the same health issues as those who live in fence line communities.

Shari Mejia, Shell, addressed the Board regarding the potential consequences of shutting down Bay Area refinery operations, and urged the Board to consider the full impacts of the proposed regulation.

Dan Sabalesky, Shell, addressed the Board regarding the ARB's Cap and Trade program, which is intended to lower GHG emissions, and which he said will be deterred by an imposed emissions cap at refineries. He requested that the Board engage with refinery staff in order to reach a reasonable solution to a joint concern.

Natalie Braden, Shell, stated that imposing emission caps on the refineries is illegal, will not result in the reduction of emissions, and will affect the jobs of refinery workers. She urged the Board to adopt a legal regulation that will reduce emissions and not compromise the livelihood of refinery workers.

Nan Parks McCarthy, 350 Bay Area, addressed the Board regarding the need to protect the health of those living in fence line communities, and urged the Board to cap emissions at refineries as soon as possible.

Michael Eisenscher, Oakland resident, addressed the Board regarding the regulations made or not made by the current Board that will affect the lives of future generations. He also asked the Board to image what implications could result from a three-foot sea-level increase, which he said is predicted by 2100, due to global warming.

Sara Greenwald, San Francisco resident, addressed the Board regarding increasing temperatures that persist as long as no action is being taken. She urged the Board to cap emissions at refineries and not delay by negotiating with the refinery industry.

Misao Brown, Alameda resident, advocated for those suffering from effects of refinery pollution that do not have health insurance and cannot afford health care and urged the District to put public health before the profit of the oil industry.

Lawrence Abbott, San Leandro resident, addressed the Board regarding the stable climate that is needed for life to sustain and said that the environment has already reached an irreparable state. He urged the District to stop catering to the refineries and to cap refinery emissions.

Yian Saechao, Asian Pacific Environmental Network, addressed the Board regarding the compromised health of those who have emigrated from third world countries in pursuit of a better quality of life, due

to refinery emissions. She urged the Board to consider those suffering from poor respiratory health as facts, rather than as emotions, and to prioritize their health instead of foster relations with refineries.

Mark Roest, 350 Bay Area, addressed the Board regarding the intent of the refineries to process crude oil and tar sands for the purpose of exportation. Mr. Roest also submitted his full comments in writing to the Board.

Tyra Callen, Shell, spoke of her mother's death resulting from asthma, and urged the Board to make its decisions based on facts, rather than on opinions.

Michael Avila, Phillips 66, stated that an emissions cap at refineries will not reduce emissions, but instead will move carbon from one place to another, potentially causing leakage, and affecting refinery jobs. Mr. Avila also said that caps are already built into permits, Bay Area fuel is among the cleanest in the world, and refinery emissions levels are already below current regulation thresholds.

Katelynn Mudgett, Sierra Club, addressed the Board regarding the unrealistic expectation of everyone coming to a united decision on this rule because of the time such a thing would take. Ms. Mudgett urged the Board to move forward immediately with the emission caps, despite the fact that not everyone will be appeased.

Ratha Lai, Sierra Club, addressed the Board regarding the need to separate the emission cap into a stand-alone project with its own EIR, so that it can be implemented prior to the other options that staff proposes, which will take longer to implement.

Sherry Liang, Asian Pacific Environmental Network, addressed the Board regarding the profit of the oil industry, which, Ms. Liang said, seems to be more important than protecting public health, especially of those who cannot afford to move out of fence line communities. Ms. Liang urged the Board to cap emissions at refineries.

Roger Lin, Communities for a Better Environment, addressed the Board regarding the need for a specific and stable project objective within an EIR, as opposed to confusing the project objective when bundling two options within the same EIR. He urged the Board to separate the emissions cap EIR from the staff-proposed toxic risk cap in order to expedite the EIR for the emissions cap, which he claimed is ready to implement.

Bill Quinn, California Council for Environmental and Economic Balance, addressed the Board regarding his organization's long-standing opposition to numeric emission caps on refineries. Mr. Quinn said that such a cap would result in many unintended consequences, including leakage, and is counterproductive to the State's Cap and Trade program.

Gordon Johnson, Shell, addressed the Board regarding Shell's reduction of SOx and NOx emissions, flaring occurrences, hazardous waste generation, and community complaints over the last 26 years. He attributed these accomplishments to the regulations adopted by the Air District, which he said were achieved by using factual data, science, and collaboration between the refineries and the District. Mr. Johnson said he hopes that this practice continues moving forward.

Nancy Rieser, Crockett Rodeo United to Defend the Environment, addressed the Board regarding her support of the emissions cap proposal. She urged the Board to stand up to the pressure from the oil industry in the interest of protecting public health.

Janet Pygeorge, Rodeo Citizen Association, displayed District Board meeting agendas from previous years to demonstrate unresolved regulations and requested that the District study the health of residents in the Rodeo area to validate public health impacts from refinery emissions.

Rebecca Milliken, Berkeley Climate Action Coalition and Ecology Center, addressed the Board regarding her support of the emissions cap as a stand-alone EIR, which she believes is the most feasible solution to prevent worsening air quality.

Puja Dahal, Asian Pacific Environmental Network, addressed the Board regarding the immediate need to cap refinery emissions as she believes there is a definite correlation between pollution and health.

Andres Soto, Communities for a Better Environment, urged the Board to adopt the emissions cap proposal as soon as possible. Mr. Soto also listed several cities that have unanimously adopted a resolution to support the Community-Worker Alternative (emissions cap) in Rule 12-16, including: Richmond, Oakland, El Cerrito, Emeryville, and San Francisco.

Kathy Wheeler, Shell, urged the Board to listen to the recommendations of the Advisory Committee, staff, and refinery workers who have made public comments on this proposed regulation. She cautioned the Board against letting political motivation drive this rule and requested that the Board base its decision on facts, rather than emotion.

Charles Davidson, Sunflower Alliance, addressed the Board regarding the need to make the emissions cap EIR separate from the toxic risk cap EIR in order to expedite the prevention of emissions from increasing at refineries.

Debi Mazor, Richmond resident, urged the Board to cap emissions at refineries, and referenced the \$90 million dollar Environmental and Community Investment Agreement between Chevron and the City of Richmond that was signed in 2015 to allow Chevron's Modernization project at the Richmond refinery to commence.

Marcelo Ognian, Shell, urged the District to develop rules on scientific data and have a mutual understanding with the refineries.

Richard Gray, 350 Bay Area, said that the Board need to adopt the emissions cap proposal (solely) so that the District will have a baseline from which the other proposals may be judged. He requested that the Board restrict staff's present authority to grant permits for new projects. Mr. Gray also suggested moving items regarding rule development to the beginning of Board agendas in order to allow as many Board members as possible to hear public comment.

Nick Despota, Richmond resident, discouraged the Board from bundling the two proposals under one EIR as he believes that the benefits of implanting the emissions cap will be postponed while the District analyzes the toxic risk cap.

Cayli St. Gemme, Phillips 66, urged the Board to consider the past efforts of the refineries to comply with regulations, sometimes with difficulty. She said that an emissions cap would only complicate and delay refinery operations.

Daniela Muñoz, Phillips 66, addressed the Board regarding the need for sound engineering and judgement when deciding on new regulations. She urged the Board to focus on refinery workers as people, as opposed to profit-driven oil companies, and said that capping emissions at Bay Area refineries would require imported sources.

Aimee Lohr, Phillips 66, explained that Air District operating permits already contain criteria pollutant caps and mandate specific limits for each operating unit, and said that those who think that refineries do not have effective limits on combustion emissions are misinformed. Ms. Lohr also said that if the Board wishes to address climate change, an emissions cap is the incorrect way to go about it, as leakage issues persist.

Sawinder Singh, Phillips 66, said that he cannot support the emissions cap proposal because it will cause leakage and only shift the demand for gasoline upon other areas who will have to process and import it instead of help to improve climate change. He urged the Board to consider recommendations from the ARB, Advisory Council, and staff regarding this regulation.

Marc Ventura, Phillips 66, said that the emissions produced outside the country to process gasoline that will need to be imported to California, if emissions are capped at Bay Area refineries, will be at higher levels than those at Bay Area refineries, not including the emissions required to transport the imported fuel to California.

Greg Karras, Communities for a Better Environment, addressed the Board regarding the urgent need to prevent a tar sands disaster, which he says can be achieved by implementing the emissions cap at refineries.

Kathy Kerridge, Benicians for a Safe and Healthy Community, requested that the Board direct staff to agendize a separate EIR for the emissions cap proposal for the Board's consideration by December 2016.

Ella Marie Kallios, Roberts Companies, addressed the Board regarding her support for the emission cap at refineries. Ms. Kallios said that Roberts Companies provides technical and engineering support services to refineries and that none of the 120 employees that daily report to refineries have any ailments due to refinery emissions. She requested that the Board consider scientific facts when deciding on the proposed regulation.

Katie Jones said that the oil industry touches the community in many ways and that as an environmental engineer, she would like to positively affect people both as an environmentalist and representing the energy sector.

Kelly Jones, 350 Marin, addressed the Board regarding the increase of global temperatures over the years, and urged the Board to take action by giving the emissions cap option its own EIR and adopting it.

Mike Miller, United Steelworkers Local 326, urged the Board not to pursue the emissions cap proposal and said that the cap will not achieve its intended purpose, but will undermine statewide efforts to reduce emissions.

Richard Black, United Steelworkers Local 326, informed the Board that Bay Area refineries are among the cleanest in the world and urged the Board to consider the recommendations of the ARB, Advisory Council, and staff by not pursuing the emissions cap at refineries.

Janet Johnson, Sunflower Alliance, read an excerpt of a letter to the District from United Steelworkers Local 5, resubmitting USW Local 5's support of an enforceable, numeric cap on emissions.

Board Comments Following Public Comment:

The Board and staff discussed: the difficulties with the state's Cap and Trade program; the need for the EIR process, in order to make use of the scientific facts that public commentators spoke of; whether or not excess regulation hinders the economy; the projected three-month difference between the completion of the proposed toxic risk cap EIR and numeric emissions cap EIR, if conducted separately, and whether or not it would be possible to impose the same due date of completion for both, if separated; suggested dates of EIR completion prior to May 2017; the impact that the adoption of a numeric emissions cap will have on feedstock; whether or not the staff-recommended approach of having one EIR for both proposals is more legally defensible than two separate EIRs; the projected cost-benefit analysis of conducting two separate EIRs; the presence of political backdoor maneuvering which distracts staff from being able to do its job in a timely manner; the intent of using the HRA process as the primary mechanism by which staff would quantify risks, and then compare them to the standard 25 in a million, and eventually 10 in a million; the increasing complexity and volume of public comments that may result from keeping the two proposed options within one EIR; staff's anticipation of separate hearings to address Rule 11-18 and 12-16; the possibility of a lack of representation from the City/County of San Francisco on the Board and Stationary Source Committee, depending on how long it takes to complete the EIR process (for one or both); the projected implementation dates for the risk thresholds at 25 in a million, and then 10 in a million; the projected schedule for conducting HRAs; whether or not undifferentiated Particulate Matter (PM) (also known as criteria pollutants) is included in the toxic analysis of the HRA process; and the Board's request for a monthly update on the development of Rules 11-18 and 12-16.

Board Action:

*Motion:* Director Kaplan had made a motion, seconded by Director Canepa, to authorize the conducting of two EIRs; one for the staff-recommended toxic risk cap, and another for the numeric emissions cap for refineries, the latter to be expedited.

*Substitute Motion:* Director Sperring made a substitute motion, seconded by Director Mitchoff, to support staff's recommendation, with the condition that staff presents the Board with an independent review and development approach and further-developed oversight process for conducting HRAs, and includes undifferentiated PM in the proposal. There was a friendly amendment made by Director Kaplan to add a definitive December 2016 check-in, upon which the ability to separate the EIRs would be possible, if deemed beneficial; the amended substitute motion carried by the following vote of the Board:

AYES: Canepa, Chavez, Davis, Gioia, Groom, Hagerty, Hudson, Kaplan, Mar, Miley, Mitchoff, Pepper, Raphael, Rice, Ross, Sinks, Slocum, Spering, and Zane.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Avalos, Barrett, Bates, Kniss, and Wagenknecht.

Because the substitute motion was approved, the main motion was no longer needed and was not voted upon.

#### **15. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

Andres Soto, Communities for a Better Environment, reported that the Appellate District Court decided on behalf of the Air District and Kinder Morgan Material Services, Inc. against the Communities for a Better Environment lawsuit that was filed in 2013, regarding the permitting of crude-by-rail in Richmond. Mr. Soto stated that the merits of the case were never discussed and that the opinion of the Court indicated that CBE's arguments about the proper balance between the interests of public participation and of timely litigation are better directed to the Legislature. Jaime Williams responded by stating that staff plans to make all permit applications accessible to the public on the District's website and that the District has adopted an internal policy allowing for a ten-day public comment period from when an application is deemed complete, which will be rolled out by the end of 2016.

#### **16. Board Members' Comments**

Director Ross reported out about the Air & Waste Management Association's 109th Annual Conference & Exhibition that was held in New Orleans from June 20 to 23, at which he learned about hydraulic fracturing (fracking) and resulting methane leakage.

Secretary Hudson's report out from the same conference included discussions about mercury, manure, the transition from PM 2.5 to ultrafine PM, and the future of autonomous vehicles. He said that he predicts that Michigan and California will be in competition for this market.

Chair Mar encouraged other Board members and staff to attend in the future and praised staff for being revered by other nationwide agencies.

Director Sinks acknowledged the Advisory Council members for its secondary deliberations on the efficacy of numeric caps on GHG from Bay Area refineries, as well as for the Council's discussion of maximizing the impact of Bay Area leadership regarding climate strategy and determining progress of emission reductions at the Advisory Council meeting held on July 19.

#### **OTHER BUSINESS**

#### **17. Report of the Executive Officer/APCO**

Mr. Broadbent reported that the summer smog season is currently underway and that this is the hottest summer on record.

#### **18. Chairperson's Report**

Chair Mar announced that the Board will be dark throughout the month of August.

**19. Time and Place of Next Meeting**

*Wednesday, September 7, 2016, 1<sup>st</sup> Floor Board Room, 375 Beale Street, San Francisco, California  
94105 at 9:45 a.m.*

**20. Adjournment**

The Board meeting adjourned at 2:05 p.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 19, 2016

Re: Board Communications Received from July 20, 2016 through September 20, 2016

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from July 20, 2016, through September 20, 2016, if any, will be at each Board Member's place at the September 21, 2016, Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Vanessa Johnson  
Reviewed by: Maricela Martinez

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 12, 2016

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

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

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

The report covers the out-of-state business travel for the month of July and August 2016. 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 July and August 2016:

- Eric Stevenson, Director of Technical Services, attended the National Ambient Air Monitoring Conference in St. Louis, Missouri, August 7, 2015 – August 11, 2016.
- Jon Bower, Air Quality Instrument Specialist I, attended the National Ambient Air Monitoring Conference in St. Louis, Missouri, August 7, 2016 – August 11, 2016.
- Steve Randall, Senior Air Quality Instrument Specialist, attended the National Ambient Air Monitoring Conference in St. Louis, Missouri, August 7, 2015 – August 11, 2016.
- Katherine Hoag, Principal Air Quality Engineer, attended the National Ambient Air Monitoring Conference in St. Louis, Missouri, August 7, 2016 – August 11, 2016.
- Charles Knoderer, Air Quality Meteorologist II, attended the National Ambient Air Monitoring Conference in St. Louis, Missouri, August 7, 2016 – August 11, 2016.

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 Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 13, 2016

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the Months of  
July and August 2016

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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 Violations issued, and all settlements for amounts in excess of \$10,000 during the calendar months of July and August 2016.

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. Bunger

Attachments: 6A: Notices of Violations for the Month of July 2016  
6B: Notices of Violations for the Month of August 2016

**NOTICES OF VIOLATION ISSUED**

The following Notice(s) of Violation were issued in July 2016:

<b>Alameda</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Construction Site	Y1561	Oakland	A56003A	7/29/16	11-2-401.3	Failure to notify for demolition
Construction Site	Y1561	Oakland	A56003B	7/29/16	11-2-303.8	Failure to notify for demolition
East Bay Municipal Utility District	A0591	Oakland	A56328A	7/15/16	2-6-307	Construction Site
Enviro1st	W4150	Livermore	A55983A	7/7/16	3-317	Not paying fees for permit
Enviro1st	W4150	Livermore	A55983B	7/7/16	11-2-405	Not paying fees for J number permit.
Enviro1st	W4150	Livermore	A55986A	7/18/16	11-2-401.3	Late notification.
Environmental Remedies, Inc	Q5172	Pleasanton	A55984A	7/14/16	11-2-401.3	Late notification.
Oldcastle Precast (Pleasanton)	A3925	Pleasanton	A56706A	7/21/16	2-1-302	Operated with expired permit.
Tom Richman-Kasa Properties	Y0784	Berkeley	A56029A	7/14/16	11-2-401.3	Cancelled due to evidence of compliance provided
U S Veterans Administration Medical Center	A0281	Livermore	A56707A	7/25/16	9-7-506	No Source Test for 9.8 MM Btu/hr boiler

<b>Contra Costa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Chevron Products Company	A0010	Richmond	A56804A	7/14/16	2-6-307	Drop in TR set 7B current; violation of PC 11066 7A5
Chevron Products Company	A0010	Richmond	A56805A	7/14/16	2-6-307	Late visual monitoring of NISO flare; PC 18656(3)
Chevron Products Company	A0010	Richmond	A56806A	7/14/16	2-6-307	Late visual monitoring of RLOP flare; PC 18656 (3)
Chevron Products Company	A0010	Richmond	A56807A	7/14/16	2-6-307	Failed to start HC analyzers & notify District; PC 4596
Chevron Products Company	A0010	Richmond	A56807B	7/14/16	1-523.1	Failed to start HC analyzers & notify District; PC 14596.
Chevron Products Company	A0010	Richmond	A56808A	7/14/16	12-11-502.3.1	Samples taken late @ NISO flare.
Chevron Products Company	A0010	Richmond	A56809A	7/14/16	12-11-502.3.1	Samples taken too early and late.
Chevron Products Company	A0010	Richmond	A56810A	7/14/16	10	40 CFR Subpart J; 60.104(a)(i); flaring of gas with H2S7
Chevron Products Company	A0010	Richmond	A56811A	7/14/16	10	40 CFR Subpart: 60.104(a)(i);
Clean Harbors Industrial Services, Inc	B0883	Martinez	A56230A	7/12/16	8-5-306.2	Organic vapors leaking; >500 ppm
Dow Chemical Company	A0031	Pittsburg	A56379A	7/21/16	2-6-307	Exceeded 40CFR Part 63 Subpart EEEE emission limits
Mariposa Energy, LLC	B9730	Byron	A56153A	7/20/16	2-6-307	Exceeded POC emissions limit.

Mariposa Energy, LLC	B9730	Byron	A56154A	7/20/16	2-6-307	Exceeded POC emissions limit.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A56354A	7/21/16	2-6-307	NOx in excess of permit cond. 1694 limit.
Shell Martinez Refinery	A0011	Martinez	A56181A	7/6/16	9-2-301	H2S > 30ppb/hr avg and 60ppb/3min avg
West Contra Costa County Landfill	A1840	Richmond	A56803A	7/12/16	2-1-307	Temp exceeded P/C 05771 limit, Episode 06Z09

<b>Santa Clara</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
MASS Precision, Inc	A8578	San Jose	A55778A	7/29/16	8-19-320	Open solvent & paint containers, solvent-laden rags in open containers.
T & H Body Shop Inc	B1771	San Jose	A53608A	7/25/16	2-1-302	Expired Permit
Unocal	C4287	San Jose	A55881A	7/25/16	2-1-307	Test on 9/23/15 not submitted.
Vivid Inc	B1467	Santa Clara	A55628A	7/29/16	2-1-307	No record keeping, includes s#4,5,12
Vivid Inc	B1467	Santa Clara	A55628B	7/29/16	8-19-501	No record keeping, includes s#4,5,12
Z-Best Composting Facility	B1531	Gilroy	A26695A	7/1/16	2-1-307	#ID 20286-5 (No A-1 Water Spray) 1-76 (Roadways not in wetted condition)

<b>Solano</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Fairmont Memorial Park	A5791	Fairfield	A56053A	7/28/16	2-1-307	Failure to meet permit condition
Valero Refining Company - California	B2626	,12	A56429A	7/5/16	2-6-307	Excess ID# 06W63; NOx > 150 ppm/day
Valero Refining Company - California	B2626	Benicia	A56430A	7/8/16	2-6-307	Excess ID# 06W59; CO > 500 ppm/hr.

### **SETTLEMENTS FOR \$10,000 OR MORE REACHED**

There was 1 settlement(s) for \$10,000 or more completed in July 2016.

On July 1, 2016, the District reached settlement with Air Liquide Large Industries U.S. LP for \$538,870, regarding the allegations contained in the following 1 Notice of Violation:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A53847A	11/4/15	4/7/15	2-6-307	CEM Excess 06U12., Dev. 4196. CO in excess of p/c 23179.

**NOTICES OF VIOLATION ISSUED**

The following Notice(s) of Violation were issued in August 2016:

<b>Alameda</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Environmental Remedies, Inc.	Q5172	Pleasanton	A55988A	8/10/16	3-317	Fees for permit not paid
Environmental Remedies, Inc.	Q5172	Pleasanton	A55988B	8/10/16	11-2-405	Fees for J Number Permit not paid prior to commencement of renovation
Environmental Remedies, Inc.	Q5172	Pleasanton	A55989A	8/10/16	11-2-401.3	Late notification for renovation job
Environmental Remedies, Inc.	Q5172	Pleasanton	A55990A	8/17/16	11-2-303.1	No wetting during RACM removal
IBC Engineering & Construction	N4086	Pleasanton	A55991B	8/18/16	11-2-303.8	No survey prior to commencement of demolition
IBC Engineering & Construction	N4086	Pleasanton	A55991A	8/18/16	11-2-401.3	No notification for demolition job
Sanmina - SCI	A1559	Newark	A55653A	8/18/16	2-1-307	Exceeded usage limit; Failure to meet permit condition #14913
P.W. Stephens Environmental	W4694	Fremont	A55958A	8/12/16	11-2-303.6	No containment during renovation
P.W. Stephens Environmental	W4694	Fremont	A55958B	8/12/16	11-2-304.1	RACM not sealed in leak tight containers

<b>Contra Costa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Chevron Products Company	A0010	Richmond	A56812A	8/3/16	2-6-307	40 CFR 60.104(a)(i) at V-475.
Chevron Products Company	A0010	Richmond	A56812B	8/3/16	10	P/C 8773 parts @ S-4155.
Chevron Products Company	A0010	Richmond	A56813A	8/3/16	1-301	Flaring FG with H2S > 2000 ppm; 8 complaints to District
Chevron Products Company	A0010	Richmond	A56813B	8/3/16	9-2-301	Flaring FG with H2S > 2000 ppm; 8 complaints to District
Imperial Cleaners	A6014	San Ramon	A56680A	8/8/16	1-410	expired Dry Cleaning registration
Jyla Corporation dba MAACO	A8891	Antioch	A56661A	8/8/16	2-1-302	expired body shop permit
Jyla Corporation dba MAACO	A8891	Antioch	A56681A	8/8/16	2-1-302	expired body shop permit.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A56404A	8/11/16	8-18-304	Ledaks for 2 connectors were not repaired within 7 days. DEV 4592.
Plains Products Terminals LLC	A7034	Martinez	A56233A	8/12/16	8-5-306.2	PRV not gas tight; >500 ppm
Plains Products Terminals LLC	A7034	Martinez	A56234A	8/12/16	8-5-306.2	PRV not gas tight; >500 ppm
Plains Products Terminals LLC	A7034	Martinez	A56235A	8/3/16	8-5-306.2	PRV not gas tight; >500 ppm
Plains Products Terminals LLC	A7034	Martinez	A56236A	8/3/16	8-5-306.2	PRV not gas tight; >500 ppm

Plains Products Terminals LLC	A7034	Martinez	A56237A	8/3/16	8-5-306.2	PRV not gas tight; >500 ppm
Shell Chemical LP	B2870	Martinez	A56182A	8/12/16	2-1-307	PC#15124 and 19945

<b>Marin</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
George Auto Body	B8998	San Rafael	A56103A	8/11/16	2-1-302	Expired permit since 4/1/13

<b>Napa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Napa State Hospital	A1634	Napa	A56080A	8/25/16	9-7-308	Failure to perform source test
Napa State Hospital	A1634	Napa	A56080B	8/25/16	9-7-506	Failure to perform source test
Napa State Hospital	A1634	Napa	A56081A	8/25/16	9-7-308	Failure to perform source test
Napa State Hospital	A1634	Napa	A56082A	8/25/16	9-7-308	Failure to perform source test
Napa State Hospital	A1634	Napa	A56082B	8/25/16	9-7-506	Failure to perform source test
Napa State Hospital	A1634	Napa	A56083A	8/29/16	9-9-504	Failure to perform boiler source test
Napa State Hospital	A1634	Napa	A56084A	8/29/16	9-9-504	Failure to perform boiler source test

<b>San Francisco</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
A & G Auto Body	B3250	San Francisco	A56578A	8/4/16	2-1-302	Failure to pay permit fees 06/14-06/15
Golden Gate Bridge, Highway & Transportation Distr	A6496	San Francisco	A56580A	8/22/16	2-1-307	Use of emergency standby engine for non-emergency reasons
Union Street Coffee Roastery, Inc	A5199	San Francisco	A56579A	8/17/16	2-1-307	NOV to be cancelled. Source in compliance

<b>San Mateo</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Bay Pacific A/B	B6113	Belmont	A53612A	8/8/16	2-1-302	expired permit.
Browning-Ferris Industries of CA, Inc	A2266	Half Moon Bay	A56503A	8/4/16	1-523.3	Late reporting of Reportable Compliance Activity
Equity Office Properties	B6576	Brisbane	A56555A	8/30/16	2-1-302	Expired permit to operate
Golden Auto Body & Paint	E1288	Redwood City	A53611A	8/3/16	2-1-302	expired permit.
Magic Auto Paint & Body	A5322	Redwood City	A53609A	8/2/16	2-1-302	expired permit.
Premier Auto Collision Center	B6454	Redwood City	A53610A	8/2/16	2-1-302	expired permit.

<b>Santa Clara</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
International Disposal Corp of CA	A9013	Milpitas	A55678A	8/29/16	8-34-303	6 surface leaks >500 ppm
International Disposal Corp of CA	A9013	Milpitas	A55679A	8/29/16	8-34-305	3 wells under +ve pressure
International Disposal Corp of CA	A9013	Milpitas	A55679B	8/29/16	17CCR	3 wells under +ve pressure
Veterans Administration Medical Center	A0450	Palo Alto	A56603A	8/22/16	9-7-403	annual source test not completed
Veterans Administration Medical Center	A0450	Palo Alto	A56604A	8/22/16	9-7-403	annual source test not completed
Veterans Administration Medical Center	A0450	Palo Alto	A56605A	8/22/16	9-7-403	annual source test not completed

<b>Solano</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Valero Refining Company - California	B2626	Benicia	A56431A	8/2/16	8-5-304	Liquid leakage through tank shell

### **SETTLEMENTS FOR \$10,000 OR MORE REACHED**

There were 3 settlement(s) for \$10,000 or more completed in August 2016.

