



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## BOARD OF DIRECTORS SPECIAL MEETING/RETREAT

January 18, 2012

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. at the City of San Pablo Maple Hall, Building #4, 13831 San Pablo Avenue, San Pablo, CA 94806.

### 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.

**BOARD OF DIRECTORS  
SPECIAL MEETING/RETREAT  
AGENDA**

**WEDNESDAY  
JANUARY 18, 2012  
9:45 A.M.**

**CITY OF SAN PABLO  
MAPLE HALL, BUILDING #4  
13831 SAN PABLO AVENUE  
SAN PABLO, CA 94806**

**CALL TO ORDER**

Opening Comments  
Roll Call  
Pledge of Allegiance

Chairperson, Tom Bates  
Clerk of the Boards

**PUBLIC COMMENT PERIOD**

**Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**  
*Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.*

**COMMENDATIONS/PROCLAMATIONS/AWARDS**

*The Board of Directors will recognize outgoing Board Chairperson Tom Bates for his outstanding leadership as Chair of the Board of Directors in 2011.*

*The Board of Directors will recognize outgoing Director Harold Brown, Jr. for his service, leadership and dedication to protecting air quality in the Bay Area.*

**BOARD MEMBERS' COMMENTS**

*Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

**CONSENT CALENDAR (ITEMS 1 – 5)**

Staff/Phone (415) 749-

1. Minutes of the Board of Directors Regular Meeting of December 14, 2011

Clerk of the Boards

2. Board Communications Received from December 14, 2011 through January 17, 2012

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

*A list of communications directed to the Board of Directors received by the Air District from December 14, 2011 through January 17, 2012 if any, will be at each Board Member's place.*

3. 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 District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memoranda lists District personnel who traveled on out-of-state business.*

4. Adoption of Proposed Amendments to the Air District's Administrative Code Division II Fiscal Policies and Procedures – Section 5.6 Receipts for Expenses

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

*The Board of Directors will consider adoption of Proposed Amendments to the Air District's Administrative Code, Division II Fiscal Policies and Procedures – Section 5.6 Receipts for Expenses.*

5. Quarterly Report of California Air Resources Board Representative - Honorable Ken Yeager

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

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

6. Report of the **Executive Committee** Meeting of December 19, 2011

CHAIR: T. Bates

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

7. Report of the **Stationary Source Committee** Meeting of January 9, 2012

CHAIR: G. Uilkema

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

## **BOARD OF DIRECTORS RETREAT**

8. **Opening Comments**

Chairperson, John Gioia

9. **State of the Air District**

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

*The Executive Officer/APCO will address the Board of Directors regarding the state of the Air District.*

10. **Upcoming Committee Assignments and Goals**

Chairperson, John Gioia, and  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Executive Officer/APCO will summarize the 2012 Board of Directors Committee goals for the upcoming year.*

11. **Air Quality Summary**

**J. Roggenkamp/4646**  
[jroggenkamp@baaqmd.gov](mailto:jroggenkamp@baaqmd.gov)

*The Deputy Air Pollution Control Officer will present an overview of air quality in the Bay Area.*

12. **Administrative Overview**

**J. McKay/4629**  
[jmkay@baaqmd.gov](mailto:jmkay@baaqmd.gov)

*The Deputy Air Pollution Control Officer will provide an administrative and financial overview.*

13. **Key Policy Initiatives**

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

*The Executive Officer/APCO will provide a summary of key policy initiatives for 2012.*

**OTHER BUSINESS**

14. Report of the Executive Officer/APCO

15. Chairperson's Report

**CLOSED SESSION**

16. **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):*

**California Building Industry Association v. Bay Area AQMD**, Alameda County Superior Court, Case No. RG-10548693

**OPEN SESSION**

17. Time and Place of Next Meeting – Wednesday, February 1, 2012 at 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

18. Adjournment

**CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109**

**(415) 749-5130**  
**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.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities. Notification to the Executive Office should be given at least 3 working days prior to the date of the meeting so that arrangements can be made accordingly.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's headquarters at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the Air District's website ([www.baaqmd.gov](http://www.baaqmd.gov)) at that time.