- 1) On August 2, 2016, the District reached settlement with Phillips 66 Company for \$793,250, regarding the allegations contained in the following 87 Notices of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A49468A	5/5/10	4/1/11	8-8-308	Excessive vent size
A49468B	5/5/10	4/1/11	8-8-313	8-8-313.2 No inspection #08029
A51252A	2/5/10	2/4/10	6-1-301	Visible emission > Ringelmann 1.
A51256A	3/8/10	1/19/10	2-6-307	Failed to meet permit condition#23125-7B-CO>75ppm/hr.RCA#05R67.CoP#001-10.
A51258A	5/10/10	2/4/10	2-6-307	Failed to meet permit condition #1694.C2 BAAQMD Deviation #2424 COP #005-10
A51259A	6/29/10	4/14/10	2-6-307	Failed to meet permit condition #1440-4a BAAQMD Deviation #2503 COP #021-10
A51260A	6/29/10	3/12/10	1-522.4	Reported inoperative monitor late BAAQMD #2468 COP #015-10
A51262A	7/28/10	6/30/10	8-5-301	TVP > 11psia at tank 167 without emission control COP deviation #033-10 BAAQMD deviation #2580
A51263A	8/19/10	4/1/10	8-8-402.5	8-8-402.5 Missing records BAAQMD deviation #2521 COP deviation #018-10
A51264A	11/23/10	10/22/10	1-301	> five confirmed complaints for 10/22/10 incident
A51265A	11/23/10	10/22/10	6-301	visible emissions at S-296 on 10/22/10 incident
A51266A	12/14/10	9/27/10	9-1-307	SO2 emissions above 250ppm (1-hr average) RCA#05W23 Deviation#2658 COP deviation#049-10
A51267A	2/10/11	7/28/10	2-6-307	.
A51268A	2/10/11	11/25/10	1-522.4	H2S CEM inoperative reported late COPdeviation073-10 BAAQMDdeviation2752 RCA#05X52
A51270	3/18/11	8/26/10	2-6-307	Failed to meet permit condition #136-9 COP deviation #043-10 BAAQMD deviation #2652
A51271A	3/18/11	10/14/10	8-5-304	8-5-304.5 Leak through shell of external floating roof tank COP deviation #53-10 BAAQMD #2671
A51272A	3/18/11	6/30/10	2-6-307	Exceeded throughput limit pursuant to condition #22478.7 COP#069-10 BAAQMD#2754
A51273A	3/18/11	1/22/11	12-11-502.3.1	Failed to take all required flare samples during flaring event COP#003-11, BAAQMD#2817
A51274A	5/12/11	11/4/10	10	Open ended lines pursuant to 40CFR60.482-6a deviation#2696 COP#063-10
A51275A	5/12/11	2/9/11	10	Open ended lines pursuant to 40CFR60.482-6a

A51316	11/15/11	11/7/11	1-301	crude oil/distillate leaking from a pinhole sized leak in underground pipeline -12 confirmed odor complaints
A51372	7/12/11	6/10/11	8-5-304	8-5-304.4 Tank #3957 roof was landed unintentionally
A51373	7/28/11	7/26/11	8-5-322.5	Gaps >0.06 inches at secondary seal, 191" total
A51761A	7/7/11	9/13/10	2-6-307	(excess ID-05V85) - NOx > 5ppm/3-hrs.
A51762A	7/7/11	10/28/10	2-6-307	(excess ID-05W69) - NOx > 5ppm/3-hrs.
A51765A	8/4/11	6/28/11	1-301	6 - confirmed odor complaints
A51766A	8/4/11	10/22/10	2-6-307	(excess ID-05W71) - temp.<1496degreesF
A51766B	8/4/11	10/22/10	1-523.3	(excess ID-05W71) - temp.<1496degreesF / late reporting
A52102A	6/9/11	12/25/10	10	Exceeded H2S concentration per 40CFR60.104(a)(1) deviation#2790 COP deviation #07610
A52103A	6/9/11	11/23/10	2-6-307	Failure to meet permit condition #22962.4a deviation #2738 COP deviation #064-10
A52104A	7/6/11	11/29/10	2-6-307	NOx excess, failed to meet permit #22962.4a Deviation#2746 RCA#05X10 COPdev#065-10
A52105A	7/6/11	11/29/10	1-523.1	Late reporting of inoperative O2 monitor COP#070-10 deviation #2753
A52106A	7/12/11	7/12/11	8-18-301	General equipment leak > 100 ppm
A52107A	7/20/11	7/20/11	8-5-306	8-5-306.2 Tank not vapor tight
A52108A	8/2/11	6/20/11	9-2-301	H2S excess at east refinery GLM
A52109A	8/2/11	6/20/11	1-301	>5 confirmed complaints
A52110A	8/4/11	10/22/10	2-6-307	SO2 > 250 ppmvd (1hr average & 24hr) deviation #2674 COP Deviation #054-10
A52110B	8/4/11	10/22/10	9-1-307	SO2 > 250 ppmvd (1hr average & 24hr) deviation #2674 COP Deviation #054-10
A52111A	8/4/11	10/22/10	2-6-307	CO > 75ppmvd (1-hr average) deviation #2674 COP #054-10
A52113A	8/11/11	10/22/10	12-11-501	uncertified flow meter and no flare sampling BAAQMD #2673 COP #058-10
A52113B	8/11/11	10/22/10	12-11-502.3.1	uncertified flow meter and no flare sampling BAAQMD #2673 COP #058-10

A52114A	10/20/11	5/24/11	10	Exceeded H2S Federal limit, 40CFR60.104(a)(1) Deviation#2922 COP#024-11
A52115A	10/20/11	8/8/11	2-6-307	Failed to meet permit condition #1694.C2 Deviation#2991 COP#042-11
A52116A	10/20/11	6/5/11	2-6-307	Failed to meet permit condition #22962.4a Deviation#2927 COP#025-11
A52117A	1/10/12	6/8/11	12-11-502.3.1	Failed to take all required flare samples BAAQMD#2946, #2939 COP#028-11, #031-11
A52118A	1/10/12	8/25/11	8-5-301	Exceeded TVP limit pursuant to regulation BAAQMD#3047, #3053 COP#046-11, #049-11
A52119A	1/10/12	11/5/11	2-6-307	Failed to meet permit condition #1694.E4, NOx excess BAAQMD#3060 COP#053-11
A52122	1/20/12	12/27/09	2-6-307	failed to replicate out of NOx box conditions pursuant to permit condition #21235.6a RCA#05R24
A52123A	1/20/12	1/4/12	1-522.6	Failed field accuracy test conducted by District. ST#73-12
A52124A	1/20/12	8/2/11	10	Open-ended lines - 40CFR60.482-6 Dev#2979,3061,3088 COPDev#039-11,054-11,062-11
A52125A	4/19/12	9/12/10	2-6-307	SO2 emission excess pursuant to permit condition #18629.IX-F Dev.#2648,2657 COP#048-10,051-10
A52126A	4/19/12	7/6/11	1-523.1	Reported inoperative monitor late Deviation#2983 COP#038-11
A52126B	4/19/12	7/6/11	1-523.2	Reported inoperative monitor late Deviation#2983 COP#038-11
A52166	9/20/12	9/19/12	8-5-322.5	45 inches of secondary seal gaps >0.06 inches
A52352A	4/18/12	1/11/11	2-6-307	no records showing a leak test was conducted during loading events
A52352B	4/18/12	1/11/11	8-44-501	8-44-501.10 no records showing a leak test was conducted during loading events
A52354A	7/2/12	6/15/12	1-301	80+ public odor complaints, over 2 days
A52356A	10/31/12	6/15/12	9-2-301	excess[ID-06F78]: H2S>60ppb/3-min.(7-offenses) & >30ppb/1-hr (1- offense)
A52357A	10/31/12	6/15/12	9-2-301	excess[ID-06F77]: H2S>60ppb/3-min.(7-offenses)
A52358A	10/31/12	6/15/12	9-2-301	excess ID-06F75 - H2S>30ppb/60-min.(1-offenses), excess ID-06F76 - H2S>60ppb/3-min.(6-offenses)
A52359A	2/6/13	6/15/12	2-6-307	Ruptured tank roof seam (6/15-16/12); tank patch not gas tight (>100 ppm)
A52359B	2/6/13	6/15/12	8-5-306.2	Ruptured tank roof seam (6/15-16/12); tank patch not gas tight (>100 ppm)

A52359C	2/6/13	6/15/12	8-5-306	Ruptured tank roof seam (6/15-16/12); tank patch not gas tight (>100 ppm)
A52360A	10/31/12	5/3/12	2-6-307	excess[ID-06F61]: NOx>20ppm/3-hrs & late reporting
A52360B	10/31/12	5/3/12	1-522.7	excess[ID-06F61]: NOx>20ppm/3-hrs & late reporting
A52364A	11/7/12	1/17/12	1-522.4	(ID#06D32; 06F14; 06F82) - late report of in-op monitor
A52365	11/7/12	7/1/09	8-5-403	tank PRV not inspected (5 missed inspections)
A52366A	11/7/12	4/1/11	8-18-401	8-18-401.2 8 - valves missed quarterly inspections; in 4 different units
A52367	1/10/13	3/23/12	2-6-307	not all PM emissions were routed to Baghouse (A-10)
A52368	1/10/13	5/1/12	6-6-307	PM emissions from loading were not routed to Baghouse (A-3)
A52370A	4/22/13	9/23/12	2-6-307	Excess ID-06G97; NOx > 20 ppm / 3-hours
A52371A	4/22/13	9/26/12	2-6-307	Excess ID-06H05; CO > 32 ppm / 24-hour (calendar day)
A52371B	4/22/13	9/26/12	1-522.7	Excess ID-06H05; CO > 32 ppm / 24-hour (calendar day)
A52373A	8/15/13	11/17/12	2-6-307	Excess ID-06H80; CO > 32 ppm / Calendar day
A52374A	8/15/13	1/24/13	2-6-307	Excess ID-06J52; NOx > 7 ppm / 1-hr average
A52375A	8/15/13	2/17/13	10	10-40CFR-60-60.102a(f)(1)(i) Excess ID-06J77; SO2 > 250 ppm / 12-hours (NSPS)
A52376A	8/15/13	3/27/13	2-6-307	Excess ID-06J99; NOx > 7 ppm / 1-hour average
A52452A	4/19/12	12/5/11	2-6-307	Exceeded NOx emission limit per permit condition #22962.4 Deviation#3094,3111 COP#063-11,068-11
A52453	4/18/12	12/8/11	9-1-310	9-1-310.2 SO2 excess at K-1 kiln
A52454A	4/19/12	11/17/11	2-6-307	Failed to meet permit condition 21235.6a NOx Box deviation 3167 COP #013-12
A52455A	4/19/12	11/26/11	2-6-307	failure to meet permit condition #1694.C2 Dev.#3082 COP#059-11
A52967	1/22/14	10/10/09	2-6-307	Deviation #3738, missed & late CO source test
A52972A	4/30/14	2/17/14	2-6-307	Deviation 3864, visible emissions from flaring >3mins, p/c 18255, part 5b

A52973A	5/22/14	5/22/14	8-5-322.5	18" of secondary seal gaps >0.06 inches
A52974A	5/22/14	5/22/14	8-5-322.5	38" 2 degree seal gaps >0.06"and open sample hatch cover
A52975A	6/3/14	1/6/14	2-6-307	Dev. 3815, temp below p/c 23125 part 14 limit
A52975B	6/3/14	1/6/14	1-523.3	Dev. 3815, temp below p/c 23125 part 14 limit
A52976A	6/3/14	4/10/14	8-5-306	8-5-306.2 Dev 3895, Pressure vacuum valve not gas-tight
A53228A	9/5/13	9/14/12	2-6-307	Excess ID 06G88 - CO > 32 ppm/day (Peak = 82 ppm)
A53229	9/5/13	4/15/13	2-6-307	(Episode ID - 06K13) All PM not routed to Baghouse (A-10)
A53230A	9/24/13	9/6/12	10	10-40CFR-60.482-6(a)(1) Open-Ended Line - Missing plug on 1/2" valve (Tag #21909)
A53231A	9/24/13	3/27/13	2-6-307	Source Test #OS-4560 - PM10 Emissions >3.36 lbs/day (8.29 lbs/day)
A53234A	10/15/13	9/8/12	2-6-307	PM-10 Emissions >0.59 tons/12-month period {0.95 tons}
A53235A	10/15/13	2/14/13	8-5-320.3	8-5-320.3.1 Vacuum breakers open on floating roof
A53236A	10/15/13	4/17/13	8-5-320.3	8-5-320.3.1 Vacuum breakers open on floating roof
A53251A	5/8/14	2/15/13	2-6-307	No quarterly records (1Q-3Q 2012); Leaking hatch during loading event
A53827A	6/19/14	2/6/14	1-522.7	Deviation 3840 CEM Nox excess reported >96 hrs occurrence
A53829A	7/22/14	2/21/14	2-6-307	Dev 3859, NOx emissions >P/C 21097.3b limits

- 2) On August 8, 2016, the District reached settlement with Equilon Enterprises d/b/a Shell Oil Products for \$55,000, regarding the allegations contained in the following 4 Notices of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A53886A	3/13/15	11/12/14	10	10 NSPS Sub J >163 ppm H2S in Fuel Gas, excess 06S54
A53887A	9/24/15	6/21/15	9-1-307	>250 PPM 50 clock hr Av (06V33)

A53888A	11/3/15	12/31/13	8-18-402.1	C.D. 3rd party audit results
A53888B	11/3/15	12/31/13	8-18-401	C.D. 3rd party audit results
A53991A	12/17/15	10/1/15	8-5-322.5	Exceeded zero gap.
A53991B	12/17/15	10/1/15	2-6-307	Failure to report 10 and 30 day deviation reports on time.

3) On August 25, 2016, the District reached settlement with Value Plumbing Co, Inc. for \$100,000, regarding the allegations contained in the following 1 Notice of Violation:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A53252	8/29/16	1/1/09	9-6-302	sale and installation of non-compliant and or uncertified water heaters

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 12, 2016

Re: Quarterly Report of the Executive Office and Division Activities for the Months  
of April 2016 – June 2016

**EXECUTIVE AND ADMINISTRATIVE RESOURCES DIVISION**  
**R. SANDERS, DIRECTOR**

**Human Resources**

The Human Resources (HR) Office coordinated five (5) recruitment exams including exams for Air Quality Intern, Air Quality Instrument Specialist, Air Quality Permit Technician, Principal Air Quality Engineer, and Senior Advanced Projects Advisor. In addition, the HR Office offered training sessions, including: Mobile Desktop Computer (Tablet) Training, CPR and First Aid Training, Floor Warden Training, Emotional Intelligence Training, Office Etiquette Training, and Fundamental Skills for New Managers. In addition, a series of informational sessions were held to discuss different topics related to 375 Beale Street. The HR Office continues to administer payroll, benefits, safety, labor/employee relations, and wellness activities. There are currently 324 regular employees, 9 temporary employees and interns, and 41 vacant positions. There were 6 new employees, 4 promotions, and 7 separations from April to June 2016.

**Business Office**

The Business Office issued 558 purchase orders. Fleet services outsourced 6 vehicles for maintenance and/or body shop repairs. There were a total of 130 vehicle requests (5 from ABAG staff, 35 from MTC staff, and 90 from District staff). 111 pool vehicles were loaned out and 19 Enterprise car rentals were issued. There are currently 129 fleet vehicles: 1 electric, 1 hydrogen, 20 plug-in hybrids, 23 gas, 20 CNG, and 64 hybrids. The department executed 76 contracts and 2 leases. There was no request for proposals during this period.

**Strategic Facilities Planning Office**

The final Certificate of Occupancy (COO) for the building at 375 Beale Street was issued on April 18, 2016. Upon receipt of the COO, the Air District identified and announced the

date for the Air District's move to begin on Thursday, May 26 through Monday, May 30, 2016. Staff reported to work at the new Bay Area Metro Center on Tuesday, May 31, 2016.

The Air District completed its very successful move and staff is settling into the new headquarters. Operational activities are running smoothly despite so many changes in life patterns, work environment and many business operation processes. Final touches are being made relative to increased electrical functionality in conference rooms, printer placement and the hanging of art work within agency spaces.

Post-move construction activities included the approval of the Laboratory closure plan at 939 Ellis Street by the City and County of San Francisco on Thursday, June 22, 2016. Architectural and structural drawings for 435 Bryant Street build out has been completed. The installation of a secondary containment area at 375 Beale Street in the Harrison Street garage was completed mid-June.

The business representatives from each agency supporting the move and their vendors concluded post-move physical activities in the latter half of June. Post-move operational issues were divided into five categories that the business team is handling: Building, Furniture, Shared Services, Technology and Agency Specific.

Business team representatives from each agency continue to meet weekly to support the shared services operations which include visitor management, front desk receptionist and daily meeting management; shared IT printing operations; fleet management; the pantry/coffee bar and the copy/ print mail rooms. The business team is in the process of, completing the furniture and construction punch lists.

<b>COMPLIANCE AND ENFORCEMENT DIVISION</b> <b>W. KINO, DIRECTOR</b>
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### **Enforcement Program**

Staff documented 201 air pollution violations that resulted in Notices of Violation and responded to 1,449 general air pollution complaints. These activities addressed noncompliance with applicable federal, state and air district regulations and provided for a mechanism for the public to voice their concerns about air pollution issues that might be in noncompliance. Additionally, highlighted enforcement activities for the quarter are as follows:

- From April 1 – June 30, 2016, staff received and investigated 965 air pollution complaints for odorous emissions in the greater Milpitas area (including portions of Fremont and North San Jose). Most complainants alleged the Newby Island Resource Recovery Park (landfill, composting, and materials recycling facility (MRF)) as the odor source. Other odor sources in the greater Milpitas area include the San Jose /

Santa Clara Waste Water Treatment Facility, Zero Waste Energy Development Company, the Milpitas Pump Station, and various salt and mud flats.

- On April 7, 2016, staff met with representatives from Republic Services, owner/operator of Newby Island Resource Recovery Park, to discuss ongoing efforts to address odor issues at the landfill, material recovery facility, and composting operations.
- On April 12, 2016, staff and representatives from San Francisco Department of Public Health met with the Clean Air Health Alliance (CAHA) to discuss CAHA's concerns about dust from the Candlestick Point construction project. CAHA expressed concerns about the placement of the site's meteorology (Met) station and dust monitors because local micro-climates were not taken into account. Staff pointed out the Met station was in an area expected to see the greatest wind speeds and therefore was most health protective as construction activities' dust mitigation requirements were tied to wind speed.
- On April 21, 2016, staff participated at the quarterly meeting of the South Bay Odor Stakeholder Group, Milpitas. The group serves as a forum for municipal leaders, private industry, state and local regulators, and community leaders to collaborate in identifying and resolving odor issues in the south bay area. The groups discussed improvement ideas for its new website ([www.SBOSG.info](http://www.SBOSG.info)).
- Air District staff participated at the semi-annual Lehigh Southwest Cement, Intra-agency meeting hosted by the Santa Clara County Planning Department on May 2, 2016. Discussion topics included air quality / dust issues, water quality issues (groundwater), the Permanente Creek restoration project, and noise abatement.
- On May 9, 2016, staff met with a Milpitas community group to discuss the Milpitas odor situation and committed to provide them with a summary of actions taken by the District with regards to the 5 local odorous facilities including Newby Island Resource Recovery Park (landfill, compost, and material recovery facility), the San Jose / Santa Clara Regional Waste Water Treatment Facility, and Zero Waste Energy Development Co.
- Air District staff investigated the facts and circumstances surrounding the May 10, 2016, Emergency Variance (EV) (Docket 3691) request by Shell Oil Products, South Bay Terminal. The facility requested relief from Regulation 8, Rule 5 (Storage of Organic Liquids) because of a torn secondary seal on its ethanol storage tank. Staff recommended approval of the EV with conditions.
- Air District staff participated in monthly conference calls with Lehigh Southwest Cement Company representatives to discuss ongoing compliance/permitting/source testing issues and concerns.
- On March 29, 2016, Air District Staff met with the Contra Costa County Health Department and Cal Recycle at TRC landfill in Antioch to conduct a joint inspection. No Air District violations were discovered. Cal Recycle expressed interest in visiting more landfill operations with Air District staff to understand landfill gas conversion technologies.
- On March 29, 2016 at approximately 6:30 pm a high-pressure separator vessel in the Isomax Unit at the Chevron Refinery lost a liquid level control valve that forced refinery operators to pull feed from the unit and caused flaring. Air District Staff

observed the smoking flare but no violation was documented. The Air District received odor complaints of sulfur & rotten egg smells from residents in Richmond & San Pablo. The Air Districts Ground Level Monitor (GLM) at 7<sup>th</sup> street and Hensley recorded high H<sub>2</sub>S for several minutes between 6:40 pm and 6:45 pm. Chevron was issued a Public Nuisance and H<sub>2</sub>S emissions violation.

- On April 4, 2016 Air District staff met with representatives from EPA Region 9, Department of Toxics Substance Control, and the National Enforcement Investigations Center (NEIC) to conduct a joint investigation focused on Dow Chemical's (Pittsburg Ca.) wastewater treatment facility and the site's hazardous materials industrial furnace. No violations of Air District regulations were discovered during the investigation and the NEIC final report will be out in 4-6 months.
- On Monday April 25, 2016 at approximately 4:55 pm operators at Air Liquide in Rodeo discovered a bulge in a 34-inch pipe that handles high pressure & temperature flue gasses from the hydrogen furnace to the steam generator. Operators immediately shut down the plant. The loss of the Air Liquide hydrogen production caused the Phillips 66 Refinery to curtail operations at the hydrocracker and hydro treater units. The rapid loss of steam and unit production at Phillips caused their flare to smoke for approximately 5 minutes.
- On April 26, 2016, Air District staff was notified by Shell Martinez Refinery of a flaring event at the Naphtha Hydrotreater (NHT) Unit. Preliminary investigation revealed that Furnace 44 (F44) loss airflow and was unable to operate its burners. Staff did not receive any complaints. The facility estimated that approximately 460,000 standard cubic feet of material was flared.
- On June 21, 2016, process gases containing sulfur dioxide (SO<sub>2</sub>) were released to atmosphere from Chemtrade West US LLC (formerly General Chemical) in Richmond Ca., an inorganic chemical manufacturer. The SO<sub>2</sub> release, estimated to be 24 minutes, was the result of a plant upset condition that occurred when plant operators brought the plant back on line after a power failure. The chemical release traveled in a north-northwest direction and the Chevron and Richmond fire departments were notified and monitored the area for SO<sub>2</sub>. Chevron also notified Contra Costa County's Community Awareness and Emergency Response (CAER) system. No SO<sub>2</sub> readings were picked up by Chevron ground level monitors (GLMs). Staff did not receive any community complaints.
- On June 19, 2016 at approximately 4 pm, the heavy liquid's (Gas Oil Service) compressor (K-600), located in the North Isomax unit of the Chevron Refinery, Richmond, failed. The loss of the K-600 compressor triggered flaring at the North Isomax flare that lasted six hours and forty-five minutes. The Air District received 5 complaints but no visible emissions violations were documented.

### **Compliance Assurance Program**

Air District staff conducted over 2,443 inspections including permitted facilities, gasoline stations, asbestos, open burning, portable equipment and mobile sources. Additionally, highlighted inspection activities for the quarter are as follows:

- Air District staff conducted extensive outreach to the Bay Area Association of Realtors and California Apartment Association to develop standardized disclosure language that complies with the June 1, 2016 Residential Fireplace Disclosure requirement of Regulation 6, Rule 3 (Wood Burning Devices). As of June 1, any person selling, renting or leasing real property was required to disclose the health hazards of fine particulate matter from wood burning.
- As of June 30, 2016, staff approved 14 requests (11 of which were completed) for the Agricultural Waste Chipping Program representing approximately 6,300 cubic yards of material that was chipped instead of burned.
- Staff approved Asbestos Dust Mitigation Plans (ADMPs) for the following projects: 1) RIN NOA-0125, Peninsula Vegetation Removal, San Mateo County; 2) RIN NOA-0128, Chabot Dam Seismic Retrofit, San Leandro; 3) RIN NOA-0129, 1601 Mariposa St, San Francisco. These projects were required to perform asbestos ambient perimeter air monitoring and submit results to the Air District on a bi-weekly basis.

On Wednesday, May 11, 2015, Air District staff gave a presentation on air quality issues associated with statewide organic solid waste diversions from landfills, to the California Council Directors of Environmental Health Services (CCDEHS) Solid Waste subcommittee made up of statewide Directors of County Environmental Health Departments and Cal Recycle officials. Two local Department of Environmental Health Directors in attendance at this presentation were Napa & Sonoma counties. The presentation was well received and several committee members felt the presentation of air quality issues associated with the solid waste diversions was extremely informative & timely.

On Friday, May 13, 2016, in Dublin, Air District Staff attended the Regional Health Resilience Summit for Preparedness & Response for Mass Casualty Toxic Air Emission Events in Dublin. An overview was presented of the recent exercises and incident drills that focused on mass casualty air toxic emission events aimed at improving regional health resilience capabilities. Because these events are rare, typically continuity planners underestimate the consequences for human health and safety. There were four broad common areas identified that needed improvement: (1) Situational awareness and communications, (2) Emergency Operations Coordination, (3) Healthcare Preparedness, and (4) Protection and Support for Responders and Healthcare Assets.

On Friday, June 3, 2016, Air District Staff visited a wet anaerobic food digestion facility in Sacramento, California. The Sacramento Metro Air Quality Management staff invited District staff to visit Clean World to learn how wet anaerobic digestion facilities operate. Clean World has been having trouble with off-site odor problems and biogas quality issues since their startup four years ago.

### **Compliance Assistance and Operations Program**

Staff received and evaluated over 2,225 plans, petitions, and notifications required by the asbestos, coatings, open burn, tank and flare regulations. Staff received and responded to

over 112 compliance assistance inquiries and green business review requests. Additionally, highlighted compliance assistance activities for the quarter are as follows:

- Compliance advisory was mailed to asbestos contractors and building departments notifying them of new fees that took effect July 1, 2016.
- Compliance advisory was mailed to open burners notifying them of new fees that took effect on July 1, 2016.
- The spring marsh management burn season ended on April 15, 2016; staff approved 7 Marsh Management Smoke Management Plans (SMPs) for burn projects in Solano County and 1 burn project in Napa County. A total of 69 out of 475 acres were actually burned for the season.
- Staff approved 5 prescribed burn SMPs for burn projects in Alameda, Contra Costa, Napa and Santa Clara County. A total of 413 of 460 acres were actually burned during the 2<sup>nd</sup> quarter.
- Staff conducted 229 inspections for the Strategic Incentives Division (SID).
- Staff provided assistance in, and attended several coordination meetings for, the implementation of the Air District’s Wood Smoke Reduction Incentive Program.

**(See Attachment for Activities by County)**

**ENGINEERING DIVISION  
J. WILLIAMS, DIRECTOR**

**Permit Activity Statistics**

The following table summarizes permit activity in the 2<sup>nd</sup> quarter:

<b>Permit Activity</b>			
New applications received	256	New facilities added	118
Authorities to Construct issued	146	Permit Exemptions (entire applications deemed exempt)	4
Permits to Operate issued (new and modified)	247	Annual update packages completed	950
Registrations (new)	25		

**Health Risk Analysis (HRA):** 61 HRAs were completed during the reporting period.

**Energy Projects**

Air District staff continues to work with regulatory agencies and community groups to discuss permitting issues associated with proposed energy projects including Shell Greenhouse Gas Reduction, Valero Crude by Rail, Shore Terminal/NuStar Biofuels project, and Phillips 66 Marine Terminal III project.

**Valero Crude by Rail Project:** The proposed project would allow the Valero Refinery located in Benicia to receive a portion of its crude by rail. The refinery currently receives crudes by ship and pipeline. Union Pacific Railroad would transport the crudes in railcars using existing rail lines to Roseville, California, and from there to the refinery. The project would allow Valero to receive up to 70,000 barrels per day of the crude oil by rail and reduce its shipments of crude by marine vessel by the same amount. The City of Benicia (City) is the CEQA lead agency for the Project. The City issued a Revised DEIR on August 31, 2015 for public input on potential impacts. The Final Environmental Impact Report (EIR) became available for review on January 5, 2016. The City of Benicia Planning Commission held formal public hearings to receive comments between February 8, 2016 to February 11, 2016 to consider the Final EIR and a Use Permit for the Crude by Rail project. On February 11, 2016, the Planning Commission of the City of Benicia passed a resolution denying certification of the EIR and denying the land use permit. Valero has appealed the decision to the Benicia City Council. At the March 15, 2016 City Council Meeting, Valero requested to delay consideration of their appeal in order to allow time to petition the federal Surface Transportation Board (STB) to request declarative action regarding preemption to the proposed project. The council discussed the request in April 2016 and hearings continued on April 4, 6, 18 and 19, 2016. The next Hearing is scheduled for September 20, 2016 to discuss the position of the STB on this proposed project.

**Shore Terminal/NuStar Biofuels Project (Crockett):** The proposed project will allow the facility to receive biodiesel, CARB diesel and other renewal fuels by marine vessels, rail and/or existing pipeline into its Selby Terminal and deliver out by truck. The goal of the project is to supply facilities with fuels that meet the lower carbon intensity fuel standard. The proposed project involves physical changes to the dock, rail unloading area, storage tanks, truck loading bay and installation of new pipeline under San Pablo Avenue. Shore Terminals submitted application on June 14, 2016 to obtain the necessary operating permits for this project, which is currently under review. The facility is consulting with Contra Costa County to see if they will be the lead agency under CEQA.

**Phillips 66 Marine Terminal III Project (Rodeo):** The facility is requesting an increase in the amount of crude oil/gas oil that may be unloaded at the marine terminal from 51,182 barrels per day to 130,000 barrels per day. The project does not require any physical modifications or construction. The Air District will be the lead agency for CEQA. Phillips submitted the application on August 2, 2013. Air District staff met with Phillips 66 to discuss the project on June 30, 2016. A previous permit application 22904 was approved on March 13, 2013 to increase the amount of crude oil/gas oil that may be unloaded at the marine terminal from 30,682 barrels per day to 51,182 barrels per day. The Air District acted as the lead agency for CEQA for the project. The current CEQA analysis will evaluate the increase in ship emissions from the activity level prior to application 22904 to 130,000 barrels per day to address any potential piece-mealing concerns.

### CEQA Projects

**Oakland Army Base/Coal Bulk Terminal (Oakland):** The proposed Oakland Army Base Terminal would receive coal via covered railcars (potentially from Utah) and load the coal into ships for export. The Air District has not received a permit application. The City of Oakland is the CEQA lead agency and the Air District is participating in the CEQA process as a responsible agency. The City Council hired a consultant to help the city determine whether coal shipments will have negative health and safety impacts on residents and port workers. On June 27, 2016 Oakland's City Council voted unanimously to ban the handling and storage of coal and petroleum coke at any city terminal, and scheduled a second, procedural vote on the issue in July. On July 19, 2016, the Oakland City Council approved the ban on coal initially approved three weeks ago. The vote on the council's Consent Calendar, on which the coal measures were included, was unanimous: 8-0, with all council members in attendance.

**Vallejo Marine Terminal (VMT) and Orcem Project:** The proposed project consists of two main components: (1) The VMT component would reestablish industrial uses on the VMT site through the removal of the deteriorated timber wharf and construction of a modern deep-water terminal (2) The Orcem component would involve construction and operation of an industrial facility for the production of a high performance, less polluting alternative for traditional portland cement. Orcem would import most of the raw materials used in the manufacturing process via ships docking at the wharf proposed by VMT. Staff sent comments on the DEIR to the City of Vallejo, the CEQA Lead Agency, on November 2, 2015 and participated in a conference call with the project proponent to discuss them. The Air District has received a permit application for the Orcem project, but not for the VMT project. The City expects the Final EIR to be released in late-summer 2016.

**Syar Napa Quarry Project:** On November 18, 2015, the Napa County Planning Commission adopted a resolution with required CEQA and Surface Mining Permit (SMP) Findings to approve the Syar Napa Quarry Expansion Project to allow the following: a) An approximate 106-acre expansion of the current surface mining and reclamation plan for a 35 year term; b) An increase in production of aggregate materials from approximately 1 million tons per year to 1.3 million tons per year; c) To add Reclaimed Asphalt Pavement (RAP) handling equipment to the existing asphalt batch plant and an increase in asphalt production up to 300,000 tons per year. Both the Environmental Impact Report (EIR) certification and SMP decisions have been appealed to the Napa County Board of Supervisors. The Board of Supervisors conducted public hearings on February 9, 2016 March 22, 2016 April 26, 2016 May 10, 2016 and July 11, 2016. At the July 11, 2016 hearing, Napa County supervisors tentatively decided in favor of the project. They voted unanimously to uphold the project's EIR and voted 4-1 to back the expansion. On October 18, 2016, the Board of Supervisors will consider adoption of a Resolution of Finding and Fact of Decision on the appeals to memorialize their decisions. A permit application for RAP handling equipment was submitted to the Air District on February 5, 2016 and is currently incomplete. No permit application has been received for the

proposed aggregate production increase at this time. Syar will meet with Air District staff on August 23, 2016 to discuss potential modifications of grandfathered equipment.

### **Permits and Projects**

**Gillig:** This facility is proposing to move their bus manufacturing operation from Hayward to Livermore. Staff completed evaluation of this project and is currently waiting for Gillig to provide 41.975 tons of POC offsets. Gillig has filed a separate banking application to claim emission reduction credits (ERCs) from the closure of their Hayward facility. These ERCs will total 9.286 tons and be used to provide offsets for the new facility. Gillig has obtained the balance of 32.689 tons of offsets required for the Livermore project. The Air District was ready to issue the Authority to Construct, when Gillig revised coating throughputs at the various spray booths. The HRA must be revised for this change.

**Dutra Materials (Petaluma):** Dutra proposes to build a hot-mix asphalt plant capable of processing recycled crumb rubber tires and producing up to 225,000 tons per year of asphalt. The CEQA Lead Agency, Sonoma County, acknowledges the project has several significant environmental impacts that cannot be mitigated to a level of less than significant. However, the County adopted CEQA findings and a Statement of Overriding Considerations and issued a Conditional Use Permit in 2010. Sonoma County determined overriding considerations related to the benefits of the project outweighed unavoidable impacts. Based on the EIR, all significant impacts had been eliminated or substantially lessened where feasible, and any remaining significant impacts were unavoidable and acceptable due to the overriding considerations. The Conditional Use Permit includes Conditions of Approval that incorporate a CEQA Mitigation and Monitoring Plan adopted by the County. The County's actions were challenged in court up to the Court of Appeals of the State of California, who in 2014 affirmed the approval was sound. The Air District, as a Responsible Agency for CEQA, has carefully reviewed the EIR and has issued a Notice of Determination along with the Authority to Construct.

**Owens Corning Insulating Systems (Santa Clara):** Owens Corning Insulating Systems (OCIS) produces fiberglass insulation. They applied for an increase in throughput at one of their production lines, from 144 to 155 tons per day. It was discovered that OCIS had rebricked the production line furnace in 2003 and 2014. Additional analysis for the application was required to determine if the rebricking triggered new source review of the furnace. It was determined that emissions from the grandfathered furnace and the downstream production line did not and will not increase. The permit change for the increase and associated CEQA Notice of Exemption were issued on June 17, 2016.

**Regulation 2 Permitting Rules:** Revisions to our New Source Review permitting rules were adopted by the Board of Directors in December 2012, but the revised rules do not become effective until EPA approves them for inclusion in the State Implementation Plan. On August 28, 2015, EPA published in the Federal Register a proposed limited approval and limited disapproval of our rules. Comments on EPA's proposed action were due Nov. 12, 2015. Staff provided comments to EPA on key areas of concern. The most significant

issue is EPA's position that a facility must provide offsets more than once for the same emissions. On June 3, 2016, EPA Region 9 Acting Regional Administrator Alexis Strauss signed a Federal Register Notice, finalizing the limited approval/limited disapproval of revisions of the Air District's New Source Review (NSR) Program. Certain sections of the rule contain deficiencies that must be corrected within 18 months to avoid Clean Air Act sanctions. The EPA's Final Notice was published in the Federal Register on August 1 and the rule revisions become effective on August 31, 2016.

**Regulation 2, Rule 5, New Source Review (NSR) of Toxic Air Contaminants:** The Toxics NSR rule will be updated to incorporate 2015 OEHHA Health Risk Assessment (HRA) Guideline Revisions, CARB/CAPCOA Risk Management Guidance, new and revised emission rate trigger levels for toxic air contaminants, and updated definitions and procedures for projects and modified sources. The draft rule amendments, workshop report, revised trigger levels and the HRA guidelines were posted on the Air District website on January 13, 2016. Open Houses were held in Redwood City, San Jose and Richmond from January 28, 2016 to February 4, 2016 to educate the public on the proposed amendments and receive comments. Staff also gave a presentation on the rule amendments and expected impacts to the Stationary Source Committee on February 1, 2016. Written comments were received from WSPA and Phillips 66. Staff is preparing responses to comments and updating the draft rule amendments and staff report.

**Regulation 3, Fees:** At the June 15, 2016 Board of Directors' public hearing, the Board adopted proposed amendments to Regulation 3 and approved the filing of a Notice of Exemption from CEQA. The proposed amendments will be effective on July 1, 2016 and will increase fee revenue in order to allow the District to meet budgetary needs for the upcoming fiscal year ending (FYE) 2017. In addition to fee rate increases, the following additional amendments were adopted: (1) A new Schedule W: Petroleum Refining Emissions Tracking Fees that would apply to the five Bay Area petroleum refineries and to five petroleum refinery support facilities; (2) A new Schedule X: Major Stationary Source Community Air Monitoring Fees that would apply to Major Stationary Sources with emissions above 35 tons per year within the vicinity of community air monitors; (3) Updates to Schedule T (Greenhouse Gas Fees); (4) Setting the maximum fee for abatement device only permit applications; and (5) Setting the alteration fee for gasoline dispensing facilities.

**CAPCOA Engineering & Toxics Symposium:** This annual symposium was held in Napa, California in June and was attended by several Air District staff members. Staff presented and answered questions on a West Contra Costa Sanitary Landfill permit that required installation of best available control technology on a proposed composting operation. Other topics presented included: Clean Power Plan – Section 111(d) existing power plants, GHG standards for crude oil & natural gas, Enforcement Managers update, EPA update, Air curtain incinerator update, Electronic reporting, EPA next generation compliance, Advanced next generation monitoring update, San Diego's emission inventory database, Toxics Hot Spots/TARMAC update, Porter Ranch/Aliso Canyon gas well leak, and Dispersion modeling updates.

**Bay Area Clean Water Agencies (BACWA) Meeting:** Air District staff hosted a meeting for BACWA, which consists of a group of sewage treatment plants (POTWs, or Publicly Owned Treatment Works) on June 15, 2016. Staff made presentations on the following subjects: Clean Air Plan/Regional Climate Protection Strategy, changes to HRAs and NSR for Toxics, Digester Gas Venting, the H<sub>2</sub>S rule, and the organic waste diversion. 26 BACWA members were in attendance.

**California Compost Coalition:** Air District staff met with members of the California Compost Coalition (CCC) on July 7, 2016. CCC discussed concerns about permitting new and modified compost facilities in the Bay Area, such as fees due to VOC emissions and offsets, emission factors and source descriptions, and procedures. In order to address their concerns, staff will develop permit handbook chapters for composting and green-waste storage piles. The facilities were encouraged to provide emissions test data to improve emissions inventories and to discuss any site changes with permit engineers to explore options for limiting emissions and any associated fees, penalties, and offsets. Rule Development discussed greenhouse control measures that may impact this industry. CCC indicated that incentives were needed to help keep composting as a viable Bay Area option for organic waste diversion.

**Lehigh interagency meeting:** Santa Clara County Planning Department hosted a meeting on May 2, 2016 with the Air District and other oversight agencies to discuss air quality, water quality and noise issues. Staff provided information and answered questions on the upcoming changes to Regulation 9, Rule 13: Cement Kilns, to address the ammonia emissions standard.

**10-Day Public Participation Period:** To improve transparency, the Air District is providing a public participation period of 10 days for all Authority to Construct/Permit to Operate permit applications. This is an enhancement of the current process of posting applications received. Feedback from the public will be coordinated by the permit ombudsman.

<b>LEGAL DIVISION</b> <b>B. BUNGER, DISTRICT COUNSEL</b>
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The District Counsel's Office received 38 violations reflected in Notices of Violation (NOVs) for processing.

Mutual Settlement Program staff initiated settlement discussions regarding civil penalties or passing the Wood Smoke Awareness Course for 44 violations reflected in NOVs. In addition, 2 Final 30 Day Letters were sent regarding civil penalties for 2 violations reflected in NOVs. Finally, settlement negotiations resulted in collection of \$70,300 in civil penalties for 35 violations reflected in NOVs.

Counsel in the District Counsel's Office initiated settlement discussions regarding civil penalties for 39 violations reflected in NOV's. Settlement negotiations by counsel resulted in collection of \$94,650 in civil penalties for 25 violations reflected in NOV's.

(See Attachment for Penalties by County)

**COMMUNICATIONS AND PUBLIC INFORMATION DIVISION**  
**L. FASANO**

**News Releases**

The Air District issued nine press releases and/or media advisories during the last quarter:

04/27/2016	<a href="#"><u>Permissive burn seasons close for crop replacement, forest management, orchard pruning and attrition, and range management</u></a>
04/28/2016	<a href="#"><u>Spare the Air summer season begins May 2</u></a>
5/24/2016	<a href="#"><u>Permissive burn season for flood debris fires closes, double crop stubble season begins</u></a>
06/01/2016	<a href="#"><u>Air District issues first 2016 Spare the Air Smog Alert</u></a>
06/02/2016	<a href="#"><u>Air District issues another Spare the Air Smog Alert</u></a>
06/03/2016	<a href="#"><u>Air District issues third consecutive Spare the Air Smog Alert</u></a>
06/20/2016	<a href="#"><u>Air District issues Spare the Air Smog Alert</u></a>
06/24/2016	<a href="#"><u>Permissive burn period begins for range management fires</u></a>
06/27/2016	<a href="#"><u>Air District issues Spare the Air Smog Alert</u></a>

**Media Inquiries**

Air District staff responded to 44 media inquiries during this quarter. Topics included:

- Advisory Council
- Air District move
- ALA report card
- Building move
- Cap and trade rules
- Chevron flaring
- Commuter benefits program
- Costs of Spare the Air program
- District move
- El Nino and air quality
- Electric Vehicle Grants
- Greenhouse gases
- Leaf blowers
- New building
- Phillips 66 flaring

- PM filters on garbage trucks
- Refineries
- Refinery flaring
- Refinery rules
- Rule 12-16
- Spare the Air
- Western States Petroleum Association lawsuit

### **Media Highlights**

The Air District and/or Spare the Air was mentioned in approximately 857 print/online stories and 439 video clips in the last quarter. Below are the last quarter's media coverage highlights:

- [SF Gate: Bay Area refineries must buy 'fence line' air pollution monitors](#)
- [The Mercury News: Air quality: Bay Area refineries to face more scrutiny](#)
- [SF Bay News: Rules take aim at refinery emissions](#)
- [PRNewswire.com: Contra Costa Spring Home & Garden Show to Host Free Electric Vehicle Test-Drive Event](#)
- [VehicleService Pros.com: California awards \\$24 million to clean up dirty trucks hauling containers from ports](#)
- [Contra Costa Times: Flaring at Chevron refinery results in odor complaints, but no hazard](#)
- [San Jose Mercury: Cupertino: Council considering changes to oral communications to speed up meetings](#)
- [Contra Costa Times: Martinez: Synthetic turf OK'd for Hidden Lakes soccer field improvements](#)
- [San Jose Mercury: San Jose: More bicycle rental kiosks are coming](#)
- [Mercury News: Los Gatos students are 'takin' it to the streets'](#)
- [East Bay Times: Oakland coal war: Health impact debate heads to Sacramento](#)
- [TheBulletin.org: The dirty parts of the computing world](#)
- [Patch.com: Pleasanton Hosts Free Bicycle Festival](#)
- [Times Union: Oakland Zoo Hosts One of the Largest Earth Day Events in the East Bay](#)
- [KLTV.com: Bay Area's 2016 Bike to Work Day Is Coming May 12](#)
- [Times-Herald: Bay Area one of most polluted in United States](#)
- [SFist: New Ocean Beach Bonfire Rules Take Effect](#)
- [Patch.com: Free Bike Valet Service Offered During Livermore Valley Wine Country Street Fest](#)
- [SFBay.ca: Rules take aim at refinery emissions](#)
- [Los Altos Town Crier: Letters to the Editor](#)
- [Martinez News-Gazette: Column 1: Tragedy](#)
- [The Daily Republic: Spring: Regional planning needs streamlining](#)
- [Times Herald Letters: Peter Brooks: Use democracy to fight Orcem/VMT](#)

- [NGTNews.com: TRUE ZERO Expands Hydrogen Fueling Network with New Station](#)
- [GlobalGoodNews.com: California provides funding for 43 zero emission big rigs](#)
- [Canmua.net: Southland air regulators seek to hold ports to pollution targets](#)
- [Times-Herald Letters: Michael J. Haworth: The big picture](#)
- [Yahoo! Finance: Don't Miss Bike to Work Day on May 12!](#)
- [Mercury News: May 10 Readers' letters](#)
- [BerkeleyDailyPlanet.com: West Berkeley Air Quality: Permit to Pollute](#)
- [East Bay Times: Supporters of shipping coal through Oakland say it will bring jobs](#)
- [East Bay Times: San Jose can't stop garbage from being disposed at Almaden dump, officials say](#)
- [Mercury News: San Jose: Smoke will be visible from fire training at Santa Teresa County Park](#)
- [KQED: Do People Drive Less on Spare the Air Days?](#)
- [The Almanac: Friday: Another 'Spare the Air' day](#)
- [Napa Valley Register: Friday is another Spare the Air day](#)
- [Daily Republic: Solano region sees 2nd air quality alert of summer](#)
- [Daily Republic: Solano air to clear, but pollution still an issue](#)
- [Bohemian.com: Crude Awakening](#)
- [East Bay Times: Oil refineries sue Bay Area air district over pollution rules](#)
- [San Francisco Chronicle: Cap Bay Area refinery emissions now](#)
- [Times-Herald: Marilyn Bardet: Let Air District Board members hear you](#)
- [SiliconValley.com: Bay Area air regulators urged to cap oil refinery emissions](#)
- [East Bay Times: Spare the Air alert called for Tuesday](#)
- [NBC Bay Area: High Temperatures Expected to Hit Bay Area This Week](#)
- [Marin Independent Journal: Marin's hottish weather to linger at least 2 weeks](#)
- [Patch.com: Mill Valley Residents Asked To 'Spare The Air' Tuesday](#)
- [San Francisco Chronicle: Stop coal train through Oakland now](#)
- [Napa Valley Register: Spare the Air Alert called for Tuesday](#)
- [San Francisco Chronicle: Triple-digit heat to broil inland Bay Area](#)
- [NBCBayArea.com: Triple-Digit Temperatures in Parts of East Bay](#)
- [San Jose Mercury: Tuesday is Spare the Air day](#)
- [Patch.com: Carpool, Bike or Walk if You Can, San Bruno! 'Spare the Air' Issued for Tuesday](#)
- [Marin Independent Journal: Spare the Air alert called for Marin as temperature heats up](#)
- [Press Democrat: Sweltering temperatures to continue in North Bay through midweek](#)

### **Public Inquiries**

Staff responded to the following phone calls and emails from the public:

Phone Calls 337

### Community Events

4/10	Sunday Streets, Mission District	San Francisco
4/15	Rossmoor Earth Day Fair	Walnut Creek
4/20	Amgen Earth Day	South San Francisco
4/21	Mission College's 8 <sup>th</sup> Annual Eco Fair	Santa Clara
4/21	San Jose State University Earth Day	San Jose
4/22	29 <sup>th</sup> Arbor Day/Earth Day	Santa Clara
4/23	Oakland Zoo Earth Day	Oakland
4/23	Alameda Earth Day	Alameda
4/23	Earth Day SF	San Francisco
4/23	City of Belmont Earth Day	Belmont
4/23	Fremont Earth Day	Fremont
4/23	North Richmond Green Fest	Richmond
4/30	City of Sunnyvale Fit and Fun Fair	Sunnyvale
4/30	Cupertino's 8 <sup>th</sup> Annual Earth Day	Cupertino
5/1/2016	Albany Arts & Green Festival	Albany
5/1/2016	Sunday Streets Bayview	San Francisco
5/11/2016	City of Richmond Senior Health Fair	Richmond
5/12/2016	City of Oakland Bike to Work Day	Oakland
6/4/2016	WOBO Love Our Neighborhood Day	Berkeley
6/11-6/12/2016	San Mateo County Fair	San Mateo
6/11-6/12/2016	Fairfax Ecofest	Fairfax
6/12/2016	Sunday Streets, Sunset	San Francisco
6/17-6/18/2016	San Mateo County Fair	San Mateo
6/17-6/19/2016	Alameda County Fair	Pleasanton
6/30 – 7/4/2016	Marin County Fair	San Rafael

### Annual Report

After staff selected the design, contractors presented the annual report mock-up in May. Staff made final edits and prepared the draft report for the printer. Copies were supplied at the June 15, 2016 Board of Directors meeting and mailed to interested parties in late June.

### Videography

The Human Resources video was completed and posted to the Air District's YouTube channel.

The draft for the electric vehicle video was completed and staff began to edit the footage.

The photo shoot of the executive officer in the new building was completed.

Staff incorporated feedback into the Spare the Air and Vehicle Buy Back video.

Staff consulted with Technical Services staff to verify the accuracy of the smog video script.

Staff reviewed the grants video script.

### **Social Media**

Air District staff researched social media policies from other agencies and integrated information from them as part of the review process for the Air District's own policy. Staff then worked with contractors to design the social media plan prior to publication.

Contractors are researching new requirements for advertising on websites like Facebook, Twitter, and YouTube.

### **Summer Spare the Air**

Executive Staff approved the new Spare the Air Every Day creative campaign. The television commercial and radio recording began running in early June. Contractors finalized the media plan, multicultural outreach plan and the public relations and social strategy.

Contractors updated the Spare the Air Commute Tips website to include carpool and car sharing information. The carpool banner was displayed on Treasure Island in May.

Staff reviewed the translations for the multicultural Spare the Air advertisements.

### **2016 Climate Summit**

Planning began for the 2016 Climate Summit, October 13-14 at the Mission Bay Conference Center. Lists of speakers and sponsors were developed.

### **Employer Program**

Air District staff planned and attended an Alameda County event in June to promote the new I-580 carpool lanes and to encourage the use of ride-sharing services.

The Sonoma County Resource Team provided commute information to students at Santa Rosa Junior College.

The Napa Valley Clean Air Coalition had a booth at the Napa Bike Fest on May 15.

The San Jose Resource Team organized its second annual San Jose Green Commute Challenge.

Contractors prepared to assist employers with the dissemination of information once SMART train began operations.

### *Bike to Work Day*

Air District staff attended two Bike to Work day celebrations, giving away bike lights and raffle tickets for Spare the Air bike jerseys.

<b>COMMUNITY ENGAGEMENT DIVISION J. ROGGENKAMP, DEPUTY EXECUTIVE OFFICER</b>
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## **OUTREACH AND ENGAGEMENT PROGRAMS**

### *Spare the Air Youth*

- **June 15, 2016** – Staff attended the Spare the Air Youth Technical Advisory Committee (STAY TAC) meeting to discuss funding for the program, evaluations from past YES Conferences and further collaboration among high school serving organizations. The Spare the Air Youth Conference is scheduled for Saturday, February 25, 2017.
- **May 4-5, 2016** – **Air District Presentation, Contra Costa College, San Pablo** - Staff gave presentations to two "Education for Healthful Living" classes at Contra Costa College in San Pablo. Topics included air pollution sources, Spare the Air programs, and careers at the Air District. About 40 total high school and college students attended.
- **May 4, 2016** – **USF Graduate School of Environment Studies, San Francisco** – Graduate students from USF's Environmental Management program presented to staff their research findings about local city and county implementation efforts of climate and health policies within an equity framework.
- **April 29, 2016** – **Air District Presentation, George Washington High School, San Francisco** – Staff presented to two classes of thirty students about general Air District programs and internships.
- **April 29, 2016** – **Air District Presentation, Oakland High School, Oakland** – Staff presented to two classes of thirty students about general Air District programs and internships.
- **April 26, 2016** – The Spare the Air Youth (STAY) committee held a meeting via conference call. The committee discussed the ATP grant cycle, scheduled the next TAC meeting for June 15 and scheduled the Spare the Air Youth Conference for Saturday, February 25, 2017.
- **April 19, 2016** – **San Jose State University, San Jose** - Staff presented to an Environmental Health Science course at SJSU of 20 students about Air District

programs, the YES Conference, career/internship opportunities, the Bay Area Near Roadway Sensor Study and other general information.

- **April 18, 2016 – Skyline High School, Oakland** – Staff presented to four green academy and AP Environmental Science classes (112 students total) at Skyline High School about Air District programs, the YES Conference, career/internship opportunities, the Bay Area Near Roadway Sensor Study and other general information.
- **April 14, 2016 – Antioch High School, Antioch** – Staff presented to four green academy and AP Environmental Science classes (140 students total) at Antioch High School about Air District programs, the YES Conference, career/internship opportunities, the Bay Area Near Roadway Sensor Study and other general information.
- **April 12, 2016** – The Spare the Air Youth (STAY) committee held a meeting via conference call. The committee discussed the ATP grant, the National Safe Routes to School conference, upcoming conferences and awards and scheduling the next TAC meeting in June.
- **April 11, 2016 – Berkeley High School, Berkeley** – Staff presented to five AP Environmental Science classes (153 students total) at Berkeley High School about Air District programs, the YES Conference, career/internship opportunities, the Bay Area Near Roadway Sensor Study and other general information.
- **April 1, 2016** – Staff participated in a conference call with a Spare the Air Youth Technical Advisory Committee (STAY TAC) member, Eco2School to discuss Alternative Transportation Program (ATP Cycle 3) funding for the program and further regional collaboration among high school SRTS providers.

## COMMUNITY ENGAGEMENT ACTIVITIES

### Resource Team Meetings

- **June 30, 2016 – Southern Alameda Resource Team, Conference Call** – Staff participated on the Southern Alameda STA Resource Team conference call and provided an Air District update. Team members received an update from the Idle Free Bay Area Committee regarding the April focus group with City of Hayward.
- **June 27, 2016 – San Jose Green Vision's Green Commute Champion's Webinar** – Staff participated on the team sponsored webinar to hear how the County of Alameda and City of San Jose Commute Champions programs empower their employees to spread the word about commute alternatives throughout their organizations. Approximately 45 people attended the webinar.
- **June 14, 2016 – Napa Clean Air Coalition Conference Call** – Staff attended a conference call with Napa Clean Air Coalition members discussing the budget and the purchase of additional incentives and clipper cards to give to folks who have taken alternative transportation to meetings in Napa.
- **June 7, 2016 – Sonoma County Spare the Air Resource Team's Social Media Workshop, Sonoma** – Staff attended the Sonoma County Spare the Air Resource Team's quarterly meeting and discussed recent outreach events as well as

conducted a social media training for team members to help them build greater awareness of their alternative transit information website GoSonoma.

- **May 3, 2016 – Santa Clara County Spare the Air Resource Team’s Commute Champions Training, Santa Clara** – Staff attended and participated in the Santa Clara County Spare the Air Resource Team’s Commute Champions Training at Lockheed Martin. Staff presented information on the Spare the Air Resource Teams and the Spare the Air program. Representatives from other alternative modes of transportation attended the event as well. Employees at Lockheed Martin were encouraged to explore alternative ways to commuting versus single occupancy vehicles.
- **April 19, 2016 – Sonoma Spare the Air Resource Team, Clean Commute Fair** – Staff participated in a Clean Commute Fair, co-hosted by the Sonoma Spare the Air Resource Team, Sonoma County Water Agency, Office of Education and Jackson Family Wines.
- **April 15, 2016 – Napa Clean Air Coalition Conference Call** – Staff participated in a conference call with coalition members about promoting alternative transit at upcoming community events such as the Bike Fest and the Bottle Rock concert.
- **April 15, 2016 – Sonoma Spare the Air Resource Team Conference Call** – Staff participated in a conference call with team members about last minute logistics for the Clean Commute Fair as well as opportunities for a social media training to promote GoSonoma.org.
- **April 13, 2016 – Santa Clara County Spare the Air Resource Team, Conference Call** – Staff participated on the Santa Clara County STA Resource Team conference call and provided an Air District update. Team members discussed rideshare options at Moffet Business Park, hosting a commuter bicycle workshop and reviewed the team’s budget.
- **April 7, 2016 – Contra Costa Spare the Air Resource Team, Conference Call** – Staff participated in the Contra Costa STA Resource Team conference call and provided an Air District Update. Team members discussed the results of the recent community open house and Resource Team outreach efforts in general.
- **April 7, 2016 – Santa Clara County Spare the Air Resource Team’s Commute Champions Training, Santa Clara** – Staff attended and participated in the Santa Clara County Spare the Air Resource Team’s Commute Champions Training at Lockheed Martin. Staff presented information on the Spare the Air Resource Teams and the Spare the Air program. Representatives from other alternative modes of transportation attended the event as well. Employees at Lockheed Martin were encouraged to explore alternative ways to commuting versus single occupancy vehicles.
- **April 6, 2016 – San Mateo County Spare the Air Resource Team’s “Active Trips Promoter” Event, Redwood City** – Staff attended and participated in the San Mateo County Spare the Air Resource Team’s “Active Trips Promoter” event to encourage residents to take “active transportation” to local meetings. Representatives who have worked with the team to promote the “active transportation” project attended the event to discuss the project, to provide incentives and project next steps.

- **April 4, 2016 – San Jose Green Vision Resource Team, Conference Call** – Staff participated in a conference call held by the San Jose Green Vision Resource Team to discuss the Stop Junk Mail project and the Green Commute Champions project.
- **April 1, 2016 – Napa Clean Air Coalition, Napa** – Staff participated in a meeting held by the Napa Clean Air Coalition Resource Team to discuss the sponsorship of community meetings to promote alternative transportation.

### Community Meetings

- **June 17, 2016 – Girl Scout Presentation, Redwood City** – Staff presented Spare the Air and Idle Free Bay Area program information to a local Girl Scout Troop in Redwood City. Staff answered air quality related questions and helped brainstorm projects to help the girls complete their “Breathe Journey”. Ten Girl Scouts attended the presentation.
- **June 13, 2016 – US EPA EJ2020 Action Agenda Webinar** – Staff participated in a webinar to provide feedback to the EPA about its Action Agenda for environmental justice work through the year 2020.
- **June 11, 2016 – City Slicker Farms, Oakland** – Staff attended the grand opening celebration of the City Slicker Farms in Oakland. Staff spoke with community-based organizations at the event about the Bay Area Near Roadway Study and general Air District programs. Over 300 community members attended the event.
- **June 9, 2016 – Contra Costa County Adapting to Rising Tides Meeting – Martinez** – Staff represented the Air District at this multi-agency meeting. BCDC is working to develop a plan to help Contra Costa prepare for sea level rise. Staff reviewed proposed goals, objectives and activities being proposed, and suggested ways that the Air District can be helpful in the process.
- **June 6, 2016 – Resilient Communities Initiative’s Environmental Justice Training, Oakland** – The Resilient Communities Initiative (RCI) hosted “Engaging Communities in Effective Problem Solving”, a special training for government staff who work on climate resilience. Staff discussed community engagement strategies and learned about working with grassroots groups to develop a good agenda, balance discussion, resolve conflict, achieve consensus, and build partnerships. Approximately 150 government and non-profit agency representatives attended the training.
- **May 26, 2016 – Greenlining Institute Economic Summit** – Staff attended this day-long summit to foster relationship with multiple Bay Area Environmental and Social Justice organizations.
- **May 26, 2016 – Meeting with Communities for a Better Environment** – Staff participated in a phone meeting with CBE to talk about the upcoming Stationary Source Committee meeting.
- **April 26, 2016 – CalEPA Complaint System Webinar** – Staff attended the webinar hosted by CalEPA to review their new complaint system. The new system

is mobile friendly, has GPS location capability and allows residents the ability to attach photos, videos and documents as part of their complaints.

- **Clean Air Plan/Regional climate Protection Strategy Working Group** – Staff organized and facilitated the CAP/RCPS Working Group Meetings. The Working Group will provide feedback on proposed clean air and climate protection strategies to be included in the draft 2016 Clean Air Plan/Regional Climate Protection strategy this summer. Below are the dates of the working group meetings and the Clean Air Plan sectors covered:
  - **April 12 – Agriculture / Natural & Working Lands**
  - **April 13 – Stationary Source & Energy**
  - **April 19 – Transportation**
  - **April 22 – Buildings, Waste & Water**
- **April 12, 2016 – San Francisco Department of Health** – Staff met with DPH staff, San Francisco depart of Environment, Air District Compliance and Enforcement staff and community members to discuss dust mitigation issues and wind patterns at the Lennar Candlestick development project.
- **April 4, 2016 – Climate and Health Conference Call** – Staff participated in a conference call convened by the White House, CDC, NIH and others to discuss the release of a new report about the impact of climate change on health.