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

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

**JANUARY 2012**

<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 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	4	9:45 a.m.	Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(At the Call of the Chair)</i>	Monday	9	9:30 a.m.	Board Room
<b>Advisory Council Retreat</b> <i>(Meets 2<sup>nd</sup> Wednesday each Month)</i>	Wednesday	11	9:00 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(At the Call of the Chair)</i> - CANCELLED	Thursday	12	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Special Meeting/ Retreat</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	City of San Pablo Maple Hall, Building #4 13831 San Pablo Avenue San Pablo, CA. 94806
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets the 4th Wednesday Each Month)</i>	Wednesday	25	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i> - CANCELLED	Thursday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

**FEBRUARY 2012**

<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 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	1	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets 2<sup>nd</sup> Wednesday each Month)</i>	Wednesday	8	9:00 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	15	9:45 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i>	Thursday	23	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

## MARCH 2012

<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 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets 2<sup>nd</sup> Wednesday each Month)</i>	Wednesday	14	9:00 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i>	Thursday	22	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
HL – 1/11/12 (7:32 a.m.)				P/Library/Forms/Calendar/Calendar/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: December 18, 2011

Re: Board of Directors Draft Meeting Minutes

RECOMMENDED ACTION

Approve attached draft minutes of the Board of Directors Special Meeting of December 14, 2011.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Special Meeting of December 14, 2011.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Maricela Martinez  
Reviewed by: Jennifer C. Cooper



Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Board of Directors Special Meeting  
Wednesday, December 14, 2011  
10:30 a.m.

## **DRAFT MINUTES**

**CALL TO ORDER:** Chairperson Tom Bates called the Special Meeting to order at 10:44 a.m.

**Roll Call:**

**Present:** Chairperson Tom Bates; Vice Chair John Gioia; Secretary Ash Kalra; and Directors Susan Garner, Susan Gorin, Carole Groom, David Hudson, Carol Klatt, Liz Kniss, Eric Mar, James Sperring, Gayle B. Uilkema, Brad Wagenknecht, and Ken Yeager; and Directors John Avalos, Nate Miley, Johanna Partin, Mark Ross arrived after the roll call.

**Absent:** Directors Scott Haggerty, Jennifer Hosterman, and Shirlee Zane.

**PUBLIC COMMENT ON NON-AGENDA MATTERS:** Chairperson Bates opened the public comment period and the following individual provided public comments regarding the draft Cost Recovery Policy developed by the District:

Andy Katz, Breathe California

Chairperson Bates closed the public comment period at 10:49 a.m.

**CONSENT CALENDAR (Items 1-3):**

1. Minutes of the December 7, 2011 Meeting.
2. Board Communications Received from December 7, 2011 through December 13, 2011.
3. Notice of Proposed Amendments to the Air District's Administrative Code Division II Fiscal Policies and Procedures – Section 5.6 Receipts for Expenses.

**Board Action:** Director Wagenknecht made a motion to approve Consent Calendar Items 1 through 3; Director Uilkema seconded the motion; which carried unanimously without objection.

Chair Bates announced that the agenda items would be taken out of order. The meeting started with the consent calendar items and then went directly to Closed Session followed by Item #4.

**Public Comments:** Chairperson Bates opened the public comment period and the following individual provided public comments regarding the Closed Session item:

Andy Katz, Breathe California

Chairperson Bates closed the public comment period at 10:52 a.m.

**CLOSED SESSION**

Chair Bates adjourned the meeting into a closed session at 10:54 a.m.

5. **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):*

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RC-10548693

**OPEN SESSION**

Chair Bates reconvened the meeting at 11:48 a.m. and stated that no reportable action was taken in the closed session meeting.

**PRESENTATION(S)**

4. **Overview of the Air District's Communication & Outreach and Strategic Incentives Programs**

Karen Schkolnick, Air Quality Program Manager, provided the presentation regarding the Air District's Communication & Outreach and Strategic Incentives Programs. The presentation included an overview of the programs, Spare the Air statistics, strategic incentives funding allocation, and a TV commercial.

Lisa Fasano, Director of Communication & Outreach, provided more detailed information regarding the air quality programs the District currently has in place.

Director Kalra stated that the public may not understand why the District has a Winter Spare the Air alert. Director Kalra suggests that the District put a little more effort into educating the public about Winter Spare the Air program.

Director Gorin suggested uploading the video on website for the general public.

Ms. Fasano stated that the District is looking into creating a "Who We Are" video to run at workshops and events in an effort to assist the public in understanding who the District is.