### Outreach

- **April 21, 2016 – Menlo Sparks Tour, Menlo Park** – Staff will participate in a community tour led by non-profit organization and James Carey Smith Community Grant Program Grantee, Menlo Sparks. Staff will assess the efficacy of programs and activities of youth and families involved with Menlo Sparks.
- **April 15, 2016 – Toxics Tour, Santa Rosa** – Staff participated in a community led tour of Roseland, a neighborhood within Santa Rosa. Staff listened to five community leaders concerns about dust, toxics, and high asthma rates in the area. Staff mentioned information about the Air District's CARE program, Community Grants, and ambient air monitoring network.

### Events

- **June 17, 2016 – San Mateo County Fair, San Mateo** – Staff attended the last weekend of the San Mateo County Fair. Over 200 residents visited the booth to talk about the Air District and the Spare the Air program.
- **June 11-12, 2016 – San Mateo County Fair, San Mateo** – Staff attended the first weekend of the San Mateo County Fair. Over 200 residents visited the booth to talk about the Air District and the Spare the Air program.
- **April 30, 2016 – Facebook Farmers' Market Earth Day & Spring Garden Celebration, Menlo Park** – Staff attended the first weekend of the farmers' market which was hosted for the Menlo Park community. Over 100 residents visited the booth to talk about the Air District and the Spare the Air program.

- **April 23, 2016 – Belmont Earth Day, Belmont** – Staff attended Belmont’s 5<sup>th</sup> Annual Earth Day celebration in Belmont. Over 150 residents visited the booth to talk about the Air District and the Spare the Air program.
- **April 22–29, 2016 Annual Arbor Day/Earth Day, Santa Clara** – Staff participated in the 29<sup>th</sup> Annual Arbor Day/Earth Day with a booth of general information about the Air District.
- **April 21, 2016 – Mission College Earth Day Awareness Day, Santa Clara** – Staff will attend Earth Day Awareness Day at Mission College in Santa Clara and tabled all day. Over 100 students and faculty are expected to stop by the booth to talk about the Air District and the Spare the Air and Spare the Air Youth program.

<p style="text-align: center;"><b>PLANNING AND CLIMATE PROTECTION DIVISION</b> <b>H. HILKEN, DIRECTOR</b></p>
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### Air Quality Planning

Air District staff continued to prepare the Draft 2016 Clean Air Plan/Regional Climate Protection Strategy (CAP/RCPS) including: updating draft control measures and implementation actions, coordinating control measures with regional agency partners, and posting draft measures for public review. Staff presented an update on the CAP/RCPS at the Contra Costa County Industrial Association meeting and at a Spare the Air community event in Antioch. Staff prepared a Notice of Preparation/Initial Study (NOP) to solicit comment on the Draft Programmatic Environmental Impact Report for the CAP/RCPS. The comment period for the NOP was June 16 through July 18, 2016. Staff attended MTC’s Open House for Plan Bay Area. Staff provided CEQA comment letters to: the Port of Redwood City on the Initial Study/Mitigated Negative Declaration for the Star Concrete Batch Plant Project; the California Regional Water Quality Control Board on the Initial Study and Mitigated Negative Declaration for the Adoption and Implementation of General Waste Discharge Requirements for Confined Animal Facilities including the Re-opening of an Existing Dormant Facility; the California High-Speed Rail Authority on the Notice of Preparation for the San Francisco to San Jose Section of the High-Speed Rail Project, and; the City of Oakland for the Prologis’ Northeast Gateway Construction Management Plan. Staff completed the Planning Healthy Places guidance document, posted the final version of Planning Healthy Places on the Air District’s webpage, notified stakeholders via an email blast of the newly released document, and presented the document to local government staff and other interested stakeholders at the Mountain View Chamber of Commerce.

### Research and Modeling Program

Air District staff continued to assist with the 2016 Clean Air Plan update, including documenting air quality modeling and analyses conducted to support the plan. Staff continued work on modeling sulfur dioxide (SO<sub>2</sub>) emitted from major Bay Area point sources and assessing its impacts on ambient particulate matter (PM) to support the Air District’s rule development efforts. Staff continued to collaborate with U.S. EPA and

ARB staff to support ozone and precursor measurements in the Bay Area as well as in central and northern California during the summer of 2016. Staff continued to collaborate with UC Davis to review findings of a project on PM model evaluation in the Bay Area. Staff continued work to refine and document the Air District's PM and ozone modeling work and to update estimates of health impacts of fine particulate matter. Staff continued work with UC Davis to improve ultrafine PM modeling and update estimates of its public health impacts in the Bay Area. Staff continued work with Engineering Division staff to sample refinery components to quantify leak rates at Bay Area refineries. Staff continued work with Compliance and Enforcement Division staff to determine areas with heavy wood smoke impact to focus efforts to incentivize replacement of wood burning appliances. Staff continued to participate in conference calls with staff from ARB and other air districts to discuss the status of SIP modeling emissions inventories prepared by ARB.

### **Community Air Risk Evaluation (CARE)**

Air District staff developed maps of Bay Area neighborhoods identified as "disadvantaged" under several different scoring schemes and met with representatives at the Office of Environmental Health Hazard's Assessment (OEHHA) to discuss work underway to refine and update the CalEnviroScreen tool used by CalEPA to identify disadvantaged communities. Staff participated in the kick-off meeting for the Phase II Indoor Air Study with representatives from Lawrence Berkeley National Laboratory and San Francisco Department on Public Health. Staff met with various air quality researchers to investigate possible collaborations on local air quality measurement projects. Staff presented at a Berkeley Atmospheric Sciences seminar on Air District work related to the CARE program and the Climate Protection program. Staff participated in a panel presentation on community involvement during the District's 2009 West Oakland Truck Survey at the invitation of the West Oakland Environmental Indicators Project, as part of the Resilient Communities Initiative Training Conference in Oakland on June 6, 2016. Staff provided technical support for local air quality maps in Planning Healthy Places and for review of environmental documents.

### **Emissions Inventories**

Staff continued to work on improving GHG forecasts, in collaboration with consultant Dr. Jeffrey Greenblatt, by collecting and reviewing data and plans from PG&E related to Bay Area power consumption, generation, and imports. Air District staff continued to provide emissions inventory information to support the 2016 Clean Air Plan/Regional Climate Protection Strategy. Staff continued working with ARB and Engineering Division to reconcile 2014 emissions data for Bay Area facilities with emissions subject to ARB's annual fee assessments. Staff participated in ARB's annual Emission Inventory Technical Advisory Committee meeting and participated in ARB's one-day training class on the California Emission Inventory Development and Reporting System and Hot Spots Analysis Program, both in Sacramento. Staff worked with the Bay Area Marine Exchange to investigate ship data that can be used to estimate emissions from oil tankers visiting Bay

Area refiners, a data gathering effort to assist in estimating refinery tanker emissions. Staff provided GHG emissions data to support local climate planning efforts in Alameda County, Santa Clara County, Napa County, and Palo Alto, San Leandro, and Vallejo. As part of continual training requirement for verifiers, staff participated in ARB's accredited GHG Verifiers training.

### **Climate Protection Program**

Air District staff participated in the 2016 Annual Conference of the Air & Waste Management Association (A&WMA), including convening an Air District panel on a "Comprehensive Regional Approach to Addressing Greenhouse Gas Emissions." Staff convened four Stakeholder Working Group Meetings to provide input for the 2016 Bay Area Clean Air Plan/Regional Climate Protection Strategy (2016 Plan). Staff continued work on developing a rule that will limit GHGs, particularly methane, from Natural Gas and Crude Oil Processing Facilities (amendments to Air District Rule 8-37), including developing GIS maps of oil and gas (O&G) facilities, reviewing existing O&G regulations, and analyzing Air District and ARB emissions data for O&G facilities. Staff participated in CPUC's workshop on the Gas Leak Abatement Rulemaking. Staff compared ARB's inventory of fluorinated gases (F-gases) for regulated equipment to the District's inventory for Bay Area facilities that have regulated refrigeration systems, in order to refine the Air District's F-gas inventory. Staff deployed GHG fixed-site monitoring stations at San Martin and at Patterson Pass, making the fixed-site monitoring network completely operational, and continued to oversee fabrication of the GHG research van. Staff worked with a number of external research groups to develop collaborative efforts to improve understanding of GHG emissions in the Bay Area including efforts with UC Davis, Harvard University, Pennsylvania State University, and NASA.

**STRATEGICS INCENTIVES DIVISION**  
**K. SCHKOLNICK, ACTING DIRECTOR**

### **Carl Moyer Program (CMP)**

- The Air District executed amendments to the Year 16 and 17 grant awards with ARB to reflect minor changes from SB 513, 4/13.
- The Air District executed the YR18 grant award (\$7,271,627) with ARB, 4/21.
- Staff sent out notices to Grantees selected for 2016 project audit inspections, 4/20.
- Staff issued notifications to all active participants about the upcoming June 2016 program close-out (YR16) and close of applications (YR17), all notices included information about the upcoming agency move and change of mailing address, 5/9.
- Staff closed the application period for the YR17 funding cycle, 5/20.
- Staff submitted a disbursement request for \$7,271,627 in YR18 funding to ARB, 6/20.
- Staff participated in the following meetings:
  - Locomotive technology discussion, 3/24.
  - ARB/ air district tactical team meeting, 3/24, 3/29, 4/5, 4/12, 4/14, 4/18, 4/26, 4/28, 5/3, 5/10, 5/17, 5/24, 5/26, 5/31, and 6/14.

- CAPCOA Grants Committee conference call, 4/13, 5/11, and 6/8.
- Planning meeting for close-out of YR 17 and launch of YR18, 4/19
- Conference call with ARB to discuss future marine projects, 4/20
- Calstart webinar, “MD/HD Demonstration Program: Caterpillar Inc.'s Hybrid Excavator”, 5/24.
- Calstart webinar, “MD/HD Demonstration Program: TransPower's Electric Drayage Demonstration Project”, 5/31.
- ARB CMP off-road chapter revisions discussion, 6/9.
- Staff participated in a CMP guideline revision discussion with ARB, 6/28.

### **Goods Movement Program (GMP)**

- Staff conducted outreach to vendors, stakeholders and potential applicants for the second solicitation for YR5, which ends on April 15, 4/4.
- Staff submitted ARB semi-annual reports for all awards with active projects, 4/18.
- Staff worked with CAPCOA to develop a GMP truck reuse program, 5/11.
- Staff sent an enforcement letter to Ports America requesting the repayment of \$1,720,451 in funding for failing to meet their requirements of their shore power grant agreement, 5/18.
- Staff participated in the following meetings:
  - ARB Workshop to Discuss Draft Concepts to Limit Stationary Operation of TRUs, 4/13.
  - SCAQMD webinar about GMP administration of the YR5 program, 6/23.
  - Local Agency calls with ARB and other GMERP air districts, 4/20, 5/18, and 6/15.
- Staff completed the following inspections and project evaluation activities:
  - Posted the first rank list for YR5 truck replacement projects, enabling staff to begin issuing contracts for eligible projects, 3/22.
  - Received ARB approval for the first locomotive project solicitation rank list, 4/7.
  - Closed the 2nd solicitation for applications (for trucks, cargo-handling equipment, shore power and TRU), and received 43 applications to replace or upgrade more than 100 pieces of equipment, 4/15.
  - Inspectors and staff completed 20 pre-inspections for the YR5 program as of 4/18.
  - Submitted the initial compliance check request to ARB for 2nd solicitation truck projects, 5/16.
  - Completed the pre-inspection of four Union Pacific locomotives, 6/17.
  - Submitted the final 2nd solicitation truck replacement rank list to ARB, received approval, and posted this rank list, 6/29.

### **Lower-Emission School Bus Program**

- Staff completed the following for public school bus projects:
  - Final inspection and payment to replace CNG tanks on four buses (Sunnyvale, San Mateo), 3/30 and 6/23.
  - Final inspection and payment to retrofit three buses (San Mateo), 6/9.
  - Executed contracts to replace CNG tanks on seven buses (Santa Clara, San Mateo), 4/12 and 6/16.

- Staff attended the ARB statewide webinar, Low Carbon Fuel Standard (LCFS) Program: Overview for Transit Agencies, Public Fleets, and School Buses, 4/17.
- Staff issued a survey to more than 260 school districts regarding the current status of bus fleets and fleet managers and interest in various types of school bus projects (4/5), and received 49 responses, 5/6.

### **Transportation Fund for Clean Air (TFCA)**

**TFCA Regional Fund Program:** Approx. \$14 million awarded to eligible FYE 2016 projects (trip reduction and alternative fuel vehicle and infrastructure):

- The public comment period for the FYE 2017 TFCA Regional Fund Policies closed on 3/11, and 14 sets of comments were received by the deadline.
- Staff held follow-up conference calls with seven stakeholders to discuss their comments on the FYE 2017 TFCA Regional Fund Policies, including: City of San Francisco (4/19), Solano Transportation Authority (4/21), City of San Pablo (4/22), San Francisco County Transportation Authority (4/22), Golden Gate Electric Vehicle Association (4/29), Sonoma County Transportation Authority (5/13), and City of Oakland (5/16).
- Staff sent out reminder notices about the upcoming reporting deadlines and all active project sponsors submitted their Semi-Annual reports by the April 15 deadline; there are no outstanding progress reports due, 4/15.
- Staff attended the IPHE Policy Forum Fuel Cells and Hydrogen Pathways to Clean Cities - A Stakeholder - Government Dialogue forum held in Berkeley, 5/20.
- Staff attended a webinar hosted by CALSTART discussing renewable diesel, 6/7.
- Staff held a conference call with Alameda County Transportation Commission and Livermore Amador Valley Transit Authority staff to discuss a shared autonomous vehicle project in Alameda County, 6/7.
- **FYE 2016 Trip Reduction Programs:** \$3.2M in funding was awarded to seven applicants. All seven agreements have been executed, 4/19.
  - Staff received an unsolicited application for a pilot project to deploy autonomous vehicles in Contra Costa County for the purposes of trip reduction, and is recommending an award of \$1M under the Pilot Trip Reduction category, 4/15.
  - Staff attended a webinar discussing Emerging Technologies Fulfilling First and Last Mile Needs held by the Center for Urban Transportation Research (CUTR) at the University of South Florida, 4/12.
  - Staff attended the Redefining Mobility Summit 2016 in Concord, 4/21.
  - Staff met with City of Oakland staff to discuss actions that are being taken by the City to develop local funding for the Oakland B shuttle. 5/16.
- **FYE2016 Plug-in Electric Vehicle (PEV) Programs:**
  - Staff staffed a booth at the grand opening showcase for the EV Charging Center at the Tasman Garage in San Jose, 4/20.

- Staff met with representatives from Kearns and West and MTC to plan for the June Bay Area EV Coordinating Council Meeting, 4/26.
- Staff attended the Advanced Clean Transportation (ACT) Expo in Long Beach, 5/3.
- Staff met with representatives from MTC and Kearns and West to plan the 2<sup>nd</sup> EV Council meeting of 2016, 5/24.
- Staff presented funding opportunities for zero-emissions vehicles at the AltCar Conference in Oakland, 5/20.
- Staff presented on funding opportunities for zero-emissions vehicles at the Alternative Fuel Board Workshop organized by Solano Transportation Authority, Suisun City, 6/8.
- Staff attended a PEV Collaborative Working Group Meeting to discuss progress in activities that promote charging at workplaces and multi-dwelling units, 6/16.
- Staff attended the Electric Vehicle Symposium & Exhibition (EVS29), Montreal, Canada, 6/19.
- Staff presented at the Air & Waste Management Association (AMWA) 109th Annual Conference & Exhibition in New Orleans, LA, 6/21.
- Staff participated in a conference call with the Department of Justice to discuss the emissions settlement with Volkswagen, 6/28.
- Charge! Program: For FYE 2016, 63 applications were received. 51 are recommended for a total of approx. \$3.3 M in awards, six applications were withdrawn and six applications were rejected because they do not meet the program requirements, 6/28.
- Charge Fast! Program: Five applications were received, and all five are recommended for award for a total of \$1.1 M, of which approx. \$800,000 are TFCA funds, 5/17.
- EV Charging Demo Program (RFG): Nine projects were awarded funds totaling \$1.1 M, of which approx. \$700,000 are TFCA funds.
- Heavy-Duty Zero-Emission Vehicle Program: For FYE 2016, eight applications were received. Two applications are recommended for approx. \$234,000 in awards, three applications were rejected because they do not meet the program requirements, and three applications are under review, 6/28.
- PEV Rebate Program: For FYE 2016, eight applications were received. Four projects were awarded a total of \$67,500, one application was withdrawn, and three are under review, 6/28.
- FYE 2015 Alternative Fuel Infrastructure: Five awards were made totaling \$2.7 M.
- FYE 2016 Bicycle Programs:
  - Staff attended a Caltrain Bike Parking Management Plan Kick-Off TAC meeting, 4/12.

- Bike Rack Vouchers: For FYE 2016, 23 applications were received. 11 projects were awarded funds totaling \$64,642, two applications were cancelled, and 10 are under review, 6/28.
- Electronic Bike Lockers: For FYE 2016, five applications were received. Three projects were awarded funds totaling \$160,000, one application was withdrawn, and one is awaiting board approval, 6/28.

#### **TFCA County Program Manager Program**

- Staff presented an update on Air District's grant programs at the April Bay Area Congestion Management Agency (CMA) Directors Meeting in Fairfield, 4/29.
- Staff met with representatives from the nine CMAs to discuss updates to the FYE 2018 TFCA County Program Manger Policies, 5/18.
- Staff met with representatives from the San Francisco County Transportation Authority to discuss the District's grant opportunities and potential partnerships to deploy clean air projects on Treasure Island, 5/19.
- Staff met with representatives from the Sonoma County Transportation Authority to discuss the District's grant opportunities and potential partnerships, 5/6.
- Staff received progress reports and funding status reports from all nine county program managers by the May 31 deadline, 6/1.
- Staff held the second workgroup meeting with the County Program Mangers to discuss potential updates to the FYE 2018 policies, 6/29.

#### **Wood Smoke Reduction Incentive Program:**

- Staff held a conference call with the Center for Sustainable Energy (CSE) representatives discussing CSE's proposal for implementing Air District's Wood Smoke Reduction Incentive Program, 4/6.
- Staff met with representatives from Trinity, who demonstrated a sample front and backend of the proposed wood smoke application process, 4/27.
- Staff attended the CAPCOA Woodstove Working Group meeting to discuss the program proposal to CARB, 5/11.
- Staff executed a contract with Trinity Technology Group to develop an online system to administer the wood smoke reduction incentive program. Staff held a kick-off meeting with representatives from Trinity to discuss the schedule for development of the online tool, 5/24.
- Staff met with representatives of Trinity to discuss the development of the online application system. 6/7.
- Staff met with representatives of Trinity to review progress on and discuss the development of the online application system, 6/15.

#### **Grant Development**

- Staff met with the following vendors to discuss funding opportunities:
  - Staff met with JetBlue representatives to discuss funding for electric ground service equipment at their Bay Area facilities, 4/6.

- Staff met with a Nordco representative to discuss potential funding opportunities for their Tier 4 and zero-emission railcar mover/switcher equipment/locomotive, 4/27.
- Staff prepared and the Executive Director signed four letters of support/commitment to provide TFCA match funds for Federal Transit Administration Low/No Emission Vehicle Deployment Program proposals from AC Transit, SamTrans, SolTrans, and City of Fairfield Transit, 5/12.
- Staff participated in a conference call with the CEC, Hydrogenics, and Port of Oakland representatives regarding the Ports denied proposal to the CEC's *Freight Transportation Project at California Seaports* solicitation to demonstrate hydrogen fueled drayage trucks, 6/7.
- Staff met with StratoFuel representative to discuss submitting a proposal to the CEC to build a hydrogen fuel station in San Francisco to support light- and heavy-duty vehicles and ferries under the CEC's solicitation, *Light Duty Vehicle Hydrogen Refueling Infrastructure*, 6/9.
- Staff presented comments to the ARB Board on the proposed 2016/17 AQIP and Low Carbon Transportation investment plan, 6/23.
- **ARB Zero-emission Drayage Truck Project:** Staff held a conference call regarding with the project lead, SCAQMD, to discuss subcontract with BAAQMD, 4/7.
- **CEC Microgrid Project:** Staff held a conference call with its partners at Charge Bliss regarding the CEC-funded microgrid project at the Richmond Kaiser Hospital, 4/15.
- **Commercial Lawn & Garden Equipment Exchange Program:**
  - Staff invited public agencies from Crockett, Hercules, Pinole, and Rodeo to submit proposals under the first round of Greenhouse Gas Reduction Grant Fund program, 5/20.
  - Staff invited public agencies in Alameda and Contra Costa Counties to participate in the program, 6/20.
- **DERA 2016 Locomotives Project:**
  - Staff submitted a proposal to the EPA for \$1.4 million to replace two locomotives operating at the Port of Richmond and one locomotive operating at the Port of San Francisco with Tier 4 locomotives, 4/20.
  - Air District received notice from EPA that it was awarded \$1 million to replace two locomotives operating at the Port of Richmond, and one locomotive operating at the Port of San Francisco with Tier 4 locomotives, 6/8.
  - Staff submitted a revised work plan and budget to EPA in support of the proposed \$1 million DERA award, 6/27.
- **DOE FY 2016 Vehicle Technologies Multi-Topic Funding Opportunity**
  - Staff met with a LOOP Energy representative to discuss potential funding opportunities for their technology that converts conventional heavy-duty vehicles and equipment to BEVs and also their BEV OEM products, 4/28.

- Staff held a conference call with a Loop Energy representative to discuss a proposal to deploy five hydrogen fuel-cell yard trucks at the Port of Oakland under the Funding Opportunity, 6/15.
- **Vehicle Buy Back Program:**
  - Air District executed a contract with Environmental Engineering Studies to provide dismantling services for the FYE 2017 Vehicle Buy Back program, 5/24.
  - Air District executed a contract with Direct Mail Services, 6/13, to conduct direct mail services for the FY 2016/17 Vehicle Buy Back program, 6/13.
  - Air District executed an AD HOC Agreement with the DMV to receive revised data for use in the FY 2016/17 Vehicle Buy Back program, 6/14.
  - Air District executed a contract with Pick-n-Pull to provide dismantling services for the FYE 2017 Vehicle Buy Back program, 6/17.

**Other:**

- Staff attended ARB's Public Workshop and presented comments on the proposed Fiscal Year 2016-17 Low Carbon Transportation and Fuels Investments and Air Quality Improvement Program (AQIP) Funding Plan, Sacramento, 4/4.
- Staff met with representatives from the San Francisco Department of the Environment to discuss their application for a Smart City Challenge grant and opportunities to partner on this and other projects, 5/11.
- Staff sent the closeout package for the Bikeshare Pilot to Caltrans, 5/13.

**METEOROLOGY, MEASUREMENT & RULES DIVISION  
E. STEVENSON, DIRECTOR****Air Quality**

During the 2<sup>nd</sup> quarter of 2016, there were four exceedances of the newly adopted 70 ppb national 8-hour ozone standard. The first three exceedances occurred on June 2, 2016, June 3, 2016 and June 4, 2016. On all three days, inland temperatures were in the upper-90s to over 100°F, and winds were light. Spare the Air Alerts were called for all three days. The fourth exceedance occurred on June 30, 2016. A Spare the Air Alert was not called for that day as inland temperatures were predicted to be much lower with less wind. Had weather forecasts been closer to actual conditions, it would have resulted in a Spare the Air being called.

**Air Monitoring**

31 air monitoring sites were operational from April through June 2016. Ozone monitors at Hayward, San Martin, Gilroy, Los Gatos, San Ramon, and Fairfield were brought back online on April 1, 2016. These monitors had been shut down at the beginning of December 2015 under a winter-waiver period granted by the Environmental Protection Agency.

The Air Monitoring Section continued to collaborate on a number of special projects including a project with UC Davis which involves the characterization of ultrafine particulate matter at sites in Oakland and San Pablo, and a project with UC Berkeley involving the collocation of small, black carbon sensors with Air District-operated black carbon samplers at the Laney College and West Oakland sites.

A recruitment for an Air Quality Instrument Specialist was begun in June and is expected to carry into the 3<sup>rd</sup> quarter of 2016 to fill a vacancy left by retirement.

Work on the Berkeley Near Roadway site was completed and all instruments were setup and calibrated. The site was officially brought online on July 1, 2016. The site measures carbon monoxide, oxides of nitrogen, ozone, black carbon, PM<sub>2.5</sub>, ultra-fine particulate matter, and toxics.

### **Performance Evaluation**

The Performance Evaluation Group conducted EPA-mandated performance audits at 28 Air District air monitoring stations, verifying 85 separate parameters during the 2<sup>nd</sup> Quarter of 2016. The National Air Quality System Database was updated with all audit results.

Ground-Level Monitoring (GLM) network audits of Hydrogen Sulfide (H<sub>2</sub>S) and Sulfur Dioxide (SO<sub>2</sub>) monitors were conducted at sites in the vicinity of Shell and Phillips 66 refineries. Audits were performed at 10 monitoring locations with 15 gas analyzers being tested. All of the GLM locations tested met Air District performance criteria.

Modifications to the Through-the-Probe (TTP) van are now complete. A new, ultra-stable carbon monoxide (CO) analyzer and newly designed sampling system have been installed. In-house evaluation of the van is complete and field auditing has been successfully completed at several sites. This van will use a new standard, more thorough auditing procedure by which all Air District air monitoring stations will be tested.

The EPA promulgated new quality assessment auditing guidance in April 2016. The new guidance is being reviewed to determine if changes to Air District auditing procedures are required or necessary.

### **Laboratory**

During the second quarter, the lab has successfully brought 51 analytical instruments and support equipment back online following the Air District facility move.

Multiple analyses put on hold to accommodate the facility move will resume in the third quarter, including samples collected during the second quarter. Currently, the California Air Resources Board is assisting with PM<sub>2.5</sub> and low-volume PM<sub>10</sub> filter weighing to ensure no gaps occur in this critical criteria pollutant program required by EPA.

In addition to routine, ongoing analyses, 13 samples from parks near Vulcan Quarry in Pleasanton were examined by stereo and polarized light microscopy.

### **Rule Development Program**

#### Refinery Emission Reduction Rulemaking:

On April 20, 2016, the Board of Directors adopted Regulation 9, Rule 14: Petroleum Coke Calcining. This rule reduces sulfur dioxide from the petroleum coke calciner in Rodeo. This rule reduces overall refinery industry emissions by 3 to 5%. With the adoption of this rule, refinery emissions are on track to be reduced by at least 15% by 2020. Three additional rulemaking projects are underway that are expected to bring total emission reductions to 20% or as much as feasible.

#### Refinery Emissions Monitoring and Limits:

Final draft versions of Regulation 12, Rule 15: Petroleum Refining Emissions Tracking and Regulation 12, Rule 16: Petroleum Refining Emissions Risk Limits were released to the public for comment on October 9, 2016. The Air District received significant comments on these rules causing a reconsideration of the appropriate approach. As a result, these rules were not presented for consideration on December 16, 2015 as originally planned.

Regulation 12, Rule 15 was modified in consultation with the commenters and posted for comments during this quarter. The revised version of Regulation 12, Rule 15 was focused on data collection to help determine the impact of crude slate changes on emissions and to better understand the extent of emissions crossing the refinery fence-lines. This revised version of the rule was approved by the Board of Directors on April 20, 2016.

In an effort to address issues with Regulation 12, Rule 16, staff presented their evaluation of options for reducing combustion pollution from refineries at the Stationary Source Committee meeting on June 1<sup>st</sup>. The staff presentation included a recommendation for moving forward. The Committee also heard a presentation on the efficacy of refinery emission caps from the Advisory Council. On June 15, 2016, the Board heard a report out from the Stationary Source Committee regarding the options for reducing combustion emissions, including a staff presentation with a recommendation. The Board also heard extensive public testimony on the issue.

#### Greenhouse Gas Rulemaking Efforts:

Staff continues to work on rules to reduce emissions of methane, a powerful greenhouse gas. Staff is working with the Air Resources Board (ARB) and the California Public Utility Commission to limit methane leaks from PG&E natural gas distribution network. Staff is also working with ARB on a rule to reduce methane (and toxic and ozone precursor) emissions from oil and gas production wells and underground storage. In

addition, staff is evaluating other opportunities to reduce emissions from other methane sources such as landfills, composting facilities and capped oil and gas wells.

### Manual of Procedures

On May 18, 2016, the Board adopted two new methods into the Manual of Procedures that may be used by the refineries to demonstrate compliance with Regulation 11-10: Cooling Towers. Regulation 11, Rule 10 listed three different methods for detecting leaks in refinery cooling towers. Two of those methods needed to be more precisely specified, the Board action adopting these two methods on May 18, 2016 achieved that goal.

### Source Test

The Source Test Section continued participation in the Air District's Rule Development efforts on calcining, revisions to Regulation 6 and Regulation 12, Rule 15 (Refinery Emissions Tracking); as well as providing assistance in formulating new methodology for testing cooling towers.

Workgroup activities include rule development for heavy liquid service at refineries, PM<sub>2.5</sub> testing at refineries and approving Regulation 9, Rule 10 CEM installation protocols for Tesoro, Valero, Chevron and Phillips 66 refineries.

Twenty-Three Regulation 9, Rule 10 CO source tests were done by the Air District's Continuous Emission Monitor (CEM) group: seven at Phillips 66, nine at Chevron, and seven at Tesoro.

Evaluation of EPA's Method 201A and revisions to Method 202 for particulate particle size sampling also continues and testing using these methods was performed at the Chevron Oil refinery this quarter.

Source Test staff were assigned to create a new method (ST-40) for testing cooling tower water Total Hydrocarbon (THC) emissions at refineries, as well as a corollary sampling procedure (P-1) that will be put into a new volume for the MOP (Vol. IX).

The Source Test Section is assisting the Compliance and Enforcement and Engineering Divisions in establishing analytical criteria for evaluating CEM data of the mercury monitor at Lehigh; as well as evaluating performance specification tests performed at this site's new exhaust stack.

Routine Source Test Sections duties continued which includes:

- Performance of Continuous Emissions Monitoring (CEM) Field Accuracy Tests on monitors installed at large source emission points.

- Performance of source tests to determine emissions of precursor organic compounds, filterable particulate matter and toxic air contaminants.
- Performance of tests to assess the compliance status of gasoline cargo tanks, gasoline dispensing facilities, gasoline terminal loading and vapor recovery systems.
- Evaluation of independent contractor conducted source tests to determine report acceptability and source compliance.
- The Phillips 66 Rodeo Refinery's open path monitor monthly reports for March, April, and May were reviewed.

**STATISTICS**

**Administrative Services:**

**Accounting/Purchasing/Comm.**

General Checks Issued	1,221
Purchase Orders Issued	558
Checks/Credit Cards Processed	4,482
Contracts Completed	76
RFP's	0

**Executive Office:**

Meetings Attended	171
Board Meetings Held	3
Committee Meetings Held	13
Advisory Council Meetings Held	3
Hearing Board Meetings Held	1
Variances Received	3

**Information Systems**

New Installation Completed	1
PC Upgrades Completed	128
Service Calls Completed	1,056

**Human Resources**

Manager/Employee Consultation (Hrs.)	350
Management Projects (Hrs.)	400
Employee/Benefit Transaction	500
247	
Training Sessions Conducted	6
Applications Processed	387
Exams Conducted	5
New Hires	6
Promotions	4
Payroll Administration (Hrs.)	600
Safety Administration	150
Inquiries (voice/telephone/in-person)	4,000

**Compliance Assistance and Operations Program**

Asbestos Plans Received	1,837
Coating and other Petitions Evaluated	3
Open Burn Notifications Received	275
Prescribed Burn Plans Evaluate	5
Tank/Soil Removal Notifications Received	23
Compliance Assistance Inquiries Received	111
Green Business Reviews	1
Refinery Flare Notifications	5

**Compliance Assurance Program**

Industrial Inspections Conducted	1,587
Gas Station Inspections Conducted	296
Asbestos Inspections Conducted	585
Open Burning Inspections Conducted	6
PERP Inspections Conducted	138
Mobile Source Inspections	442
Grant Inspections Conducted	229

**Engineering Division:**

Annual Update Packages Completed	950
New Applications Received	256
Authorities to Construct Issued	146
Permits to Operate Issued	
Exemptions	4
New Facilities Added	118
Registrations (new)	25

**Communications and Public Information**

Responses to Media Inquiries	44
Events staffed with Air District Booth	25
Press Releases & Advisories	11

**STATISTICS (CONTINUED)**

**Facility/Vehicle**

Request for Facility Service	522
Vehicle Requests/Maintenance	130/6

**Community Engagement**

Presentations Made	16
Visitors and District Tours	10

**Compliance and Enforcement Division:**

**Enforcement Program**

Violations Resulting in Notices of Violation	153
Violations Resulting in Notice to Comply	39
New Hearing Board Cases Reviewed	5
Reportable Compliance Activity Investigated	105
General Complaints Investigated	1,449
Smoking Vehicle Complaints Received	170
Woodsmoke Complaints Received	222
Mobile Source Violations	39

**Laboratory**

Sample Analyzed	263
Inter- Laboratory Analyses	1

**Technical Library**

Titles Indexed/Cataloged	0
Periodicals Received/Routed	0

**Source Test**

Cargo Tank Tests Performed	92
Total Source Tests	123
Pending Source Tests	2
Violation Notices Recommended	35
Contractor Source Tests reviewed	3,521
Outside Test Observed	8
Violation Notices Recommended After Review	12

**Meteorology Measurements & Rules:**

**2<sup>nd</sup> Quarter 2016 Ambient Air Monitoring**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std	0
Days Exceeding Nat'l 24-hour PM <sub>10</sub> Std	0
Days Exceeding State 24-hour PM <sub>10</sub> Std	0
Days Exceeding the Nat'l 8-hour Ozone Std	4
Days Exceeding the State 1-hour Ozone Std	2
Days Exceeding the State 8-hour Ozone Std,	4

**Continuous Emissions Monitoring (CEM)**

Indicated Excess Emission Report Eval	4
Monthly CEM Reports Reviewed	118
Indicated Excesses from CEM	4

**Ozone Totals, Year to Date 2016**

Days Exceeding State 1-hour Ozone Std	4
Days Exceeding Nat'l 8-hour Ozone Std.	2
Days Exceeding State 8-hour Ozone Std	4

**Ground Level Monitoring (GLM)**

April-June Ground Level Monitoring SO <sub>2</sub> Excess Reports	0
April-June Ground Level Monitoring H <sub>2</sub> S Excess Reports	2

**Particulate Totals, Year to Date 2016**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std.	0
Days Exceeding Nat'l 24-hour PM <sub>10</sub> Std	0
Days Exceeding State 24-hour PM <sub>10</sub> Std	0

**PM<sub>2.5</sub> Winter Season Totals for 2015-2016**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std	0
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**STATISTICS (CONTINUED)**

**2<sup>nd</sup> Quarter 2016 Agricultural Burn Days**

April-June Permissive Burn Days – North	72
April-June No-Burn Days – North	19
April-June Permissive Burn Days – South	73
April-June No-Burn Days – South	18
April-June Permissive Burn Days – Coastal	66
April-June No Burn Days – Coastal	25

**These facilities have received one or more Notices of Violations**  
**Report period: April 1, 2016 – June 30, 2016**

**Alameda**

Site Name	Site Occurrence #	City	Penalty Amount	# of Violations Closed
All American Oil	V6720	Hayward	\$10,000	1
Chevron #97526	X7459	Fremont	\$1,000	1
Chevron Newark	X9203	Newark	\$4,000	1
Fremont Gasoline	X7693	Fremont	\$500	1
Intermatix Corporation	B7638	Fremont	\$1,000	1
Silverado Contractors	J1257	Oakland	\$15,000	1
Synergy Enterprises	L3268	Hayward	\$2,500	1
UK Investments LLC	X7230	Oakland	\$2,500	1
Unocal SS #3292 (Habrans Sing)	X7510	San Leandro	\$1,500	1
<b>Totals:</b>			<b>\$38,000</b>	<b>9</b>

**Contra Costa**

Site Name	Site Occurrence #	City	Penalty Amount	# of Violations Closed
American Gas	X8398	Moraga	\$2,750	1
Bay Marine Boatworks, Inc	A7847	Richmond	\$500	1
Bio-Rad Laboratories	A5462	Richmond	\$20,000	1
James Johnston	X6202	Antioch	\$600	1
NRG Delta, LLC	A0012	Pittsburg	\$5,000	1
PacWest Tank Lines	X9162	Martinez	\$500	1
Perez Nursery	X9208	Brentwood	\$1,500	1
San Pablo Kwik Serve	X8939	San Pablo	\$4,000	1
<b>Totals:</b>			<b>\$34,850</b>	<b>8</b>

**These facilities have received one or more Notices of Violations**  
**Report period: April 1, 2016 – June 30, 2016**  
**(continued)**

**Marin**

Site Name	Site Occurrence #	City	Penalty Amount	# of Violations Closed
Santa Rosa Grand Petroleum	Y0510	Novato	\$500	1
SFD	X9335	Novato	\$500	1
<b>Totals:</b>			<b>\$1,000</b>	<b>2</b>

**San Francisco**

Site Name	Site Occurrence #	City	Penalty Amount	# of Violations Closed
SFMTA	B4150	San Francisco	\$300	1
SS Dreambuilders LLC	W5560	San Francisco	\$5,000	2
<b>Totals:</b>			<b>\$5,300</b>	<b>3</b>

**San Mateo**

Site Name	Site Occurrence #	City	Penalty Amount	# of Violations Closed
Guittard Chocolate Company	A1632	Burlingame	\$1,000	1
Papachay Peruvian Coffee	X2999	San Carlos	\$500	1
Seaport Refining and Environmental LLC	A7632	Redwood City	\$10,000	7
Sterling Foam	X9459	Burlingame	\$1,000	1
United Airlines, Inc.	A0051	San Francisco	\$5,000	1
<b>Totals:</b>			<b>\$17,500</b>	<b>11</b>

**These facilities have received one or more Notices of Violations**  
**Report period: April 1, 2016 – June 30, 2016**  
**(continued)**

### Santa Clara

Site Name	Site Occurrence #	City	Penalty Amount	# of Violations Closed
88 Auto Body	X8823	Santa Clara	\$750	1
Caltrans-San Jose Maint Sta	X3376	San Jose	\$500	1
GN Renn Inc.	Q2991	Gilroy	\$950	2
Lehigh Southwest Cement Company	A0017	Cupertino	\$35,500	4
Mission Power Coating, Inc	A1524	Gilroy	\$1,000	2
S J Valley Plating Inc	A5079	Santa Clara	\$750	2
Valero Refining Co SS#7850	V2283	Santa Clara	\$1,000	1
<b>Totals:</b>			<b>\$40,450</b>	<b>13</b>

### Solano

Site Name	Site Occurrence #	City	Penalty Amount	# of Violations Closed
Auto Perfectionists, Ltd	L6715	Fairfield	\$250	1
Bay Area Coffee Inc	B7062	Benicia	\$1,500	3
Nexeo Solutions, LLC	A7618	Fairfield	\$10,000	1
<b>Totals:</b>			<b>\$11,750</b>	<b>5</b>

**These facilities have received one or more Notices of Violations**  
**Report period: April 1, 2016 – June 30, 2016**  
**(continued)**

**Sonoma**

Site Name	Site Occurrence #	City	Penalty Amount	# of Violations Closed
City of Santa Rosa Wastewater Treatment	A1403	Santa Rosa	\$10,400	4
Elvira Prado	X9642	Santa Rosa	\$2,000	1
Guillermo Ortiz Trucking	X9171	Cotati	\$300	1
Hunt And Behrens, Inc	A1889	Petaluma	\$1,500	1
Wung J.	X8619	Santa Rosa	\$1,500	1
<b>Totals:</b>			<b>\$15,700</b>	<b>8</b>

**District Wide**

Site Name	Site Occurrence #	City	Penalty Amount	# of Violations Closed
PacWest Tank Lines	X9162	Sacramento	\$400	1
<b>Totals:</b>			<b>\$400</b>	<b>1</b>

<b>Totals for Q-4:</b>	<b>\$164,950</b>	<b>60</b>
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## Closed Notice of Violations with Penalties by County April 1, 2016 – June 30, 2016

### Alameda County

Status		Regulation		
Date	Site #	Site Name	City	Title
5/12/2016	Q5007	Environmental Remedies	Pleasanton	Reporting, Demolition and Renovation
5/12/2016	Q5007	Environmental Remedies	Pleasanton	Reporting, Demolition and Renovation
6/13/2016	A0167	Kraft Heinz Foods Company	San Leandro	Failure to Meet Permit Conditions
6/23/2016	A8890	Valleycare Medical Center	Pleasanton	Periodic Testing; Inorganic Gaseous Pollutants

### Contra Costa County

Status		Regulation		
Date	Site #	Site Name	City	Title
7/26/2016	A0010	Chevron Products Company	Richmond	Standards of Perf for New Stationary Sources
7/19/2016	A0010	Chevron Products Company	Richmond	Standards of Perf for New Stationary Sources
7/11/2016	A0010	Chevron Products Company	Richmond	Standards of Perf for New Stationary Sources
7/11/2016	A0010	Chevron Products Company	Richmond	Standards of Perf for New Stationary Sources
7/5/2016	A0010	Chevron Products Company	Richmond	Standards of Perf for New Stationary Sources
7/5/2016	A0010	Chevron Products Company	Richmond	Standards of Perf for New Stationary Sources
6/15/2016	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring Continuous Emission Monitoring and Recordkeeping Procedures
5/10/2016	A0010	Chevron Products Company	Richmond	Parametric Monitoring and Recordkeeping Procedures
5/12/2016	A1840	West Contra Costa County Landfill	Richmond	Parametric Monitoring and Recordkeeping Procedures
7/11/2016	A0010	Chevron Products Company	Richmond	Parametric Monitoring and Recordkeeping Procedures
6/30/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Parametric Monitoring and Recordkeeping Procedures
6/28/2016	A0010	Chevron Products Company	Richmond	Procedures
6/27/2016	B1956	Equilon Enterprises LLC	Martinez	Authority to Construct
7/11/2016	A0010	Chevron Products Company	Richmond	Permit to Operate
5/12/2016	A1840	West Contra Costa County Landfill	Richmond	Failure to Meet Permit Conditions
6/15/2016	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
7/5/2016	B1956	Equilon Enterprises LLC	Martinez	Non-compliance, Major Facility Review
6/28/2016	A0907	Central Contra Costa Sanitary Dist.	Martinez	Non-compliance, Major Facility Review
7/5/2016	B1956	Equilon Enterprises LLC	Martinez	Non-compliance, Major Facility Review
7/5/2016	B1956	Equilon Enterprises LLC	Martinez	Non-compliance, Major Facility Review
6/14/2016	A0010	Chevron Products Company	Richmond	Non-compliance, Major Facility Review
7/11/2016	A0010	Chevron Products Company	Richmond	Non-compliance, Major Facility Review
6/28/2016	A0010	Chevron Products Company	Richmond	Non-compliance, Major Facility Review
7/26/2016	A0010	Chevron Products Company	Richmond	Non-compliance, Major Facility Review
7/11/2016	A0010	Chevron Products Company	Richmond	Non-compliance, Major Facility Review
7/19/2016	A0010	Chevron Products Company	Richmond	Non-compliance, Major Facility Review
7/5/2016	A0010	Chevron Products Company	Richmond	Non-compliance, Major Facility Review
7/11/2016	A0010	Chevron Products Company	Richmond	Non-compliance, Major Facility Review
7/5/2016	A0010	Chevron Products Company	Richmond	Non-compliance, Major Facility Review

**Closed Notice of Violations with Penalties by County****April 1, 2016 – June 30, 2016****(continued)****Contra Costa County**

<b>Status</b>				<b>Regulation</b>
<b>Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Title</b>
6/23/2016	B7419	Air Liquide Large Industries US LP	Rodeo	Non-compliance, Major Facility Review
7/26/2016	A0010	Chevron Products Company	Richmond	Opening of Process Vessels
7/26/2016	A0010	Chevron Products Company	Richmond	Concentration Measurement
6/27/2016	A0010	Chevron Products Company	Richmond	Equipment Leaks; Inspection
6/27/2016	A0010	Chevron Products Company	Richmond	Equipment Leaks; Inspection
6/27/2016	A0016	Phillips 66 Company - SF Refinery	Rodeo	Equipment Leaks; Inspection
6/27/2016	A0010	Chevron Products Company	Richmond	Equipment Leaks; Identification
6/27/2016	A0010	Chevron Products Company	Richmond	Equipment Leaks; Identification
4/19/2016	B1956	Equilon Enterprises LLC	Martinez	Gasoline Cargo Tank Requirements
5/17/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Vapor Integrity Requirement
				Gasoline Bulk Terminal Vapor Recovery
7/5/2016	B1956	Equilon Enterprises LLC	Martinez	System Requirements
				Gasoline Bulk Terminal Vapor Recovery
7/5/2016	B1956	Equilon Enterprises LLC	Martinez	System Requirements
				Controlled component shall be inspected semi-
				annually
6/27/2016	A0010	Chevron Products Company	Richmond	CO Emission Limit
5/10/2016	A0010	Chevron Products Company	Richmond	Monitoring; Inorganic Gaseous Pollutants
7/19/2016	A0010	Chevron Products Company	Richmond	Monitoring; Inorganic Gaseous Pollutants
5/3/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/30/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/27/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/27/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/30/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/27/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/30/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
5/3/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/30/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/30/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/27/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/27/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
6/30/2016	B2758	Tesoro Refining & Marketing Co. LLC	Martinez	Limitations on Hydrogen Sulfide
5/10/2016	A0010	Chevron Products Company	Richmond	Emissions Limits; General
4/4/2016	X9406	KB Homes	San Ramon	
6/28/2016	A0907	Central Contra Costa Sanitary Dist.	Martinez	

**Marin County**

<b>Status</b>				<b>Regulation</b>
<b>Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Title</b>
6/14/2016	B5081	Equator Estate Coffees & Teas	San Rafael	Failure to Meet Permit Conditions
7/20/2016	Y1169	GMP Cars LLC	Novato	Burden of Proof
7/19/2016	X9860	Lexus of Marin	San Rafael	Burden of Proof

**Napa County**

<b>Status</b>				<b>Regulation</b>
<b>Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Title</b>
7/22/2016	W5394	SFD	Calistoga	Prohibition of Fires

**Closed Notice of Violations with Penalties by County**  
**April 1, 2016 – June 30, 2016**  
**(continued)**

**San Francisco County**

Status			Regulation	
Date	Site #	Site Name	City	Title
4/27/2016	E1568	Hilton San Francisco Financial Dist.	San Francisco	Demolition, Renovation and Removal
4/13/2016	U5715	Ideal Restoration Inc.	San Francisco	Containment Requirement
4/27/2016	E1568	Hilton San Francisco Financial Dist.	San Francisco	Waste Disposal
6/7/2016	Y0437	Alice Griffith Project	San Francisco	

**San Mateo County**

Status			Regulation	
Date	Site #	Site Name	City	Title
5/2/2016	Y0594	SFD	Menlo Park	Scheduling of Demolition Activities
4/25/2016	X9480	Belmont Terrace	Belmont	Containment Requirement
5/12/2016	X9909	Sarpangal, Deepak	Burlingame	Containment Requirement

**Santa Clara County**

Status			Regulation	
Date	Site #	Site Name	City	Title
5/17/2016	Y0714	Petro America	San Jose	Permit to Operate
7/25/2016	V8359	Thompson & Harvey	Morgan Hill	Gasoline Cargo Tank Requirements
7/25/2016	V8359	Thompson & Harvey	Morgan Hill	Gasoline Cargo Tank Requirements

**Solano County**

Status			Regulation	
Date	Site #	Site Name	City	Title
5/25/2016	Y0181	Kerby, William	Benicia	Containment Requirement
5/12/2016	X9865	Smith jared	Vallejo	Containment Requirement
5/25/2016	Y0181	Kerby, William	Benicia	Schedule Changes and Updates
5/12/2016	X9865	Smith jared	Vallejo	Schedule Changes and Updates

**Sonoma County**

Status			Regulation	
Date	Site #	Site Name	City	Title
6/13/2016	X9642	Elvira Prado	Santa Rosa	Prohibition of Fires
7/11/2016	Y1144	Wilson Vineyards	Windsor	Prohibition of Fires
7/19/2016	Y1170	Radrods of Norcal	Santa Rosa	Burden of Proof
7/20/2016	X9834	John's AutoBody	Santa Rosa	Burden of Proof

**Closed Notice of Violations with Penalties by County**

**April 1, 2016 – June 30, 2016**

**(continued)**

**Out of Area Counties**

<b>Status</b>			<b>Regulation</b>	
<b>Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Title</b>
5/16/2016	W8112	Rutan Enviromental Safety Services	Rocklin	Schedule Changes and Updates
7/14/2016	W7485	PW Stephens Environmental, Inc.	Sacramento	Schedule Changes and Updates
7/13/2016	Y0585	GB Tank Line Inc.	Watsonville	Gasoline Cargo Tank Requirements

**Bay Area Air Quality Management District****Board of Directors****LIST OF ACRONYMS**

AA	Annual Average
AAMP	Ambient Air Monitoring Program
AB32	Assembly Bill 32 – Global Warming Solutions Act
Al	Aluminium
Al <sub>2</sub> O <sub>3</sub>	Alumina (Aluminium Oxide)
AlF <sub>3</sub>	Aluminium Fluoride
AIRS	Aeromatic Information Retrieval System
AIRMoN	Atmospheric Integrated Research Monitoring Network
ALAPCO	Association of Local Air Pollution Control Officials
Aluminium Plant	Carbon Plant, Reduction Plant, Casthouse, Anode Service Area, and related utilities
Air District	Bay Area Air Quality Management District
AMTAC	ARB Air Monitoring Technical Advisory Committee
AMTIC	Air Monitoring Technology Information Center
ANPR	Advanced Notice of Proposed Rulemaking
APCD	Air Pollution Control District
APCO	Air Pollution Control Officer
API	American Petroleum Institute
APTI	Air Pollution Technology Institute
ARB	California Air Resources Board
ARM	Area Recognized Method
AQI	Air Quality Index
AQIS	Air Quality Instrument Specialist
AQS	EPA's Air Quality (data) System
AQRS	Air Quality Research Subcommittee
AQTA	Air Quality Technical Assistant
ARM	Approved Regional Method
ASA	Anode Service Area
ASP	Anode Service Plant
ASTCM	Astrodynamics Common
ASTM	American Society for Testing and Materials
AWMA	Air and Waste Management Association
BAAQMD	Bay Area Air Quality Management District
BAM	Beta Attenuation Monitor
BAM	Beta-Attenuation Metre
BAT(NEEC)	Best Available Techniques (Not Entailing Excessive Cost)
BC	Black carbon
BC	Background Concentration
BCP	Best Current Practice
BGI	BGI, Incorporated
BPT	Best Practicable Technology
BRC	Background Reference Concentration

bgl	Below ground level
BOD	Biochemical Oxygen Demand
BPEO	Best Practicable Environmental Option
BREF note	Best Available Techniques Reference Document
btc	Below top of casing
BTEX	Benzene, Toluene, Ethylbenzene and Xylene
°C	Degrees Celsius
C	Carbon
C <sub>a</sub> O	Lime (calcium oxide)
CAA	(Federal) Clean Air Act
CAC	Correlating Acceptable Continuous (monitor)
CAIR	Clean Air Interstate Rule
CAP	Clean Air Plan
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CASAC	Clean Air Science Advisory Committee
CAS	Chemical Abstracts Service (a chemical reference number)
CASTNET	Clean Air Status and Trends Network
CBSA	Core Based Statistical Area
CCC	Criteria Continuous Concentration
CCP	Carbon Crushing Plant
Cd	Cadmium
CD	Chart Datum
CDM	Clean Development Mechanism
CEM	Continuous Emissions Monitoring
CENR	Committee for Environment and Natural Resources
CEQA	California Environmental Quality Act
CEU	Continuing Education Unit
CFR	U.S. Code of Federal Regulations
CH <sub>4</sub>	Methane
Cl	Chloride(s)
CI	Confidence Interval
CMAQ	Community Model Air Quality (system)
CMC	Criteria Maximum Concentration
CN	Cyanide
CO	Carbon monoxide
CO <sub>2</sub>	Carbon Dioxide
CoC	Chain of custody
COD	Chemical Oxygen Demand
COH	Coefficient of Haze
Cr(VI)	Chromium (hexavalent)
CREL	Chronic Reference Exposure Level
CRPAQS	Central Valley (California) Regional Particulate Air Quality Study
CRRP	Community Risk Reduction Program
CSN	Chemical Speciation Network
CSR	Corporate Social Responsibility
CV	Coefficient of variation
CWMP	Construction Waste Management Plan
CY	Calendar Year

Cu	Copper
DAS	Data Acquisition System
dB(A)	'A' weighted decibel noise level
dBL <sub>Aeq</sub>	'A' weighted energy-equivalent decibel noise level
DC	Direct Current
DEARS	Detroit Exposure and Aerosol Research Study
DHS	Department of Homeland Security
District	Bay Area Air Quality Management District
DIV	Dutch Intervention Values
DMC	Data Management Center
DMS	Data management system
DNPH	2, 4-dinitrophenyl hydrazine
DO	Dissolved Oxygen
DOE	Department of Energy
DOI	Department of Interior
DQA	Data Quality Assessment
DQI	Data Quality Indicators
DQO	Data Quality Objectives
DRI	Direct Reduction Iron
DTV	Dutch Target Values
DVM	Digital Voltmeter
EC	European Commission
EC/OC	Elemental carbon/organic carbon
EECS	Electrical Equipment Calibration Service (in Fremont, CA)
EI	Extrusion Ingots
EIA	Environmental Impact Assessment
EML	Environmental Measurements Laboratory
EMP	Environmental Management Plan
EPA	U.S. Environmental Protection Agency
EPC	Engineering, Procurement and Construction
EPS	Environmental Protection Standards
EQS	Environmental Quality Standard
ESAT	Environmental Services Assistance Team
ET	Enviro Technology
EU	European Union
F-	Fluoride(s)
FA	Foundry Alloy
FEM	Federal Equivalent Method
FLM	Federal Land Manager
FMP	Flare Minimization Plan
FRM	Federal Reference Method
FTP	Fume Treatment Plant
FY	Fiscal Year
g/s	Grams per second
GAO	General Accounting Office
GC	Gas Chromatograph
GC-MS	Gas Chromatography-Mass Spectrometry
GDP	Gross Domestic Product
GHG(s)	Greenhouse Gas(es)

GIS	Geographical Information System
GLM	Ground Level Monitoring
GMW	General Metal Works (PM <sub>10</sub> sampler manufacturer)
GPS	Global Positioning System
GWP	Global Warming Potential
H <sub>2</sub> S	Hydrogen sulfide
HAL 275	Norsk Hydro Reduction Technology
HAP	Hazardous Air Pollutants
HAZID	Hazard Identification
HC	Hydrocarbon
HCl	Hydrogen chloride
HEI	Health Effects Institute
HF	Hydrogen fluoride
HPLC	High Performance Liquid Chromatograph
HSE	Health, Safety and Environment
HTM	Heating Transfer Medium
Hydro	Norsk Hydro ASA
IACET	International Association for Continuing Education and Training
IADN	Interagency Deposition Network
IC	Ion Chromatography
ICR	Information Collection Request
IEA	Initial Environmental Authorization
IFC	International Finance Corporation
ILSC	Indicative Levels of Serious Contamination
IMPROVE	Interagency Monitoring of Protected Visual Environments
IPP	Independent Power Producer
ISQG	Interim Sediment Quality Standard
ISR	Indirect Source Rule
ITEP	Institute of Tribal Environmental Professionals
ITT	Information Transfer Technology
JV	Joint Venture
K	Kelvin
K	Thousand
km	kilometer
kV	Kilovolt
kt/yr	Thousands of tons per year
kPa	Thousand Pascal
l	Litre
LC-50	Lethal Concentration of a chemical which kills 50% of a sample population
L <sub>eq</sub>	Unweighted energy-equivalent noise level
LCS	Laboratory Control Sample
LDAR	Leak Detection and Repair
LLD	Lower Limit of Detection
LNB	Low NO <sub>x</sub> Burner
LOD	Limit of Detection
LOQ	Limit of Quantitation
lpm	Liters per minute
l/s	Litres per second

L <sub>WA</sub>	'A' weighted sound power level
M	Million
m	Metre
m/s	Metres per second
m <sup>3</sup> /s	Cubic metres per second
MAC	Maximum Allowable Concentration
MANE-VU	Mid-Atlantic/Northeast Visibility Union
MDL	Method Detection Limit
MDN	Mercury Deposition Network
MEI	Ministry of Energy and Industry
MET/PE	Meteorology and Performance Evaluation
mg/kg	Milligrams per kilogram
mg/l	Milligrams per litre
mg/m <sup>3</sup>	Milligrams per cubic metre
mg/Nm <sup>3</sup>	Milligrams per normal cubic metre (i.e. expressed at 273K and 101.3 kPa); in the case of gas turbines, gas volumes in units on "Nm <sup>3</sup> " are also expressed as dry gas, at 15% O <sub>2</sub> .
MHWTC	Mesaieed Hazardous Waste Treatment Centre
MIC	Mesaieed Industrial City
ml	Millilitre
MMAA	Ministry of Municipal Affairs and Agriculture
MMWDS	Mesaieed Municipal Waste Disposal Site
MPA	Maximum Permissible Addition
MPC	Maximum Permissible Concentration
MQA	Meteorology and Quality Assurance
MS	Matrix spikes
MSm <sup>3</sup>	Million standard cubic metres
MW	Megawatts
MWe	Megawatts electrical (electrical output)
MWth	Megawatts thermal (thermal input)
N	Nitrogen
NAAQS	National Ambient Air Quality Standard
Na	Sodium
NAAMS	National Ambient Air Monitoring System
NAATS	National Ambient Air Toxics Sites
NACAA	National Association of Clean Air Agencies
NADP	National Atmospheric Deposition Program
NAMS	National Air Monitoring Station
Na <sub>3</sub> AlF <sub>6</sub>	Cryolite
NaCl	Sodium chloride (salt)
NAPAP	National Acid Precipitation Assessment Program
NARSTO	North American Research Strategy for Tropospheric Ozone
NAS	National Academy of Science
NASA	National Aeronautics and Space Agency
NATTS	National Ambient Toxic Tends Stations
NAU	Northern Arizona University
NCORE	The National Core Monitoring Network
NDIR	non-dispersive infrared
NDUV	Non-dispersive ultraviolet