**PUBLIC COMMENT:**

None.

**BOARD MEMBERS' COMMENTS:**

None.

**OTHER BUSINESS**

6. Report of the Executive Officer/APCO – Mr. Broadbent provided a chart showing the statistics for Winter Spare the Air days called to date and an update on the production system. An update regarding 390 Main Street will be brought to the Board in 2012. Mr. Broadbent thanked the Board and wished everyone Happy Holidays.
7. Chairperson's Report – Wished everyone Happy Holidays and a prosperous and safe new year.
8. Date and Place of Next Meeting – Wednesday, January 18, 2012, at the City of San Pablo, Maple Hall, Building #4, 13831 San Pablo Avenue, San Pablo, CA 94806 at 9:45 a.m.
9. Adjournment – Chair Bates adjourned the meeting at 11:57 a.m.

Maricela Martinez  
Executive Secretary

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 4, 2012

Re: Board Communications Received from December 14, 2011 through January 17, 2012

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

A list of communications directed to the Board of Directors received by the Air District from December 14, 2011 through January 17, 2012 if any, will be at each Board Member's place at the January 18, 2012 Special/Retreat Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Maricela Martinez  
Reviewed by: Jennifer C. Cooper

**BAY AREA AIR QUALITY MANGEMENT DISTRICT**

Memorandum

To: Chair John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 4, 2012

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

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

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

The report covers the out-of-state business travel for the period November 1<sup>st</sup> through December 31<sup>th</sup> 2011. Out-of-state travel is reported in the month following travel completion.

DISCUSSION

Jack Broadbent, Executive Officer/APCO, attended People to People Ambassador Program in Delhi, India November 29 – December 12, 2011

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: David Glasser  
Reviewed by: Jack M. Colbourn

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 18, 2012

Re: Adoption of Proposed Amendments to the Air District's Administrative Code  
Division II Fiscal Policies and Procedures - Section 5.6 Receipts for Expenses

RECOMMENDED ACTION

The Board of Directors will consider adoption of Proposed Amendments to the Air District's Administrative Code, Division II Fiscal Policies and Procedures - Section 5.6 Receipts for Expenses.

BACKGROUND AND DISCUSSION

In accordance with provisions of the Administrative Code, Division I Operating Policies and Procedures, Section 14 Amendments to Administrative Code, notice was given at the Board of Directors meeting of December 14, 2011 that the Board of Directors was considering amendments to the Administrative Code, Division II Fiscal Policies and Procedures - Section 5 Allowable Expenses.

In response to a recommendation from a financial audit, the Air District has revised its policy regarding "receipts for expenses." Employees will be reimbursed for hotel accommodations and meals using the applicable General Services Administration rate.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: David Glasser, Jason Jimenez  
Reviewed by: Jack M. Colbourn

Attachment: Proposed Amendments to Division II Fiscal Policies and Procedures - Section 5.6  
Receipts for Expenses

## PROPOSED ADMINISTRATIVE CODE AMENDMENTS

Proposed Amendment to Division II, II Fiscal Policies and Procedures - Section 5.6 Receipts for Expenses as follows:

### 5.6 RECEIPTS FOR EXPENSES.

Vouchers or receipts shall be presented to the Director of Administrative Services for all necessary and incidental expenses over \$10.00 such as parking charges and fuel costs. ~~provided,~~ However, ~~that~~ vouchers or receipts need not be presented for ~~bridge tolls, parking charges, telephone calls, meal expenses and hotel accommodations and other miscellaneous travel and incidental expenses.~~ Employees will be reimbursed for meal expenses and hotel accommodations using the applicable General Services Administration rate. ~~the individual items of which do not exceed ten dollars (\$10.00), provided further, that at the discretion of the APCO, employees of the District may be required to present such receipts or vouchers for amounts less than ten dollars (\$10.00) for purposes of internal control.~~



**Matthew Rodriguez**  
Secretary for  
Environmental Protection


# Air Resources Board

**Mary D. Nichols, Chairman**  
1001 I Street • P.O. Box 2815  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)



**Edmund G. Brown Jr.**  
Governor

TO: Members of the Board of Directors

FROM: Honorable Ken Yeager   
Board Member

DATE: January 4, 2012

SUBJECT: QUARTERLY REPORT OF MY ACTIVITIES AS AN AIR RESOURCES  
BOARD MEMBER

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The list below summarizes my activities as an Air Resources Board member from October 1 through December 31, 2011:

### October Activities

17<sup>th</sup> Air Resources Board staff briefings

20<sup>th</sup> & 21<sup>st</sup> Air Resources Board Meeting, Sacramento

### November Activities

17<sup>TH</sup> Air Resources Board Meeting, Sacramento

### December Activities

12<sup>th</sup> Air Resources Board staff briefings

Attachments: Public Agendas

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency



**LOCATION:**



Air Resources Board  
1001 I Street, 2nd Floor  
Byron Sher Auditorium  
Sacramento, California 95814  
<http://www.calepa.ca.gov/EPAbldg/location.htm>

**PUBLIC MEETING  
AGENDA**

**Thursday, October 20, 2011**

**and**

**Friday, October 21, 2011**

**Webcast**

This facility is accessible by public transit. For transit information, call: (916) 321-BUSS, website <http://www.sacrt.com/> (This facility is accessible to persons with disabilities.)

**TO SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:**

<http://www.arb.ca.gov/lispub/comm/bclist.php>

**Thursday, October 20, 2011**

**9:00 a.m.**

**(Spanish Interpretation Services Available On Thursday Only)**

**Electronic Board Book**

**CONSENT CALENDAR:**

All items on the consent calendar will be voted on by the Board immediately after the start of the public meeting. Any item may be removed from the consent calendar by a Board member or by someone in the audience who would like to speak on that item. The following items are on the consent calendar:

**Consent Item**   **Agenda Topic**  
#

**None.**

**DISCUSSION ITEMS:**

**Note:** The following agenda items may be heard in a different order at the Board meeting.

<u>Agenda Item</u> #	<u>Agenda Topic</u>
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11-8-1	<p><b>Public Hearing to Consider Adoption of the Proposed California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation, Including Compliance Offset Protocols</b></p>
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*Staff will recommend that the Board take final action to adopt the proposed cap-and-trade regulation. The regulation was first presented to the Board at a public hearing held on December 16, 2010, at which the Board directed staff to make a number of modifications to the proposed regulation. The modified cap-and-trade regulation, which includes four compliance protocols, is now being brought back to the Board for final action. As part of this action, staff is also recommending, pursuant to the California Environmental Quality Act, that the Board approve staff's written responses to public comments received on the environmental analysis for the proposed regulation, and approve a proposed Adaptive Management Plan for the Cap-and-Trade Regulation.*

More Information   Staff Presentation

11-8-2	<p><b>Public Hearing to Consider Proposed Amendments to the AB 32 Cost of Implementation Fee Regulation</b></p>
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*Staff will present to the Board proposed amendments to ARB's existing AB 32 Cost of Implementation Fee Regulation. The proposed amendments clarify requirements and regulatory language and revise definitions to conform with recently proposed amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions.*

More Information   Staff Presentation

**Friday, October 21, 2011**

**8:30 a.m.**

**Electronic Board Book**

11-8-3	<p><b>Public Meeting to Update the Board on Mandatory Commercial Waste Recycling</b></p>
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*ARB staff, in coordination with CalRecycle staff, will present to the Board an informational update on Assembly Bill (AB) 341, which was recently signed by the Governor. Because AB 341 is consistent with the requirements of a proposed regulation that was originally scheduled to be considered by the Board at*

*this meeting (the Proposed Regulation to Reduce Greenhouse Gas Emissions by Requiring Mandatory Commercial Waste Recycling), staff believes the proposed regulation is no longer needed and will not be presenting it to the Board for consideration. Staff from both agencies will instead present this informational update.*

More Information   Staff Presentation

**11-8-4   Public Hearing to Consider Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate**

*Staff will present to the Board proposed amendments to the TRU Airborne Toxic Control Measure. The proposed amendments are designed to improve compliance rates and enforceability, restore competitive fairness, and clarify existing requirements.*

More Information   Staff Presentation

**11-8-5   Public Hearing to Consider 2011 Amendments to the California Reformulated Gasoline Regulations**

*Staff will present to the Board proposed amendments to the California Reformulated Gasoline Regulations. The proposed amendments correct drafting errors in the "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model," delete outdated regulatory provisions, amend the notification requirements for test-certified alternative gasoline formulations, and amend the restrictions on blending CARBOB with other liquids. Amendments are also being proposed to increase the flexibility, enforceability, and consistency of the regulations.*