NEC	No Effect Concentration
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NGO	Non-Governmental Organizations
Ni	Nickel
NILU	Norwegian Institute for Air Research
NISO	North Isomax
NIST	National Institute for Standards and Technology
Nm <sup>3</sup>	Normal cubic metre (i.e. expressed at 237K and 101.3 kPa); in the case of gas turbines, gas volumes in units of “Nm <sup>3</sup> ” are also expressed as dry gas, at 15% O <sub>2</sub> .
Nm <sup>3</sup> /s	Normal cubic metre per second (i.e. expressed at 237K and 101.3 kPa); in the case of gas turbines, gas volumes in units of “Nm <sup>3</sup> ” are also expressed as dry gas, at 15% O <sub>2</sub> .
NMHC	Non-Methane Hydrocarbons
NMSC	National Monitoring Strategy (or Steering) Committee
NMVOC	Non-Methane Volatile Organic Compounds
N <sub>2</sub> O	Nitrous Oxide
NO <sub>y</sub>	Odd Nitrogen
NIOSH	National Institute for Occupational Safety and Health
NIST	National Institute of Standards and Technology
NO	Nitrogen monoxide/Nitric oxide
NO <sub>2</sub>	Nitrogen dioxide
NO <sub>x</sub>	Oxides of nitrogen
NOAA	National Oceanic and Atmospheric Administration
NMHC	Non-methane hydrocarbon
NMOC	Non-methane organic carbon
NO <sub>x</sub> /NO <sub>y</sub>	Nitrogen Oxides
NPAP	EPA National Performance Audit Program
NPEP	National Performance Evaluation Program
NPS	National Parks Service
NTN	National Trends Network
NTU	Nephelometric Turbidity Units
NVLAP	National Voluntary Laboratory Accreditation Program
O <sub>2</sub>	Oxygen
O <sub>3</sub>	Ozone
OAP	Office of Atmospheric Programs
OAQPS	Office of Air Quality Planning and Standards
OAR	Office of Air and Radiation
OC	Organic Carbon
OC/EC	Organic carbon/elemental carbon
ODAMN	Operations Data Action Monitoring Notification
OEHHA	Office of Environmental Health Hazard Assessment
OEI	Office of Environmental Information
ORD	Office of Research and Development
ORIA	Office of Radiation and Indoor Air
P	Phosphorous
P	Power
PAHs	Polycyclic Aromatic Hydrocarbons
PAMS	Photochemical Assessment Monitoring Stations

Pb	Lead
PBMS	Performance-Based Measurement System
PBT	Persistent Bioaccumulative Toxics
PCBs	Polychlorinated Byphenyls
PCC	Petrochemical Complex
PE	Performance Evaluation
PEP	Performance Evaluation Program
PEL	Probable Effect Level
PFC	Polyfluorocarbons
PM	Particulate matter
PM <sub>10</sub>	Particulate matter with mean aerodynamic diameter of 10 microns
PM <sub>2.5</sub>	Particulate matter with mean aerodynamic diameter of 2.5 microns
PM <sub>10-2.5</sub>	PM <sub>10</sub> minus PM <sub>2.5</sub>
PO	Purchase Order
POCP	Photochemical Ozone Creation Potential
POP	Persistent Organic pollutants
ppb	Parts per billion
PPAH	Pollution Prevention and Abatement Handbook
ppb (v)(w)	Parts per billion (volume) (weight)
ppm (v) (w)	Parts per million (volume) (weight)
ppt (v) (w)	Parts per thousand (volume) (weight)
PQAO	Primary Quality Assurance Organization
PSD	Prevention of significant deterioration
QA	Quality Assessment
QAFAC	Qatar Additives Company
QAFCO	Qatar Fertiliser Company
QASCO	Qatar Steel Company Ltd
Qatalum	The Hydro/QP Aluminium and Power Plant Project
QAPP	Quality Assurance Project/Program Plan
QC	Quality Control
QEWC	Qatar Electricity and Water Company
QMP	Quality Management Plan
QNHD	Qatar National Height Datum (QNHD is ~1.3 m above Chart Datum)
QP	Qatar Petroleum
RADM	Regional Acid Deposition Model
RCA	Reportable Compliance Activity
RCEP	Royal Commission on Environmental Pollution
REL	Reference Exposure Level
REM	Regional Equivalent Monitor
RO	EPA Regional Office
ROG	Reactive Organic Gases
ROM	Regional Oxidant Model
ROPME	Regional Organisation for Protection of the Marine Environment
RPO	Regional Planning Organization
RTD	Resistance Temperature Detector
RTP	Research Triangle Park (North Carolina)
RTI	Research Triangle Institute, a research/consulting company
RTO	Regenerative Thermal Oxidiser
S	Sulphur

S&T	Science and Technology
SAB	Science Advisory Board
SAMWG	Standing Air Monitoring Work Group
SAP	Socio-Economic Action Plan
SASP	Surface Air Sampling Program
SARC	Scientific and Applied Research Centre
SB 375	Sustainable Communities and Climate Protection Act of 2008
SCAQMD	South Coast Air Quality Management District
SCENR/SCE	Supreme Council for the Environment & Natural Reserves
SIP	State Implementation Plan
SISO	South Isomax
SLAMS	State or Local Air Monitoring Station
SLTs	State, Local, and Tribal air monitoring agencies
SO <sub>2</sub>	Sulfur dioxide
SOP	Standard operating procedure
SPL	Spent Potlining
SPM	Special Purpose Monitor
SRP	Standard Reference Photometer
SS	Supersite
SSEIA	Scoping Study for Environmental Impact Assessment Report
STAG	State and Tribal Air Grant
STAPPA	State and Territorial Air Pollution Program Administrators
STN	Speciation Trends Network
Strategy	The National Air Monitoring Strategy
SVOC	Semi-Volatile Organic Compound
SWS	Seawater Scrubber
t/d	Tonnes per day
t/h	Tonnes per hour
t/yr	Tonnes per year
TAMS	Tribal Air Monitoring Support (Center)
TAD	Technical Assistance Document
TAR	Tribal Authority Rule
TBD	To Be Determined
TECO	Thermo Electron Corporation, now Thermo Fisher Scientific
TEOM	Tapered Element Oscillation Monitor
THC	Total hydrocarbons
TIP	Tribal Implementation Plan
TNMHC	Total non-methane hydrocarbons
TNMOC	Total non-methane Organic Compound
TOC	Total Organic Carbon
TOM	Total Organic Matter
Tpd	Tons per day
TPH	Total Petroleum Hydrocarbons
TPY	Tons Per Year
TSA	Technical systems audits
TSD	Technical Services Division
TSP	Total suspended particulates
TSS	Total Suspended Solids
T-REX	Traffic Related Exposure Study

TWA	Time Weighted Average
UAM	Urban Airshed Model
UFP	Ultrafine Particulate Matter
UN	United Nations
UNEP	UN Environmental Program
USB	Universal Serial Bus
US EPA	United States Environmental Protection Agency
UV	Ultraviolet
VDC	Vertical Direct Chill (Casting Machines)
VOC	Volatile Organic Compounds
WB	World Bank
WBT	Wet Bulb Temperature
WB PPAH	WB Pollution Prevention and Abatement Handbook
WHO	World Health Organization
WMP	Waste Management Plan
XML	Extensible Markup Language
$\Delta T$	Temperature differential
$\mu\text{g/l}$	Microgrammes per litre
$\mu\text{g/m}^3$	Micrograms (one millionth of a gram) per cubic metre
$\mu\text{m}$	Micrometers
$\mu\text{M/l}$	Micromoles per litre

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 12, 2016

Re: Consider Authorizing a 5-Year Computer Hardware Maintenance Contract

RECOMMENDED ACTION

Recommend the Board of Directors:

- 1) Authorize the Executive Officer/APCO to transfer \$238,770 from undesignated reserves to the current Fiscal Year Ending (FYE) 2016 budget.
- 2) Authorize the Executive Officer/APCO to enter into a purchase agreement with Berkeley Communications Inc. in an amount not to exceed \$238,770 for the procurement of a computer server maintenance contract.

BACKGROUND

On November 18, 2015, the Board of Directors authorized the Executive Officer/APCO to enter into a contract for the procurement of computer servers for the Bay Area Air Quality Management District's (District) new headquarters located at 375 Beale Street, and its disaster recovery server colocation facility in Sacramento.

Simplivity Systems Inc. is currently offering a maintenance plan through its value added reseller Berkeley Communications Inc., at a drastically discounted price for a 5-year server maintenance contract.

DISCUSSION

Every 5 to 6 years, the District purchases all new computer servers as part of a regular IT infrastructure refresh. Maintenance contracts for the equipment are typically purchased annually and authorized through the District's budgeting processes.

Simplivity Systems Inc. is currently offering a maintenance plan through its value added reseller, Berkeley Communications Inc., at approximately 76% discount to regular pricing (approximately \$1 million over five years based on the current annual contract) if the maintenance plan is purchased in advance for a 5-year duration. The total price for the proposed 5-year term is \$238,770.

BUDGET CONSIDERATION/FINANCIAL IMPACT

If approved, this recommendation would result in the transfer \$238,770 from undesignated reserves into the current FYE 17 budget to fund server maintenance for the 5-year period from November 2016 through November 2021.

Purchasing this 5-year service plan in advance will result in a savings of approximately \$760,000 as compared to the cost of purchasing the services annually over a 5-year term.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Reviewed by: Damian Breen  
Prepared by: John Chiladakis

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 12, 2016

Re: Consider Authorizing the Executive Officer/APCO to Amend a Contract with  
Commercial Interior Builders, Inc. (CIB) in an Amount not to Exceed \$124,990

RECOMMENDED ACTION

The Board of Directors will consider authorizing the Executive Officer/APCO to amend a contract with Commercial Interior Builders, Inc. (CIB) in an amount not to exceed \$124,990.

BACKGROUND

CIB was originally awarded a contract with the Air District in 2008. The contract was last extended in 2014 for a two-year period ending on 8/30/2016. In early May 2016, the Air District was required to complete operation-critical construction services at 375 Beale Street in order to meet a May 31, 2016 move-in date, so the contract was amended under the Executive Officer/APCO's signing authority.

DISCUSSION

Additional work is needed to complete the construction of the Air District's space at 375 Beale Street. Therefore, staff requests the authority to amend the contract for time and additional cost in an amount not to exceed \$124,990. The Air District will seek full reimbursement from the Bay Area Headquarters Authority (BAHA) for the costs associated with this project.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The cost of this contract amendment, is included in the Fiscal Year Ending 2017 Budget. The Air District will seek full reimbursement from the Bay Area Headquarters Authority (BAHA) for the costs associated with this project.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Mary Ann Okpalaugo

Reviewed by: Rex Sanders

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 7, 2016

Re: Consider Authorizing the Executive Officer/APCO to Enter into a Contract with NOVO Construction (NOVO) in an Amount not to exceed \$300,000 for Design, Construction, and Installation of Equipment in the Air District Laboratory's Clean Room

**RECOMMENDED ACTION**

The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract with NOVO Construction (NOVO), in an amount not to exceed \$300,000 for contracting services in the design, construction, and installation of equipment needed in the Air District Laboratory's temperature and humidity controlled room (clean room).

**BACKGROUND**

The clean room, used for particulate matter analysis in the Air District laboratory, must meet federal regulatory requirements for both temperature and humidity control. The Air District's particulate matter attainment status under the National Ambient Air Quality Standards, as well as the status of two other air districts for which the lab provides analysis, depends on the Air District's ability to continuously meet the temperature and humidity specifications and provide analysis within a specified time period. The Air District's laboratory is one of three laboratories in the State of California capable and qualified to perform this specialized particulate matter analyses.

As built, the room does not currently meet the standards specified in the pre-construction period to meet federal requirements. The Air District will seek full reimbursement from the Bay Area Headquarters Authority (BAHA) for the costs associated with this project.

**DISCUSSION**

The Air District sought vendors to supply the equipment necessary for the room to maintain temperature and humidity control and has found that there is only one vendor that supplies clean room technology on the small scale required to accommodate the Air District's needs. Because of the limited source of equipment, the immediate need of the room, the experience in laboratory design and clean room construction, and the experience with the equipment required and availability, NOVO was selected to provide these services to the Air District.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The cost for this project is contained in the Fiscal Year Ending 2017 Budget. The Air District will seek full reimbursement from the BAHA for the costs associated with this project.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Mary Ann Okpalaugo  
Reviewed by: Rex Sanders

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 12, 2016

Re: Consider Adopting Amendments to the Air District's Administrative Code, Division  
II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations

**RECOMMENDED ACTION**

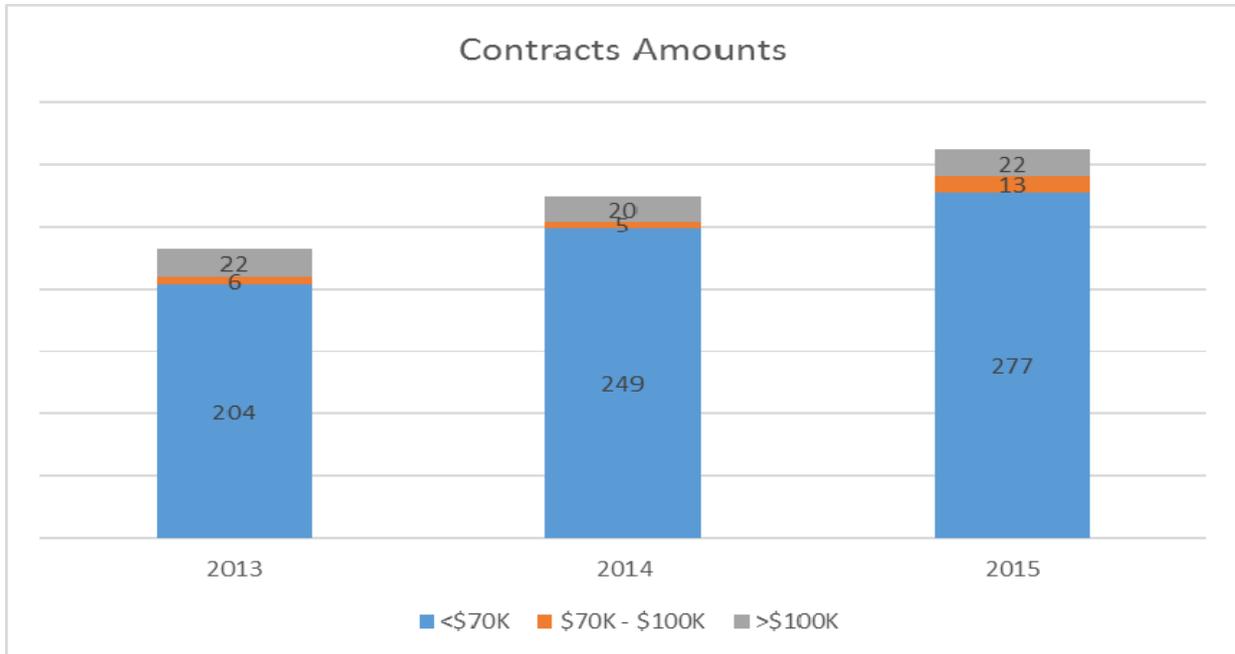
The Board of Directors will consider adopting amendments to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations, to increase the Executive Officer's contract signing authority from \$70,000 to \$100,000.

**DISCUSSION**

At its June 20, 2016 meeting, the Board of Directors received notification of and on May 16, 2016, the Executive Committee received the staff presentation on the proposed future adoption of amendments to the amendments to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations, to increase the Executive Officer's contract signing authority from \$70,000 to \$100,000.

The Air District contracts with hundreds of vendors for services and supplies. In 2004, the Board approved the referenced Administrative Code language providing the Executive Officer/APCO the authority to execute contracts under \$70,000. Since then, the Bay Area has sustained a steady increase in prices of goods and services. Assuming an average 2.5% inflation increase year over year, \$70,000 equals approximately \$94,000 in 2016 dollars.

Staff has found that the number of contracts between \$70,000 and \$100,000 have increased over time and that there is a clear break between the number of contracts below and above \$100,000 (More than 90% of contracts are below \$100,000). These contracts currently require notification to the Board on a meeting agenda and approval by a quorum of the Board of Directors. The following graph illustrates the number of contracts and related amounts for the past three calendar years:



This change would allow for more efficient processing of contracts and purchases for the Air District and more efficiency during Board meeting business. The procedure for contracts exceeding the cost of \$100,000 will continue to be brought to the Board to be signed by either the Chairperson of the Board of Directors, or the APCO after being directed to execute such a contract by resolution of the Board of Directors.

The Administrative Code changes are proposed as follows:

Administrative Code, Section 4.3:

*The APCO or designee shall execute on behalf of the Bay Area Air Quality Management District, contracts for purchase of supplies and materials and services costing not more than ~~seventy thousand dollars (\$70,000)~~ one hundred thousand dollars (\$100,000). Contracts for more than ~~seventy one hundred~~ thousand dollars shall be signed by either the Chairperson of the Board of Directors, or the APCO after being directed to execute such a contract by resolution of the Board of Directors.*

*For efficiency, recurring payments for routine business needs such as utilities, licenses, office supplies and the like, more than, or accumulating to more than ~~seventy one hundred~~ thousand dollars ~~(\$70,000)-(\$100,000)~~ shall be presented in the quarterly Financial Report.*

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Satnam Hundel  
Reviewed by: Rex Sanders

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: August 30, 2016

Re: Notification of Proposed Future Adoption to the Air District's Administrative Code,  
Division I: Operating Policies and Procedures, Section 15: Non-Discrimination  
Policy and Complaint Procedure

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RECOMMENDATION

None; receive and file.

BACKGROUND

The Air District recently updated its Non-Discrimination Policy and Complaint Procedure. The policy affirms the Air District's commitment of providing fair and equal access to the benefits of a program or activities offered or conducted by the Air District. It also includes a process and procedure that allows members of the public to file a complaint.

DISCUSSION

Staff has evaluated the Non-Discrimination Policy and Complaint Procedure since its implementation to comply with federal law and to provide the public with a process to resolve complaints. Recently, the United States Environmental Protection Agency (EPA) has refined the EPA Non Discrimination Program for recipients of federal grant dollars. To maintain compliance with the federal program and making some enhancements to the Air District's program, staff has made amendments to the policy and procedure, including the following documents: 1) Non-Discrimination Policy and Complaint Procedure; 2) Non-Discrimination Coordinator Statement of Responsibilities; 3) Discrimination Complaint Form.

In addition, staff is recommending to formally adopt the policy and procedure and incorporate it into the Air District's Administrative Code Division I: Operating Policies and Procedures. At its next regular meeting, the Board of Directors will consider adoption of the addition of the policy to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 15: Non-Discrimination Policy and Complaint Procedure, as follows:

## SECTION 15 NON DISCRIMINATION POLICY

### 15.1 POLICY

**Accessibility and Non-Discrimination Policy:** The Bay Area Air Quality Management District (BAAQMD) 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 BAAQMD's policy to provide fair and equal access to the benefits of a program or activity administered by BAAQMD. BAAQMD 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 BAAQMD. Members of the public who believe they or others were unlawfully denied full and equal access to a BAAQMD program or activity may file a discrimination complaint with BAAQMD under this policy. This non-discrimination policy also applies to other people or entities affiliated with BAAQMD, including contractors or grantees that BAAQMD 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 BAAQMD 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 a BAAQMD program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the BAAQMD Non-Discrimination Coordinator, (415) 771-6000 or visit [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) for more information.

### 15.2 COMPLAINT PROCEDURE

The complaint procedure has four steps:

1. Submission of Complaint:

A person who believes that he or she or a specific class of persons has, on the basis of any protected class, been excluded from or denied the benefits of, or been subjected to discrimination under, any program or activity of the Air District may file a written complaint with the Non-Discrimination

Coordinator for the Air District. Such complaint must be filed within 180 calendar days after the date the person believes the discrimination occurred. See the Discrimination Complaint form (277 k PDF, 2 pgs).

2. Referral to Review Officer:

Upon receipt of the complaint, the Non-Discrimination Coordinator will appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint, in consultation with the District Counsel. The staff review officer(s) will complete their review no later than 60 calendar days after the date the Air District received the complaint using a preponderance of the evidence standard. If more time is required, the Non-Discrimination Coordinator will notify the complainant of the estimated time for completing the review. Upon completion of the review, the staff review officer(s) will make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the Air District's processes as they relate to the Non-Discrimination Policy and environmental justice, as appropriate. The staff review officer(s) will forward their recommendations to the Non-Discrimination Coordinator for review. The Non-Discrimination Coordinator will issue the Air District's written response to the complainant.

3. Appeal:

If the complainant is dissatisfied with the response, the complainant may request an appeal, in writing, to the Executive Officer/Air Pollution Control Officer within 10 calendar days after receipt of the response. The request for appeal should explain any items the complainant feels were not addressed by the Non-Discrimination Coordinator. The Executive Officer/Air Pollution Control Officer will notify the complainant within 10 calendar days whether the request for appeal has been accepted or rejected.

4. Re-Evaluation:

In cases where the Executive Officer/Air Pollution Control Officer agrees to reconsider the matter, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2, above.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully Submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Judy Yu  
Reviewed by: Rex Sanders

Attachments: 12A: Non-Discrimination Policy and Complaint Procedure  
12B: Non-Discrimination Coordinator Statement of Responsibilities  
12C: Discrimination Complaint Form

## Non-Discrimination Policy and Complaint Procedure

### POLICY STATEMENT

**Accessibility and Non-Discrimination Policy:** The Bay Area Air Quality Management District (BAAQMD) 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 BAAQMD's policy to provide fair and equal access to the benefits of a program or activity administered by BAAQMD. BAAQMD 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 BAAQMD. Members of the public who believe they or others were unlawfully denied full and equal access to a BAAQMD program or activity may file a discrimination complaint with BAAQMD under this policy. This non-discrimination policy also applies to other people or entities affiliated with BAAQMD, including contractors or grantees that BAAQMD 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 BAAQMD 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 a BAAQMD program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the BAAQMD Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at [rsanders@baaqmd.gov](mailto:rsanders@baaqmd.gov).

### DEFINITIONS

**Complainant:** Individual(s) or other interested parties filing a discrimination complaint under this policy.

**Discrimination:** The unlawful denial of fair and equal access to a program or activity offered, conducted or administered by BAAQMD based on a protected class. "Denial of Fair and Equal Access" includes:

- (i) The denial of any program benefit,
- (ii) Providing a different level of benefits than provided to other program users,
- (iii) Restricting the benefit or advantage of any program in a manner dissimilar to restrictions placed on others program users without a protected characteristic.

- (iv) Subjecting a person to segregation or separate treatment in any way related to receiving the benefits of the program,
- (v) Denial to any person, or group of people, the opportunity to participate as a member of any planning or advisory body otherwise open to the public in some fashion, and
- (vi) Using criteria or methods of administering its program that has the effect of discriminating against a user, or potential user, of the program offered by BAAQMD.

Protected class: A characteristic of a person which cannot be targeted for discrimination including 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.

## **RESPONSIBILITY**

BAAQMD's Executive Officer/Air Pollution Control Officer will have final authority and responsibility for compliance with this policy.

BAAQMD's Non-Discrimination Coordinator, on behalf of the Executive Officer/Air Pollution Control Officer, will coordinate this policy's implementation within BAAQMD. The Non-Discrimination Coordinator will also ensure that BAAQMD is complying with state and federal reporting and record retention requirements, including those required by Code of Federal Regulations, title 40, section 7.10 et seq.

## **COMPLAINT PROCEDURE**

The complaint procedure has four steps:

### **1. Submission of Complaint:**

A person who believes that he or she or a specific class of persons has, on the basis of any protected class, been excluded from or denied the benefits of, or been subjected to discrimination under, any program or activity of the Air District may file a written complaint with the Non-Discrimination Coordinator for the Air District. Such complaint must be filed within 180 calendar days after the date the person believes the discrimination occurred. See the [Discrimination Complaint form](#) (277 k PDF, 2 pgs).

### **2. Referral to Review Officer:**

Upon receipt of the complaint, the Non-Discrimination Coordinator will appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint, in consultation with the District Counsel. The staff review officer(s) will complete their review no later than 60 calendar days after the date the Air District received the complaint using a preponderance of the evidence standard. If more time is required, the Non-Discrimination Coordinator will notify the complainant of the estimated time for completing the review. Upon completion of the review, the staff review officer(s) will make a recommendation regarding the merit of the

complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the Air District's processes as they relate to the Non-Discrimination Policy and environmental justice, as appropriate. The staff review officer(s) will forward their recommendations to the Non-Discrimination Coordinator for review. The Non-Discrimination Coordinator will issue the Air District's written response to the complainant.

**3. Appeal:**

If the complainant is dissatisfied with the response, the complainant may request an appeal, in writing, to the Executive Officer/Air Pollution Control Officer within 10 calendar days after receipt of the response. The request for appeal should explain any items the complainant feels were not addressed by the Non-Discrimination Coordinator. The Executive Officer/Air Pollution Control Officer will notify the complainant within 10 calendar days whether the request for appeal has been accepted or rejected.

**4. Re-Evaluation:**

In cases where the Executive Officer/Air Pollution Control Officer agrees to reconsider the matter, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2, above.

## **CONFIDENTIALITY**

BAAQMD strives to protect the confidentiality of the complainant and all participants in the discrimination complaint process to the greatest extent possible and as authorized by law. The nature of this process does not permit absolute confidentiality. The Non-Discrimination Coordinator may release information as necessary to resolve this complaint. If a remedial action results in employee discipline, the Non-Discrimination Coordinator may release information provided during the complaint process to appropriate BAAQMD personnel and outside parties including independent investigators.

Retaliation for filing a complaint is prohibited and claims of retaliation will be handled promptly if it occurs.

## **COMPLAINT FORM**

To initiate a complaint, the complainant must complete BAAQMD's Discrimination Complaint Form and send it to BAAQMD's Non-Discrimination Coordinator within the time period discussed above. Send the complaint form to the BAAQMD Non-Discrimination Coordinator, Rex Sanders, at 375 Beale Street, Suite 600, San Francisco, California 94105 or by email at [rsanders@baaqmd.gov](mailto:rsanders@baaqmd.gov).

**Non-Discrimination Coordinator**

**Policy and Statement of Responsibilities**

**Accessibility and Non-Discrimination Policy:** The Bay Area Air Quality Management District (BAAQMD) 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 BAAQMD's policy to provide fair and equal access to the benefits of a program or activity administered by BAAQMD. BAAQMD 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 BAAQMD. Members of the public who believe they or others were unlawfully denied full and equal access to a BAAQMD program or activity may file a discrimination complaint with BAAQMD under this policy. This non-discrimination policy also applies to other people or entities affiliated with BAAQMD, including contractors or grantees that BAAQMD 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 BAAQMD 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 a BAAQMD program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the BAAQMD Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at [rsanders@baaqmd.gov](mailto:rsanders@baaqmd.gov).

As the Non-Discrimination Coordinator, you are expected to perform the following, on behalf of the BAAQMD:

1. Providing information internally and externally regarding rights to services, aids, benefits, and participation without regard to race, national origin, color, sex, disability, age or prior opposition to discrimination;
2. Providing notice of your Agency's formal and informal grievance processes and the ability to file a discrimination complaint;
3. Establishing grievance policies and procedures or mechanisms (e.g., an investigation manual);
4. Tracking all complaints filed with your Agency under federal non-discrimination statutes including any patterns or systemic problems;

5. Semiannual reviews of all complaints filed with your Agency under federal non-discrimination statutes in order to identify and address any patterns or systemic problems;
6. Appropriate training for your Agency's employees on your Agency's non-discrimination policies and procedures and obligations to comply with federal non-discrimination statutes;
7. Updating complainants on the progress of their complaints filed with your Agency under federal non-discrimination statutes and any determinations made; and
8. Periodic evaluations of the efficacy of your Agency's efforts to provide services, aids, benefits, and participation in any of your Agency's programs or activities without regard to race, national origin, color, sex, disability, age or prior opposition to discrimination.



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

**Bay Area Air Quality Management District  
Discrimination Complaint Form**

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):				
Telephone (Work):				
Email Address:				
Accessible Format Requirements? (check all that apply)	<input type="checkbox"/> Large Print	<input type="checkbox"/> TDD	<input type="checkbox"/> Audio Tape	Other: _____ _____
<b>Section II:</b>				
Are you filing this complaint on your own behalf?		<input type="checkbox"/> Yes*	<input type="checkbox"/> No	
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are filing this complaint:				
Please explain why you are filing for this person: _____ _____ _____				
Please confirm that you have obtained the permission of the complaining person if you are filing on their behalf.		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Section III</b>				
I believe the discrimination I experienced was based on the following protected class(es) of persons:				

**Complaints must be filed within 180 days of the alleged act of discrimination.**

Date(s) of Alleged Discrimination (Month, Day, Year):	
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Explain as clearly as possible what happened and why you believe discrimination has occurred with respect to a BAAQMD program or activity. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses. (Attach additional sheets if needed.)

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**Section IV**

Have you previously filed a Title VI complaint with this agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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**Section V**

Have you previously filed a complaint with any other Federal, State or local agency, or with any Federal or State Court?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------

If yes, check all that apply.	<input type="checkbox"/> Federal Agency	<input type="checkbox"/> State Agency
	<input type="checkbox"/> Federal Court	<input type="checkbox"/> Local Agency
	<input type="checkbox"/> State Court	

**You may attach any written material or other information that you think is relevant to your complaint.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Note – The Air District cannot accept your complaint without a signature.**

**Mail your completed form to:**

Bay Area Air Quality Management District  
Non-Discrimination Coordinator  
375 Beale Street  
San Francisco, CA 94105

**Complaints must be filed within 180 days of the alleged act of discrimination.**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 13, 2016

Re: Set Public Hearing for October 19, 2016 to Consider Adoption of Proposed  
Amendments to Regulation 9, Rule 3: Nitrogen Oxides, Particulate Matter, and Toxic  
Air Contaminants from Portland Cement Manufacturing

**RECOMMENDED ACTION**

Set a Public Hearing for October 19, 2016, to consider adoption of amendments to Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter, and Toxic Air Contaminants from Portland Cement Manufacturing.

**BACKGROUND**

On September 12, 2012, the Board of Directors adopted Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants from Portland Cement Manufacturing (“Rule 9-13”), setting lower emission standards for nitrogen oxides (NO<sub>x</sub>), particulate matter (PM), and reducing risk from toxic air contaminants (TAC). The rule also contains a 10% opacity standard for miscellaneous operations at the facility and sets a number of operational requirements to reduce fugitive dust from quarrying, conveying and transport operations. The rule also contained requirements to reduce health risk that resulted in construction of a single, higher stack to replace 32 ground level emission points. The rule requirements became effective on September 9, 2013 at the one facility currently impacted, the Lehigh cement kiln near Cupertino.

The adoption of this rule has led to emissions reductions, reduced health risk, more accurate monitoring, improved dust mitigation and enhanced enforceability. However, there is a technical problem with the ammonia limit in the rule. The rule requires the injection of ammonium hydroxide into the kiln to control NO<sub>x</sub>. The rule sets an ammonia limit to guard against excessive emissions due to over-use of the ammonium hydroxide. This limit was set without the benefit of data about the inherent variability of nitrate in the limestone feedstock used to make cement. The nitrate in the feedstock is converted to ammonia in the kiln. The unanticipated variability of nitrate levels in the feedstock can cause the facility to exceed its regulatory limit for ammonia independent of the amount of ammonium hydroxide injected.

In order to bring Lehigh into compliance and to enable federal enforceability of the requirements of the rule, Air District staff recommends amending sections of the rule pertaining to the ammonia emissions. Proposed amendments to Rule 9-13 will address ammonia emissions by establishing a

fixed exhaust ammonia concentration over a longer averaging time while ensuring public health is protected and guarding against nuisance odors.

Pursuant to the California Environmental Quality Act (CEQA), the Air District has concluded that the proposed amendments to Rule 9-13 are exempt under CEQA guidelines Section 15301, Class 1. The rule amendment would involve negligible or no expansion of an existing use. Class 1 exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Air District Staff will file a Notice of Exemption with the County Clerk after adoption by the Board of Directors.

#### RULE DEVELOPMENT PROCESS

The staff met several times with concerned stakeholders in Cupertino and also communicated closely with Lehigh. There were two opportunities for Lehigh and concerned stakeholders to review and comment on the draft rule amendments, before finalizing the proposed amendments.

A public hearing notice, the proposed amended Rule 9-13, the staff report, and the socioeconomic analysis are available on District's website at <http://www.baaqmd.gov/rulehearings>.

#### BUDGET CONSIDERATIONS/FINANCIAL IMPACTS

The amendments to Rule 9-13 will merely change the ammonia standard in the rule. There will be no budget implications for the Air District.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Greg Nudd  
Reviewed by: Eric Stevenson

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 15, 2016

Re: Extension of Contracts for My Air Online Development Services

RECOMMENDED ACTION

Recommend Board of Directors:

- 1) Authorize the Executive Officer/APCO to execute contract amendments with the following vendors in the amounts listed below:

<b>Vendor</b>	<b>Amount</b>	<b>Service Description</b>
C&G Technology Services	\$173,072	Software development and testing services for permitting and compliance systems software.
Clearsparc, Inc.	\$553,869	Software architecture, design, development, build and release management services for permitting and compliance systems software.
ITDependz	\$192,528	Business analysis, software development, automated testing and quality assurance services for permitting and compliance systems software.
<b>TOTAL</b>	<b>\$919,469</b>	

BACKGROUND

Air District staff is recommending semi-annual contract amendments for vendors assisting with the development of the permitting and compliance systems of the My Air Online Program in order to meet the Fiscal Year End (FYE) 2017 goals.

## DISCUSSION

### **My Air Online Program**

The My Air Online Program is composed of the design and implementation of the following information systems:

- A BAAQMD public website ([www.baaqmd.gov](http://www.baaqmd.gov))
- A map-based visualization platform for the public to view air quality related data
- A Permitting & Compliance System (Production System)

Over the Summer of the 2016, staff have completed the following activities:

- Migration of over 1000 diesel backup engine facilities to the new system for permitting and inspections;
- Completion of development and testing activities for a new online process for handling asbestos renovations and demolition jobs;
- Migration of legacy small boiler sources to the new system; and
- Enhanced public access for tracking all permit applications.

Through the first quarter of the 2017 calendar year, the My Air Online Program aims to complete the following:

- Deployment and training for new online systems to support the Winter Spare the Air Wood Smoke season, including complaint handling, workload management, field investigations and violation processing;
- Deployment and training for online processing and mobile inspections of asbestos renovation and demolition jobs;
- Dispatching and investigation of air quality complaints;
- Processing and settlement of violations and other enforcement actions;
- Online stipulated abatement order agreements for small boilers;
- Complete migration of legacy registered sources to the new system for permitting and compliance activities;
- Continued migration of internal combustions engines to the new systems for permitting and compliance activities; and
- Foundation for complex facility permitting.

In order to continue progress on the Permitting & Compliance System portion of the My Air Online program, staff is recommending the continued use of proven vendors' familiar with Air District systems for the first half of Fiscal Year End (FYE) 2017. The Air District has used these

firms to assist with the design, development and testing of the permitting and compliance software systems, and they have performed well.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the vendor contract recommendations is included in the FYE 2017 budget will be funded from the My Air Online Program (#125).

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Jaime A. Williams  
Reviewed by: Damian Breen

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 13, 2016

Re: Report of the Climate Protection Committee Meeting of September 15, 2016

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, September 15, 2016, and received the following reports:

- A) Climate Legislation Update;
- B) Update on Climate Forward Bay Area: A Leadership Forum;
- C) Cap and Trade Funding Update; and
- D) Clean Air Plan/Regional Climate Protection Strategy Update.

Chairperson Jan Pepper will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None.
- B) Planning and summit execution is funded out of the current year budget.
- C) None.
- D) Resources to develop the 2016 CAP/RCPS are included in the Fiscal Year Ending 2017 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Maricela Martinez

Attachment 15A: 9/15/16 – Climate Protection Committee Meeting Agenda #4  
Attachment 15B: 9/15/16 – Climate Protection Committee Meeting Agenda #5  
Attachment 15C: 9/15/16 – Climate Protection Committee Meeting Agenda #6  
Attachment 15D: 9/15/16 – Climate Protection Committee Meeting Agenda #7

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Jan Pepper and Members  
of the Climate Protection Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 6, 2016

Re: Climate Legislation Update

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The California Legislature concluded the 2015-2016 legislative session after midnight on August 31<sup>st</sup>, and bills addressing climate topics were some of the most heavily-lobbied and closely-watched measures of the year. The Air District had positions on a number of controversial measures that were in play in the final days of the session. Staff will present a verbal report on the outcome of the more significant climate bills, including:

- **SB 32** (Pavley; D-Agoura Hills): Extends California's climate goals beyond 2020, by setting targets for 2030 of 40% reductions below 1990 levels.
- **AB 197** (E. Garcia; D-Coachella): Increases legislative oversight of California Air Resources Board
- **SB 1383** (Lara; D- Long Beach): Specifies percentage reductions in short-lived climate pollutants by 2030, with late amendments addressing landfill and dairy emissions.
- **AB 1613** and **SB 859** (Committee on Budget): Appropriation of cap-and-trade revenues of \$900 million and accompanying trailer bill.
- **AB 1550** (Gomez; D-Los Angeles): Increases emphasis on disadvantaged communities (as defined using CalEnviroscreen) when allocating cap-and-trade revenues.
- **AB 2292** (Gordon; D-Menlo Park): Would have made reforms to CalEnviroscreen, incorporating such factors as rent burden, poverty, and cost-of-living.
- **SB 1441** (Leno; D-San Francisco): Would have prevented utilities from charging rate-payers for natural gas leaks.
- **AB 2722** (Burke; D-Inglewood): Creates the Transformative Climate Communities Program for disadvantaged communities (as defined using CalEnviroscreen).

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Tom Addison  
Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Jan Pepper and Members  
of the Climate Protection Committee

From: Jack P. Broadbent  
Executive Office/APCO

Date: September 6, 2016

Re: Update on Climate Forward Bay Area: A Leadership Forum

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In December 2015, the Board of Directors approved the development of a regional climate protection summit drawing on the success of our 50<sup>th</sup> anniversary summit in 2006 featuring Vice President Al Gore Jr. and our 2009 conference at the Fox Theater in Oakland featuring New York Time columnist and author Thomas Friedman.

The 2006 Climate Summit helped the region recognize the threat and risk of climate change and move toward putting important policies and programs into place to seriously address GHG emissions. Game-changing local actions supported by the Air District included Marin County's community choice aggregation program and Berkeley's property assessed clean energy (PACE) program. Since then, Air District actions have included hosting the 2009 Climate Summit in Oakland, supporting local climate action plans and creating the Air District's new Climate Protection Office.

The Board voted in December of 2015 to move forward with planning a 2016 summit that would build upon these successes and prompt a new round of game-changing actions in the Bay Area.

DISCUSSION

Planning is well underway for "Climate Forward Bay Area: A Leadership Forum" scheduled at the Mission Bay Conference Center at UCSF on October 13-14<sup>th</sup>. We have secured sponsorships and have confirmed panels of renowned speakers, a keynote address by Van Jones from Green for All and are finalizing targeted breakout sessions. Invitations are in the process of being mailed out, information about this event can be found at [climateleadershipforum.org](http://climateleadershipforum.org). The draft agenda has been developed, block of rooms secured at the Marriott Marquis Hotel in San Francisco and transportation has been arranged from the hotel to the conference for the 2-day event. This year marks the 60<sup>th</sup> anniversary year of the Bay Area Air District, and ten years after the first Climate Summit hosted by the Air District.

We anticipate the 2016 Climate Forward Bay Area: A Leadership Forum to inspire Bay Area business leaders and Bay Area government officials to continue bold action and identify creative approaches to reducing local greenhouse gases that can be replicated on a statewide and national level helping to maintain a vibrant economy.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Planning and summit execution is funded out of the current year budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Lisa Fasano  
Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Jan Pepper and Members  
of the Climate Protection Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 7, 2016

Re: Cap and Trade Funding Update

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RECOMMENDATION

None; receive and file.

BACKGROUND

In 2006, the California State Legislature passed Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, which initially required California's emissions to return to 1990 levels by 2020. In August 2016, California State's legislature passed Senate Bill 32, which extends the goals previously established by AB 32 and sets new emissions reduction targets of 40 percent below those 1990 levels by 2030. The law also requires the California Air Resources Board (CARB) to establish a comprehensive program to reduce greenhouse gas emissions and authorizes the CARB to adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions.

As part of its overall strategy to reduce emissions, CARB established a "Cap and Trade" system, which relies on a market-based mechanism to help lower greenhouse gas emissions. California's cap-and-trade rules came into effect on January 1, 2013.

DISCUSSION

On August 31, 2016, Governor Brown announced that his office and the state legislature had reached an agreement on an investment plan for the latest round of Cap-and-Trade auction proceeds. The \$900 million expenditure plan for fiscal year (FY) 2016-17 will provide significant funds for low carbon transportation as shown in the table below.

Table 1: FY 2016/2017 Approved Funding Plan for Low-Carbon Transportation Projects & Programs

Project Category	8/31/16 Budget appropriation <sup>1</sup>
CVRP	\$133 M
Light Duty Pilot projects	Up to \$20 M for Carsharing, Ag worker vanpool, Public fleet CVRP, Financing
	At least \$60 M for EFMP & Plus up
HVIP (\$18 M)	\$150 M
Advanced Technology Demonstration Projects	
Zero-Emission Freight Equipment Pilot Commercial Deployment Project	
Zero-Emission Truck Pilot Commercial Deployment Project	
Zero-Emission Bus Pilot Commercial Deployment Project	
Rural School Bus Pilot Project	
Low NOx Engine Incentives with Renewable Fuel	
Very Low Carbon Fuels Production Incentive Project	\$0
State Operations	\$5M
<b>ARB LCT Totals</b>	<b>\$368 M</b>
Wood Smoke / SLCP program	\$5 M

At the Climate Protection Committee meeting on September 15, 2016, staff will present an informational update on the Cap-and-Trade system including a discussion of the Cap and Trade Auction Proceeds Investment Plan and how this funding may be directed to the Bay Area.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Karen Schkolnick  
Reviewed by: Damian Breen

<sup>1</sup> ARB 8/31/16 Press release - <https://www.gov.ca.gov/news.php?id=19515>

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Jan Pepper and Members  
of the Climate Protection Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 6, 2016

Re: Clean Air Plan/Regional Climate Protection Strategy Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In November 2013, the Board of Directors adopted a Climate Protection Resolution which included a provision directing staff to develop a comprehensive Regional Climate Protection Strategy to help achieve the target of reducing greenhouse gas (GHG) emissions 80% below 1990 levels by year 2050.

DISCUSSION

The Regional Climate Protection Strategy will be incorporated as a key element of the 2016 Clean Air Plan/Regional Climate Protection Strategy (2016 CAP/RCPS). This plan will define an integrated multi-pollutant strategy to further reduce emissions of criteria pollutants, air toxics, and greenhouse gases in order to attain air quality standards, safeguard public health, and protect the global climate.

The 2016 CAP/RCPS will be based on the framework of economic sectors defined by the Air Resources Board (ARB) for the statewide AB 32 Scoping Plan. In preparing the plan, staff has analyzed Bay Area GHG emissions and projected emission trends, and developed proposed control measures to reduce emissions of GHGs and air pollutants from each economic sector.

Staff recently posted draft control measure descriptions for public review, to solicit input on potential control measures proposed for inclusion in the plan. In addition, recent State legislation (SB 32) establishes a state-wide GHG reduction target for 2030. ARB staff is updating the AB 32 Scoping Plan to reflect policies and programs oriented towards the 2030 target. Staff will brief the Committee on potential control measures proposed for the 2016 CAP/RCPS, the status of the Scoping Plan update, and the next steps for completing the 2016 CAP/RCPS.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Resources to develop the 2016 CAP/RCPS are included in the Fiscal Year Ending 2017 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Henry Hilken

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 13, 2016

Re: Report of the Executive Committee Meeting of September 19, 2016

RECOMMENDED ACTION

The Executive Committee (Committee) will meet on Monday, September 19, 2016, to consider recommending the Board of Directors' approval of the following items:

- A) None; receive and file;
- B) Approve the Fiscal Year Ending (FYE) 2017 Community Grant Program guidelines;
- C) None; receive and file; and
- D) None; receive and file.

BACKGROUND

The Committee will meet on Monday, September 19, 2016, and will receive the following reports:

- A) Hearing Board Quarterly Report – April through June 2016;
- B) Community Grant Program Guidelines;
- C) Update on Climate Forward Bay Area: A Leadership Forum; and
- D) Update on My Air Online Permitting and Compliance System Progress.

Chairperson Eric Mar will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None.
- B) None. Funding for this project is included in the FYE 2017 budget.
- C) Planning and summit execution is funded out of the current year budget.

D) Funding for the vendor contracts to support these activities will be provided from the My Air Online Program FYE 2017 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Maricela Martinez

Attachment 16A: 09/19/16 – Executive Committee Meeting Agenda #4  
Attachment 16B: 09/19/16 – Executive Committee Meeting Agenda #5  
Attachment 16C: 09/19/16 – Executive Committee Meeting Agenda #6  
Attachment 16D: 09/19/16 – Executive Committee Meeting Agenda #7

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Executive Committee

From: Chairperson Terry Trumbull, Esq., and Members  
of the Hearing Board

Date: September 5, 2016

Re: Hearing Board Quarterly Report: April through June 2016

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RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the second quarter of 2016 (April to June), the Hearing Board:

- Held two hearings on an Accusation (3690 and 3692); and
- Processed a total of two Orders, including one Order for Dismissal (3686) and one Stipulated Conditional Order for Abatement (3690); and
- Collected a total of \$4,180.00 in filing fees, including two Emergency Variances (3687 and 3691) and one Short-Term Variance (3693).

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

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**Location:** Contra Costa County; City of Concord

**Docket:** 3686 APCO v. ALL STAR SERVICE, INC. – *Accusation*

**Regulation(s):** Regulation 2, Rule 1 – Section 302

**Synopsis:** Respondents own or operate a gas station in Concord, California for which they must hold a current and valid District permit to operate gasoline dispensing equipment, pursuant to District Regulation 2, Rule 1. Since January 1, 2016, Respondents have been conducting gasoline dispensing operations continuously at this gas station without a permit in violation of District Regulation 2-1-302. This Accusation follows two previous abatement actions initiated against Respondents in the past four years for this same violation. In 2015, this Hearing Board issued a stipulated order for abatement pursuant to which Respondents paid four years of unpaid permit fees covering January 1, 2013 to January 1, 2016. Prior to that, in 2012, the APCO filed an accusation against Respondents for operating this facility in 2011 and 2012 without a permit. Once again, Complainant seeks an order that Respondents cease gasoline dispensing operations at this facility until they obtain a current, valid District permit to do so.

**Status:** Order for Dismissal filed on June 16, 2016.

**Period of Variance:** n/a

**Estimated Excess Emissions:** n/a

**Fees collected this quarter:** n/a

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**Location:** Contra Costa County; City of Richmond

**Docket:** 3687 CHEVRON PRODUCTS CO. – *Application for Emergency Variance*

**Regulation(s):** Regulation 8, Rule 5, Sections 304, 321.1, 321.3, 322.1, 322.3, and 322.5

**Synopsis:** Applicant operates a Title V refinery that refines crude oil and intermediates for gasoline and diesel fuel located at 841 Chevron Way, Richmond, CA 94801. Applicant, on April 6, 2016, discovered a portion of the primary and secondary rim seals on tank T-3197, which contained naphtha, were damaged. There was no indication of rim seal problems at the last inspection of T-3197 and the tank has a regular inspection schedule. Once damage to the seals was discovered, Applicant acted promptly to stop product from entering or leaving the tank, informed the Air District of the problem, and injected construction foam to suppress excess VOC emissions from the damaged section of the tank and will use fire foam to reduce excess VOC emissions during decommissioning.

**Status:** Proposed Order Granting Emergency Variance sent to applicant for review on August 3, 2016.

**Period of Variance:** April 8, 2016, at 9:00 a.m., to April 18, 2016 (10 days)

**Estimated Excess Emissions:** 10 lbs/day of Hydrocarbon.

**Fees collected this quarter:** \$887

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**Location:** Santa Clara County; City of Milpitas

**Docket:** 3690 APCO vs. SULAIMAN DOSOUQI, et al – *Accusation*

**Regulation(s):** Regulation 2, Rule 1 - Section 302

**Synopsis:** Respondents own or operate a gas station in Milpitas, California for which they must hold a current and valid District permit to operate gasoline dispensing equipment, pursuant to District Regulation 2, Rule 1. Since at least October 2010, one or more of the Respondents have been conducting gasoline dispensing operations continuously at this gas station. Since at least September 1, 2012, they have been operating without a permit to operate, in violation of District

Regulation 2-1-302. Complainant seeks an order that Respondents cease gasoline dispensing operations at this facility until they obtain a current, valid District permit to do so.

**Status:** Stipulated Conditional Order for Abatement filed June 27, 2016.

**Period of Variance:** n/a

**Estimated Excess Emissions:** n/a

**Fees collected this quarter:** n/a

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**Location:** Santa Clara County; City of San Jose

**Docket:** 3691 SHELL OIL PRODUCTS US – *Application for Emergency Variance*

**Regulation(s):** Regulation 8, Rule 5 - Section 322

**Synopsis:** Applicant operates storage tank 260 (Source # S-4), an internal floating roof tank storing ethanol used for bulk storage and loading of petroleum products, located at 2165 O’Toole Ave, San Jose CA 95131. Applicant is investigating the cause of the tears in the secondary seal on the floating roof from Source # S-4 which were noticed upon quarterly inspection on May 10, 2016. The seals passed inspection on February 24, 2016. Repairs are scheduled to begin on May 11, 2016.

**Status:** Order Granting Emergency Variance filed on August 8, 2016.

**Period of Variance:** May 11, 2016, at 1:00 p.m., to June 10, 2016, at 1:00 p.m. (30 days)

**Estimated Excess Emissions:** None.

**Fees collected this quarter:** \$967

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**Location:** Alameda County; City of Union City

**Docket:** 3692 APCO vs. K&A GAS AND AUTO REPAIR, INC., et al – *Accusation*

**Regulation(s):** Regulation 2, Rule 1 - Section 302

**Synopsis:** Respondents own or operate a gas station in Milpitas, California for which they must hold a current and valid District permit to operate gasoline dispensing equipment, pursuant to District Regulation 2, Rule 1. Since at least October 2010, one or more of the Respondents have been conducting gasoline dispensing operations continuously at this gas station. Since at least September 1, 2012, they have been operating without a permit to operate, in violation of District Regulation 2-1-302. Complainant seeks an order that Respondents cease gasoline dispensing operations at this facility until they obtain a current, valid District permit to do so.

**Status:** First hearing held July 14, 2016; continued hearing scheduled for November 3, 2016.

**Period of Variance:** n/a

**Estimated Excess Emissions:** n/a

**Fees collected this quarter:** n/a

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**Location:** Contra Costa County; City of Martinez

**Docket:** 3693 SHELL CHEMICALS, LP - *Application for Short-Term Variance*

**Regulation(s):** Regulation 8, Rule 5 - Section 307; Permit Conditions 19945 and 15124

**Synopsis:** Abatement devices S-1389 and S-1399 will be out of service for maintenance and natural gas supply piping upgrades during variance period, leaving S-1337, S-1338, S-1339, S-1340, S-1343, S-1400, S-1401 and S-1402 unabated while organic liquids or vapors are present. The facility does not plan to operate processes associated with these sources during the variance period. There should be no change in chemicals in the vessels. Emissions are associated with standing losses from vessels. The facility plans to draw down and if feasible empty these tanks as much as possible and intend to only have product in 8-1400 and 8-1401 during the outage. The RM-17 process will not be in operation so there will be no addition or removal from these tanks during this requested variance. There will be negligible emissions that may occur from standing loss from the tanks that would not be abated by 8-1389 and 8-1399 during this short variance period. Applicant is presently in compliance with the permit conditions but is. Requesting variance relief for planned work. The applicant will return to compliance upon completion of the planned work on the natural gas line.

**Status:** Order for Dismissal filed on July 14, 2016.

**Period of Variance:** July 11, 2016 to July 26 2016 (16 days)

**Estimated Excess Emissions:** 0.56 lbs/day of POCs

**Fees collected this quarter:** \$2326

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Respectfully submitted,

Terry Trumbull, Esq.  
Chair, Hearing Board

Prepared by: Marcy Hiratzka  
Reviewed by: Maricela Martinez

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 6, 2016

Re: Community Grant Program Guidelines

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RECOMMENDED ACTION

The Committee will consider recommending the Board of Directors approval of the Fiscal Year Ending (FYE) 2017 Community Grant Program guidelines.

BACKGROUND

On October 7, 2015, the Board of Directors approved the guidelines for the relaunch of the Air District's James Cary Smith Community Grant Program. The Community Grant Program was reauthorized to expand efforts to reduce air pollution, further collaboration and direct community participation in the protection of our health and the environment. Last year the program funded eleven projects for a total \$261,274. Funded activities include implementing local air pollution mitigation projects, supporting community-based partnerships with local high/junior high schools, and targeted air quality outreach and education initiatives. As reported to the Public Engagement Committee on March 16, 2016, staff is focusing the program this year explicitly on encouraging citizen science/community-based participatory research grants. Accordingly, Air District staff has developed an updated version of the Community Grant Program guidelines for this "community science" focus for FYE 2017. The FYE 2017 budget includes an allocation of \$250,000 for the Community Grant Program.

DISCUSSION

Staff believes that the 2016-17 James Cary Smith Community Grant Program is on track in achieving the stated goals and intent of the program. These goals are to focus resources on localized areas within the region with high concentrations of air pollution and in doing so, encourage community-based solutions that can improve health while also helping reduce our global climate impact. Following the first grant cycle, staff consulted with internal staff and external stakeholder groups including the Bay Area Environmental Health Collaborative (BAEHC) and the United States Environmental Protection Agency to obtain feedback in the development of a focused Community Science Grant Program that could alternate yearly with the other grant focus areas of education and engagement and local air pollution mitigation projects. Based on these discussions, staff has developed guidelines for a two-track Community Science grant call:

- \$240,000 available for sponsored “community science” research grants up to \$50,000 that involve a qualified academic/research partner with a local community-based partner; and
- \$10,000 available for in-classroom direct small grants up to \$1,000 to support K-12 public school teachers apply hands-on air quality science with their students.

The 2016-17 “Community Science” focus will help engage even more partners in the overall Community Grant Program as well as contribute needed leadership and participation in value-added research that aligns with the Air District’s mission and goals.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None. Funding for this project is included in the FYE 2017 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: David Ralston  
Reviewed by: Jean Roggenkamp

- Attachment 5A: Bay Area Air Quality Management District James Carey Smith Community Science Grant Program FYE 2017 Overview
- Attachment 5B: Bay Area Air Quality Management District James Carey Smith Community Science Grant Program FYE 2017 Guidelines

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**JAMES CARY SMITH COMMUNITY SCIENCE GRANT PROGRAM**

**FYE 2017 OVERVIEW**

**Background**

The Bay Area Air Quality Management District (Air District) aims to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and the global climate. The Air District adopts and enforces regulations and implements programs to achieve healthy air quality. By improving air quality over the past sixty years, the Air District's programs have produced substantial public health benefits, saved the region millions of dollars in health-related costs, and helped put the Bay Area at the forefront of addressing clean air and climate-change.

The Air District is committed to promoting, supporting and sponsoring community-based solutions that can improve health while also helping reduce our global climate impact and that also help engage, empower and education Bay Area residents.

For the 2017 grant cycle, the Air District has set aside \$250,000 to focus explicitly on sponsoring "community science" projects and applied or "hands-on" research that address air quality issues.

**Purpose**

The FYE 2017 "Community Science" grants are subdivided into two grant categories:

- \$240,000 will be made available for **Community-Based Participatory Sponsored Research Grants** up to \$50,000 (reimbursable) that involve a qualified academic/research partner with a local community-based partner. Types of sponsored research projects include analyzing local air quality impacts, demonstrating the effectiveness of innovative mitigation strategies, improving the accessibility and Quality Assurance/Quality Control of community air sensors, and/or developing applied air science-based educational partnerships.<sup>1</sup>
- \$10,000 will be made available for **In-Classroom Air Science Teaching Support Small Grants** up to \$1,000 (one-time disbursement) for current K-12 publicly-funded school teachers who are applying/incorporating hands-on air quality science with their students. These funds can be used to defray in-class material costs, support classroom field trips or support a hands-on curriculum unit or project. Funds may not be used for personnel costs, stipends, overhead or school administrative fees.

For both categories, priority will be given to grant applications that clearly meet the Air District's mission, align with key on-going research interests of the Air District and

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<sup>1</sup> The Air District will provide technical assistance and quality assurance oversight as needed.

projects proposed within localized areas with high concentrations of air pollution (e.g. particulate matter (PM), ground-level ozone or cumulative pollution impacts) or where vulnerable communities experience significant adverse health impacts. Grant scopes will be negotiated after initial selection.

### **Geographic Region**

Eligible projects must be located within the Air District's nine-county jurisdiction. The Air District's jurisdiction encompasses all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo and Santa Clara Counties, as well as southern Sonoma County and southwestern Solano County.

### **Duration**

Grant proposals for FYE 2017 will be accepted on a rolling basis until funding is expended. Projects are expected to be completed by June 30, 2018.

### **Requirements**

Project applicants are asked to send in a 2-3-page project intent description including a description of the applied science/research approach, list of intended partners, and a proposed budget. To be considered for funding for the Community-Based Participatory Sponsored Research Grants, project leads must be a certified 501c3 nonprofit and must include an academic or applicable research partner to oversee the proposed science as well as include a local community-based organization, faith-based organization or school. To be considered for funding for the In-Classroom Air Science Teaching Support Small Grants, project leads must be a current K-12 publicly-funded school teacher.

Successful grantees shall provide the Air District with final reports at a minimum. The Community-Based Participatory Sponsored Research Grants are administered on a reimbursement basis. The In-Classroom Air Science Teaching Support Small Grants will be a one-time disbursement directly to the lead teacher. At the completion of grant activities, grantees shall submit a final report with simple metrics of what was accomplished and provide photo documentation of grant activities. Grantees may be asked to make a presentation of the grant project during a meeting of the Air District's Board of Directors or at the Air District's Youth for the Environment and Sustainability (YES) Conference as applicable.

In general, successful grants are expected to demonstrate that the proposed applied science or research will align with the Air District's overall mission and, as applicable, on-going research questions or explorations. Please visit the Air District web-site [www.baaqmd.gov](http://www.baaqmd.gov) to gain a better understanding of on-going initiatives and research.

The Air District shall retain all ownership and intellectual copyright of submitted grant materials, project outcomes and documents unless otherwise specifically stipulated in the funding agreement.

### **Who can apply?**

Eligible applicants include:

- Non-profit 501(c) 3 organizations including faith-based organizations;

- Community-based organizations or associations in partnership with a 501(c) 3 fiscal sponsorship;
- K-12 schools or school-sponsored projects (including teacher, parent or student initiated);
- Individual publicly-funded K-12 current school teachers (for small grant program only)

Eligible grant recipients are responsible for the implementation of the project and must have the authority and capacity to complete the project. The Air District values the inherent strengths of local residents and their communities and looks for projects that demonstrate community engagement and high levels of cooperation and leadership by residents rooted in the community.

### **Ineligible Activities**

The Community Grant Program will not fund:

- Specific projects that are already directly funded by the Air District (unless funding a separate phase of a clear multi-phased project)
- Costs for preparing or submitting grant application
- Deficit budgets
- Lobbying efforts
- Endowment campaigns
- Political and organization fundraising campaigns
- Marketing of products or technologies
- Specific projects that will require funding beyond this grant or grant period in order to be completed (unless such source of funding is identified and committed to up front).

To learn more and apply, please go to: <http://www.baaqmd.gov/grant-funding/residents/community-grants-program>. For more information, please contact:

David Ralston  
Community Engagement Manager  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
[dralston@baaqmd.gov](mailto:dralston@baaqmd.gov)  
(415) 749-8423

Please visit us at: [www.baaqmd.gov/community](http://www.baaqmd.gov/community)

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
FYE 2017 COMMUNITY SCIENCE GRANT PROGRAM GUIDELINES**

**SECTION I GOALS AND OBJECTIVES**

The overarching goals of the James Cary Smith Community Grant Program are to reduce and mitigate the impacts from local airborne pollutants; to increase public awareness of air quality issues including both the health and climate effects of air pollution; and to encourage collaborative partnerships between the Air District and community members in air pollution reduction.

The Air District will make grant funds available throughout the region each fiscal year pending Board approved budget allocations into the Community Grant Fund. The Community Grant funds are intended to achieve overall Air District goals and mission by funding activities that support one or more of the following objectives.

*Objective 1:* Education and engagement to inform community members about air quality improvement issues and the health effects of air pollution

*Objective 2:* Local air-pollution impact mitigation projects

*Objective 3:* Community-Based Participatory Research/ "Community Science"

Community grants are expected to demonstrate a strong degree of community engagement and community partnership, encourage local resident leadership and education, and should highlight both community health and climate protection co-benefits.

Given that grant application project types may vary significantly between these three objectives and to better distribute available funds, the Air District will focus grant cycles to directly seek projects addressing one or more targeted objective(s) and rotate such targeted focus from year to year. **For FYE 2017, the targeted grant objective will be Objective 3: Community-Based Participatory Research/ "Community Science" Grants.**

**There are two sub-categories of "Community Science" Grant that will be made available:**

(A) Community-Based Participatory Sponsored Research Projects

The Air District seeks to fund projects that encourage and support collaborative research partnerships between the Air District, local research groups/academic institutions, and community members in air pollution reduction research, as well as studies or plans including assessments of air quality impacts. Projects are intended to support local resident engagement with applied air quality science.

For this category, \$240,000 will be made available for selected Community-Based Participatory Sponsored Research Grants up to \$50,000 (reimbursable) that involve a

qualified academic/research partner and a local community-based partner.<sup>1</sup> Types of sponsored research projects include analyzing local air quality impacts, demonstrating the effectiveness of innovative mitigation strategies, improving the accessibility and Quality Assurance/Quality Control of community air sensors, and/or developing applied air science-based educational partnerships.<sup>2</sup> Projects will be required to have Air District quality assurance oversight and must demonstrate joint knowledge-sharing and opportunities for direct resident involvement within the project.

#### (B) In-classroom Air Science Teaching Support Funds

A \$10,000 set-aside of the overall grant funds will be made available for **In-Classroom Air Science Teaching Support Small Grants** up to \$1,000 (one-time disbursement) for current K-12 publicly-funded school teachers. These small grants are targeted for teachers who are applying/incorporating a “hands-on” air quality science curriculum (including projects involving air quality health impacts and/or air-related aspects of climate protection).

Funds may be used to defray in-class material costs, support classroom field trips or support a hands-on curriculum unit or project. Funds may not be used for personnel costs, stipends, overhead or school administrative fees. Funded projects will be expected to submit a presentation or write-up and include student presenters or participants at the Air District’s annual (YES) Youth for the Environment and Sustainability Conference (scheduled for February 25<sup>th</sup>, 2017).

## SECTION II APPLICATION PROCEDURES

### Application process

Applications will be accepted on a rolling basis until all funds are expended but no later than March 31, 2017.

### Electronic Submittal Process

The Air District welcomes paperless applications for this grant program. Proposals may be submitted electronically to [dralston@baaqmd.gov](mailto:dralston@baaqmd.gov). Faxed, mailed or couriered proposals will also be accepted. Applicants will receive a confirmation of receipt from the District within 3 days of the application submittal.

### Formatting

Proposals should be single-spaced with a 12-point font. The Air District’s Community Grant Program Cover Sheet (Appendix A) will serve as the proposal’s cover sheet/title page. Include the name of the applicant (e.g., organization) and page number on each page. The Air District discourages use of plastic folders. Electronic proposals must be submitted as either PDF or Word documents.

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<sup>1</sup> Contracts in support of one overall project may be subdivided for partners if necessary.

<sup>2</sup> The Air District will provide technical assistance and quality assurance oversight as needed.

## Application Requirements

### Cover Page

Use the Air District's Community Grant Program Cover Page located in Appendix A as the first page of your application packet.

### Proposal Intent – 2-3 pages

Proposal narratives should include the following:

- *Description of the project* – Provide a concise description of what project you propose to undertake, the partners involved, and the amount requested.
- *Research Need(s) being addressed* – Succinctly explain the need for the proposed activity and why funding from the Air District is critical in meeting that need.
- *Intention and objectives of the proposed community science and/or research activity* – List applicable goals and objectives for the proposed activity. Goals are broad aspirations whereas objectives are means to achieving a goal.
- *Overview of air science methods or strategic approach to be employed (as applicable)* – The strategic approach describes how objectives will be achieved. Include a description of what you will do, how you will do it, including proposed timeframe, any partners you will collaborate with, and why this particular approach is proposed.
- *Description of partners and respective roles (as applicable)*– For example, for the Community-Based Participatory Sponsored Research Grants, each project needs to have an identified academic or research partner to oversee and help in the design and/or application of the science portions of the project as well as identify a community place-based organization who will be directly involved in the project.<sup>3</sup>
- *Descriptions of any unique tools, instrumentation, or equipment* – For example, some effective tools to measure air quality may be found at this site: <http://www.aqmd.gov/aq-spec/sensornews> or others such as: <https://www.epa.gov/air-research/air-sensor-toolbox-citizen-scientists>
- *Measuring success* – Clearly state how the results of the proposed activity will be measured and evaluated.

### Project Budget – (separate page)

Provide a prospective budget for the proposed activity and identify budget line items to be funded by the Air District's Community Grant Program. List any other funders, their total contribution (including in-kind), and indicate whether or not that contribution has been secured (in-hand), committed, requested or not yet requested.

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<sup>3</sup> If a project is selected, partners will be asked to establish a clear research/data communication agreement.

Include the following line items (may be estimated):

- Personnel costs (as applicable)– list project team members, hours for each and hourly rates for each (include any fringe/benefits)
- Consultants/sub-contractors (as applicable)– list estimated hours and rates
- Meetings (convening of) – any public meetings, workshops, trainings, etc. required as part of your project (NOT internal project team meetings)
- Materials including any design, production, web resources
- Research equipment or tools
- Community Stipends
- Indirect expenses / overhead – list your indirect/overhead rate. **The Community Grant program will only fund up to 15% of the grant for administrative costs including fiscal agent fees.**
- Other

Following submittal, applications will be reviewed in terms of how they align with Air District mission and goals, the grant program goals, how they align or add value to on-going or needed research/study, and the appropriateness, capacity and qualifications of the assembled grant team.

**It is strongly recommended that prospective applicants talk with Air District staff and consult our webpage ([www.baaqmd.gov](http://www.baaqmd.gov))** to understand the context, need for various types of research or air science questions. Strong applications that the Air District are interested in sponsoring will be contacted for further organizational documentation, additional project questions and for developing a final contract scope of work and any budget refinements.

Air District staff will be holding a Community Science Grant workshop on **Thursday, October, 20<sup>th</sup> from 4:30pm-6:30pm** where prospective applicants can ask questions and bring their proposal.

### SECTION III GRANT SPECIFICS AND SCORING

#### For Community-Based Participatory Sponsored Research Grants

- Grant range: up to \$50,000 (reimbursement basis, required final report)
- Duration: 12-15 months (all grant funds must be expended and grants completed by June 30, 2018)
- Eligible applicants: Non-profit 501(c) 3 organizations, organizations with fiscal sponsorship under a 501(c)3 organization, academic/research institutions, or K-12 schools.

Successful grants are expected to demonstrate a strong degree of community engagement and community partnership and should highlight both community health and climate protection co-benefits.

A team of Air District staff will evaluate grant initial proposals using the following evaluation criteria:

Evaluation Criteria and Scoring for grants

Meets Grant Program objectives	15
Adds value/addresses needed or ongoing Air District research <sup>4</sup>	15
Overall strength and feasibility of community science proposal	25
Strength and capacity of academic/research partner	20
<u>Strength and capacity of project lead &amp; community partnerships</u>	<u>25</u>
Total possible points	100

For In-Classroom Air Science Teaching Support Small Grants:

- Grant range: up to \$1,000 (one time grant disbursement, required final report/presentation and participation/attendance in the 2017 YES Conference)
- Duration: 12-15 months (all grant funds must be expended and grants completed by June 30, 2018)
- Eligible applicants: K-12 schools teachers.
- Funds may not be used for school administrative fees

Successful grants are required to demonstrate a strong degree of active student leaning, engagement with air science curriculum or hands-on learning opportunities and are encouraged to involve aspects of community engagement and/or academic or other research partnerships if possible.

A team of Air District staff will evaluate grant initial proposals using the following evaluation criteria:

Evaluation Criteria and Scoring for grants

Meets Grant Program objectives	25
Actively engages students in “hands-on” Air Quality Science/learning*	25
Overall strength and feasibility of proposal	25
<u>Strength and capacity of in-class teacher<sup>5</sup></u>	<u>25</u>
Total points	100

\*10 Bonus points available for projects that actively engages students who receive free and reduced lunch.

For all grants: Proposals with strong projects and high scores will be contacted and invited to provide further information and to develop a mutually agreeable project scope and budget. Applicants may be asked to schedule site visits to better understand proposed project, view project location and meet project team as a supplement to the evaluation process. Project applications will be evaluated on a rolling basis and are open until all funds are expended.

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<sup>4</sup> For example, will it explore or answer a question or help direct/focus future questions?

<sup>5</sup> Includes evaluation of in-class and/or outside of class experience, knowledge or background in regards to air science projects. Early-career teachers will not be penalized and are encouraged to apply.

## SECTION IV AFTER RECEIVING A GRANT

### Award Process

Notification of preliminary approval of proposals and invitations for further submittals/negotiation will be made within 45 days of received complete application. The Air District will notify applicants electronically, unless the applicant has only a mailing address.

Air District staff will work with invited applicants to develop scope of work and a grant agreement for execution. The agreement will include the project's terms and conditions that the grantee must meet, including monitoring and reporting requirements, notifying the Air District of any change in operation, and providing certificates of insurance. Final approval for funding occurs upon execution by both the project sponsor and the Air District of a Community Grant Program agreement. If grantee does not complete the project or comply with all of the grant's terms and conditions, the grantee may have to repay a portion or all of the funds granted, and may be barred from future Air District grants. In the event that the Air District awards an amount that is less than the amount requested, Air District staff will work with the awardee to align deliverables, outcomes and timelines appropriately. Upon execution of the grant agreement, the grantee may commence work on its funded activities.

### Payment of Grant Funds

The payment schedule will be established in the funding agreement for each project. No funds will be released until the funding agreement has been signed by the project sponsor and the Air District (i.e. fully executed). For the Community-Based Participatory Sponsored Research Grants, payment will be made on a reimbursement basis, after project costs are incurred and documented. The final payment will be made upon adequate completion of all deliverables and submittal of a complete final report (including narrative and financial reporting). For the In-Classroom Air Science Teaching Support Small Grants, a one-time disbursement will be made directly to the lead/responsible teacher.

### Reporting

Grantees are required to submit final reports on the project. Final reports include narrative descriptions of the activities and final fiscal accounting for the project. Final reports are used to analyze the impact of the Air District's investments and assist in shaping future grant programs. All reports will be used to share information and promote successes among grantees and with the greater Bay Area community. Report formats and requirements will be provided to grantees with their award materials.

### Meetings/conferring

Air District staff will meet individually with all grantees onsite midway through their project implementation to assess progress made on projects. Grantees may be invited to make a presentation of the grant project during a meeting of the Air District's Board of Directors and/or the Air District's annual Youth for the Environment and Sustainability (YES) Conference.

**APPENDIX A  
COMMUNITY GRANT PROGRAM COVER SHEET**

**I. Applicant**

Name of Organization: \_\_\_\_\_

Type of Organization:

- 501c3 non-profit                       Fiscally Sponsored project of another 501c3 non-profit  
 Academic Research Institution                       K-12 teacher                       Other

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Website: \_\_\_\_\_

Primary Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

Executive Director: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

**Fiscal Sponsor (if applicable)\*:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Primary Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

*\* A fiscal sponsor is a non-profit or public agency that permits an organization that does not have a tax-exempt status to operate under its auspices. If you have a fiscal sponsor, please complete this box AND attach your fiscal sponsor's IRS tax-exempt letter.*

**II. Project**

Project Title: \_\_\_\_\_

Program Area / Grant Type (e.g.; Community-Based Participatory Sponsored Research or In-classroom Air Science Teacher Support): \_\_\_\_\_

Total Project Cost: \$ \_\_\_\_\_ District Funding Request: \$ \_\_\_\_\_

***Individual authorized to enter into a formal agreement with the Air District:***

I, \_\_\_\_\_, authorize the submittal of this grant application and certify that all information is correct and accurately reflects the project intent.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Office/APCO

Date: September 6, 2016

Re: Update on Climate Forward Bay Area: A Leadership Forum

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In December 2015, the Board of Directors approved the development of a regional climate protection summit drawing on the success of our 50<sup>th</sup> anniversary summit in 2006 featuring Vice President Al Gore Jr., and our 2009 conference at the Fox Theater in Oakland featuring New York Times columnist and author Thomas Friedman.

The 2006 Climate Summit helped the region recognize the threat and risk of climate change and move toward putting important policies and programs into place to seriously address GHG emissions. Game-changing local actions supported by the Air District included Marin County's community choice aggregation program and Berkeley's property assessed clean energy (PACE) program. Since then, Air District actions have included hosting the 2009 Climate Summit in Oakland, supporting local climate action plans and creating the Air District's new Climate Protection Office.

The Board voted in December of 2015 to move forward with planning a 2016 summit that would build upon these successes and prompt a new round of game-changing actions in the Bay Area.

DISCUSSION

Planning is well underway for "Climate Forward Bay Area: A Leadership Forum" scheduled at the Mission Bay Conference Center at UCSF on October 13-14<sup>th</sup>. We have secured sponsorships, confirmed panels of renowned speakers and a keynote address by Van Jones from Green for All, and are finalizing targeted breakout sessions. Invitations have been mailed out and information about the event can be found at [climateleadershipforum.org](http://climateleadershipforum.org). The draft agenda has been developed; a block of rooms secured at the Marriott Marquis Hotel in San Francisco; and transportation has been arranged from the hotel to the conference for the 2-day event.

This year marks the 60<sup>th</sup> anniversary year of the Bay Area Air District, and ten years after the first Climate Summit hosted by the Air District. We anticipate the 2016 Climate Forward Bay Area Forum will inspire Bay Area business leaders and Bay Area government officials to continue bold action and identify creative approaches to reducing local greenhouse gases that can be replicated on a statewide and national level helping to maintain a vibrant economy.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Planning and summit execution is funded out of the current year budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Lisa Fasano  
Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 6, 2016

Re: Update on My Air Online Permitting and Compliance System Progress

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Staff will provide an update on the My Air Online program goals for the 2016 calendar year, including progress in completing small facility permitting milestones.

DISCUSSION

In the first half of the 2016 calendar year, the My Air Online Program will complete the following activities:

- Support for online permitting and mobile inspections of emergency/standby diesel engines
- Support for online processing for asbestos renovation and demolition jobs
- Improved (daily) public notifications for permit applications
- Enhanced support for compliance and enforcement operations

Staff plan to complete the following items for the second half of the 2016 calendar year:

- Enhanced online wood smoke complaint and investigation processing
- Migration of legacy small source registration software to newer online permitting platform
- Mobile inspections for renovation and demolition notifications
- Online stipulated abatement order agreements for small boilers
- Enhanced dispatching and mobile investigations for air quality complaints
- Enforcement action processing
- Foundation for complex facility permitting enhancements

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the vendor contracts to support these activities will be provided from the My Air Online Program FYE 2017 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Jaime A. Williams  
Reviewed by: Damian Breen

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Eric Mar and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 13, 2016

Re: Report of the Stationary Source Committee Meeting of September 19, 2016

RECOMMENDED ACTION

The Stationary Source Committee (Committee) will receive only informational items and has no recommendations of approval by the Board of Directors.

BACKGROUND

The Committee will meet on Monday, September 19, 2016, and receive the following reports:

- A) Upcoming Changes to Regulation 9, Rule 13: Cement Kilns;
- B) Amendments to Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants;  
and
- C) Update on Wood Smoke Reduction Incentive Program.

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

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None.
- B) Staff anticipates the need to perform approximately one hundred additional Health Risk Assessments per year, and may hire consultants to help handle the additional workload.
- C) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Maricela Martinez

Attachment 17A: 9/19/16 - Stationary Source Committee Meeting Agenda #4  
Attachment 17B: 9/19/16 - Stationary Source Committee Meeting Agenda #5  
Attachment 17C: 9/19/16 - Stationary Source Committee Meeting Agenda #6

**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: September 7, 2016

Re: Upcoming Changes to Regulation 9, Rule 13: Cement Kilns

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On September 12, 2012, the Board of Directors adopted Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants from Portland Cement Manufacturing (Rule 9-13,) setting lower emission standards for nitrogen oxides (NOx), particulate matter (PM), and reducing risk from toxic air contaminants (TAC). The rule also contains a 10% opacity standard for miscellaneous operations at the facility and sets a number of operational requirements to reduce fugitive dust from quarrying, conveying and transport operations. The rule also contained requirements to reduce health risk that resulted in construction of a single, higher stack to replace 32 ground level emission points. The rule requirements became effective on September 9, 2013 at the one facility currently impacted, the Lehigh Cement Plant near Cupertino.

DISCUSSION

The adoption of this rule has led to emissions reductions, reduced health risk, more accurate monitoring, improved dust mitigation and enhanced enforceability. However, there is a technical problem with the ammonia limit in the rule. The rule requires the injection of ammonium hydroxide into the kiln to control NOx. The rule sets an ammonia limit to guard against excessive emissions due to over-use of the ammonium hydroxide. This limit was set without the benefit of data about the inherent variability of nitrate in the limestone feedstock used to make cement. The nitrate in the feedstock is converted to ammonia in the kiln. The unanticipated variability of nitrate levels in the feedstock can cause the facility to exceed its regulatory limit for ammonia independent of the amount of ammonium hydroxide injected.

Staff has developed changes to the ammonia standard that will remedy the issue with the current ammonia limit and allow the requirements of the rule to be incorporated into the facility's Title V permit, thereby becoming federally enforceable. Proposed amendments to Rule 9-13 will address ammonia emissions by establishing a fixed exhaust ammonia concentration over a longer averaging time while ensuring public health is protected and guarding against nuisance odors.

There are other areas of concern related to operations at the Lehigh Cement Plant. For example, currently Rule 9-13 does not address condensable PM and sulfur dioxide (SO<sub>2</sub>) emissions, both of which may contribute to regional PM levels and visibility of the plume exiting the stack. As a result, the Air District is currently working to potentially address SO<sub>2</sub> and associated condensable PM emissions through a separate rule development process. In addition, the Air District is currently developing draft Regulation 11, Rule 18 (Rule 11-18,) which will set limits on the impact of toxic emissions at existing facilities and incorporate new California Office of Environmental Health Hazard Assessment (OEHHA) methodologies. Based on the current proposal of Rule 11-18 and current emissions at the Lehigh facility, it is likely that the risk from this facility will be evaluated to determine if further reductions in toxic impact are required.

Air District staff are currently working with local stakeholders and Lehigh on all of these issues. An amendment to the rule to address the ammonia emissions limit is scheduled to be considered by the Board of Directors on October 19, 2016. A second phase of rule-making for Rule 9-13 along with proposed Rule 11-18 will address the other issues. This second round of amendments to Rule 9-13 is anticipated to be considered by the Board of Directors in 2017. Staff will continue to be in regular communication with the local stakeholders to receive their input on all remaining issues.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Robert Cave/Greg Nudd  
Reviewed by: Eric Stevenson

**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: September 7, 2016

Re: Amendments to Regulation 2, Rule 5: New Source Review of Toxic Air  
Contaminants

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air District implements several programs that are designed to identify and reduce public exposure to toxic air contaminants (TACs). The Air District's Permitting Program relies on standardized procedures to assess potential health impacts from new and modified sources. The State Office of Environmental Health Hazard Assessment (OEHHA) develops and periodically updates the Health Risk Assessment (HRA) guidelines, while California Air Resources Board (CARB) and California Air Pollution Control Officers Association (CAPCOA) provide risk management (RM) guidance. In 2015, OEHHA adopted major revisions to the HRA guidelines and CARB/CAPCOA updated the RM guidelines. The revised guidelines reflect improved methods for calculating public health risk and account for children's heightened sensitivity to toxic air contaminants.

DISCUSSION

The Air District's risk management policies and procedures for the Air Toxics Permitting Program are implemented through Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants. The Air District is proposing to incorporate the updated HRA and RM guidelines into Regulation 2, Rule 5. Overall, the proposed amendments will increase the stringency of this rule. For most carcinogens, the calculated cancer risk for residents will increase by about 40% compared to the Air District's current procedures. For carcinogens with multiple exposure pathways, the calculated cancer risk may increase by two to five times. The changes proposed as a result, will be more protective of Bay Area residents and will require tighter controls of new facilities.

Staff will provide an update on the completion of the public comment period, environmental impact report and socioeconomic analysis for the proposed amendments to Regulation 2, Rule 5.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Staff anticipates the need to perform approximately one hundred additional Health Risk Assessments per year, and may hire consultants to help handle the additional workload.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Jaime Williams  
Reviewed by: Damian Breen

**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: September 7, 2016

Re: Update on Wood Smoke Reduction Incentive Program

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In the winter, the estimated 1.4 million fireplaces and other wood-burning residential heating devices account for more than 30% of PM<sub>2.5</sub> air pollution in the Bay Area. On July 9, 2008, the Bay Area Air Quality Management District's (Air District) Board of Directors (Board) adopted Regulation 6, Rule 3: Wood-burning Devices, to protect Bay Area residents from the public health impacts of wood smoke pollution. Wood-burning devices include fireplaces, fire pits, wood stoves, pellet stoves, and any other wood-fired heating device. The rule bans wood burning during Winter Spare the Air Alerts; limits excess visible smoke; prohibits burning garbage; prohibits the sale and installation of non-EPA certified wood-burning devices; and requires labeling on firewood and other solid fuels sold within the Air District's jurisdiction.

Although Regulation 6, Rule 3 has successfully reduced wintertime PM<sub>2.5</sub> emissions regionally by about 2,660 tons per year (tpy), wood smoke continues to cause unhealthy air, to exceed the PM<sub>2.5</sub> federal health standard, and to negatively impact local air quality. On October 21, 2015, the Board adopted amendments to the rule that tighten exemptions and requirements from the original rule. The amendments to Regulation 6, Rule 3 are scheduled to go into effect on November 1, 2016, and include the following provisions:

- Restrictions on the availability of the "sole source of heat" exemption: Residents seeking to use the exemption will be required to replace or upgrade any existing non-certified wood-burning device or fireplace with an EPA-certified wood-burning device, and to register that EPA-certified device with the Air District;
- Provision for a temporary exemption for non-functional, permanently installed heaters;
- Provision for an exemption for loss of natural gas and/or electric power;

- Adoption of EPA emissions requirements for the manufacturing, sale or resale of wood-burning devices;
- Requirement for a proactive and informative disclosure describing the negative health impacts of PM<sub>2.5</sub> when selling, leasing, or renting properties with a wood-burning device;
- Requirement for rental properties in natural gas service areas to have a permanently installed form of heat that does not burn solid fuel;
- Limits on installations in new building construction to only non-wood-burning devices;
- Requirements for the replacement of an existing uncertified wood-burning device with a clean burning device if a fireplace or chimney remodel exceeds \$15,000 and requires a building permit; and
- Further restrictions on visible emissions from wood-burning devices to be consistent with other sources of visible emissions addressed by Regulation 6, Rule 1: General Requirements.

In addition to the proposed rule change, on September 2, 2015, the Board allocated \$3 million from the Air District's reserves to fund an incentive program to aid Bay Area homeowners and landlords to change to cleaner heating devices.

## DISCUSSION

The Wood Smoke Reduction Incentive Program (Program) was developed to improve local air quality and reduce wintertime particulate matter pollution by helping Bay Area homeowners and landlords replace their wood-burning heating devices with cleaner options. Eligible project types include replacing a residential wood-burning heating device with a qualifying electric heat pump, or with a qualifying natural gas- or propane-fueled device, and decommissioning (rendering inoperable or destroying) a wood-burning stove or fireplace.

Program funds were reserved to ensure that 40% of the monies available were prioritized for Highly Impacted Residents (HIR), which include low-income residents, residents located in areas highly affected by wood smoke, and households whose wood-burning device is their sole source of heat.

The Program began accepting applications on Friday, August 26, 2016. By 3pm, the 60% of funding available for non-HIR projects had been provisionally allocated to the first 1,003 applicants. Subsequent applications received are being placed on a waitlist. By August 30, 2016, 867 more applications had been submitted and placed on a waitlist, and 702 incomplete applications are still being worked on by applicants. As of August 30th, staff is focusing its outreach efforts to ensure that residents who qualify for one or more of the HIR criteria are informed about these monies.

At the Stationary Source Committee meeting on September 19, 2016, staff will present an informational update on the program including information about its development, outreach conducted, preliminary results, and recommended next steps.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Karen Schkolnick  
Reviewed by: Damian Breen

**AIR DISTRICT MEMORANDUM**

September 21, 2016

TO: Chairperson Eric Mar and Members  
of the Board of Directors

FROM: Jack P. Broadbent, Executive Officer/APCO

SUBJECT: Update on Progress of Regulation 12, Rule 16 and Regulation 11, Rule 18

Background

At the July 20, 2016 Board meeting, the Board of Directors directed staff to conduct a full regulatory analysis of two options to address concerns about the impact of emissions from refineries: a proposal by staff to significantly reduce toxic risk from refineries and hundreds of other sources throughout the Bay Area (draft Regulation 11, Rule 18 or "Rule 11-18") and a proposal by Communities for a Better Environment and associated organizations (CBE) to limit greenhouse gas (GHG) and specific criteria pollutant emissions from refineries (draft Regulation 12, Rule 16 or "Rule 12-16"). Staff presented a timeline for this effort and will fully develop both rules and bring them to the Board for consideration by May of 2017. The first milestone in this process was a public draft of the project description for the Environmental Impact Review (EIR) for the two rules that was released on schedule on August 19<sup>th</sup>. Seven comments from community groups, industry and the public were received at the close of the comment period on September 9<sup>th</sup>. The next milestone will be a release of a draft of each rule and staff report for each rule by mid-October 2016. Staff continue to meet with key stakeholders and will continue this practice throughout this process.

Regulation 12, Rule 16: Petroleum Refining Facility-Wide Emissions Limits

At the July 20<sup>th</sup> meeting, the Board of Directors directed staff to develop regulatory language that represents a proposal by CBE to limit emissions from petroleum refining facilities and three support facilities using specific numeric limits on GHG, particulate matter (PM), oxides of nitrogen (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) at defined historic levels. Staff have been working closely with CBE to define their proposal, develop appropriately representative language in the recently released project description. Staff will continue to work with CBE to develop representative regulatory language to be evaluated in the EIR and the staff's analysis of the legal defensibility and economic impact of the rule.

Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities

Staff is developing a rule that would significantly reduce toxic emissions from sources such as refineries, metal melting facilities, and stationary diesel generators. Rule 11-18 would apply to all facilities whose emissions of toxic air contaminants may result in a significant risk to nearby residents and workers. The purpose of Rule 11-18 is to set toxic air contaminant caps for those

facilities causing the highest health impacts across the Bay Area, including refineries, and to require these facilities to reduce that health risk.

### Schedule

Staff is on schedule to bring these rules to the Board for consideration in May 2017. Upcoming milestones are as follows:

- October 15, 2016: Publication of draft rules, draft staff analysis (including legal defensibility), and Initial Study for the EIR
- October 17, 2016: Update to Stationary Source Committee
- Mid-November, 2016: Scoping meeting for EIR
- December 5, 2016: Update to Stationary Source Committee
- March 3, 2017: Publication of rules, staff analysis, socioeconomic analysis, EIR
- May 17, 2017: Board Hearing