More Information   Staff Presentation

**CLOSED SESSION– LITIGATION**

**The Board will hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:**

*Pacific Merchant Shipping Association v. Goldstene, U.S. District Court (E.D. Cal. Sacramento),  
Case No. 2:09-CV-01151-MCE-EFB.*

*POET, LLC, et al. v. Goldstene, et al., Superior Court of California (Fresno County),  
Case No. 09CECG04850.*

*Rocky Mountain Farmers Union, et al. v. Goldstene, U.S. District Court (E.D. Cal. Fresno), Case No. 1:09-CV-02234-LJO-DLB.*

*National Petrochemical & Refiners Association, et al. v. Goldstene, et al., U.S. District Court (E.D. Cal. Fresno) Case No. 1:10-CV-00163-AWI-GSA.*

*Association of Irrigated Residents, et al. v. California Air Resources Board, Superior Court of California (San Francisco County), Case No. CPF-09-509562.*

*Association of Irrigated Residents, et al. v. U.S. E.P.A., 2011 WL 310357 (C.A.9), (Feb. 2, 2011).*

*California Dump Truck Owners Association v. California Air Resources Board, U.S. District Court (E.D. Cal. Sacramento) Case No. 2:11-CV-00384-MCE-GGH.*

*Engine Manufacturers Association v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2010-00082774.*

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**OPPORTUNITY FOR MEMBERS OF THE BOARD TO COMMENT ON MATTERS OF INTEREST**

Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.

**OPEN SESSION TO PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD ON SUBJECT MATTERS WITHIN THE JURISDICTION OF THE BOARD**

Although no formal Board action may be taken, the Board is allowing an opportunity to interested members of the public to address the Board on items of interest that are within the Board's jurisdiction, but do not specifically appear on the agenda. Each person will be allowed a maximum of three minutes to ensure that everyone has a chance to speak.

**TO SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:**

<http://www.arb.ca.gov/lispub/comm/bclist.php>

**ONLINE SIGN-UP:**

**You can sign up online in advance to speak at the Board hearing when you submit an electronic Board item comment. For more information go to:**

<http://www.arb.ca.gov/board/online-signup.htm>

**IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK OF THE BOARD**

1001 I Street, 23rd Floor, Sacramento, CA 95814, (916) 322-5594

ARB Homepage: <http://www.arb.ca.gov>

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**To request a special accommodation or language needs for any of the following:**

- An interpreter to be available at the hearing.
- Have documents available in an alternate format or another language.
- A disability-related reasonable accommodation.

Please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

**Para solicitar alguna comodidad especial o necesidad de otro idioma para alguna de las siguientes:**

- Un intérprete que esté disponible en la audiencia
- Tener documentos disponibles en un formato alternativo u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de diez (10) días laborales antes del día programado para la audiencia. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

**SMOKING IS NOT PERMITTED AT MEETINGS OF THE CALIFORNIA AIR  
RESOURCES BOARD**

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[Back to Board Meetings and Other Information Page](#)

**LOCATION:**



Air Resources Board  
1001 I Street, 2nd Floor  
Byron Sher Auditorium  
Sacramento, California 95814  
<http://www.calepa.ca.gov/EPAbldg/location.htm>

**PUBLIC MEETING  
AGENDA**

**November 17, 2011**

**Webcast**

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**TO SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:**

<http://www.arb.ca.gov/lispub/comm/bclist.php>

**November 17, 2011**

**9:00 a.m.**

**CONSENT CALENDAR:**

All items on the consent calendar will be voted on by the Board immediately after the start of the public meeting. Any item may be removed from the consent calendar by a Board member or by someone in the audience who would like to speak on that item. The following item is on the consent calendar:

**Consent Item # Agenda Topic**

**None.**

**DISCUSSION ITEMS:**

**Note:** The following agenda items may be heard in a different order at the Board meeting.

**Agenda Item # Agenda Topic**

**11-9-2 Public Hearing to Consider California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years**

Staff will present to the Air Resources Board (ARB or Board) proposed regulations and certification procedures for engine packages intended for use in specially constructed vehicles, including kit cars. Certifying engine packages using the new regulations and procedures would be optional for engine manufacturers. The proposed regulations would allow hobbyists to choose a certified low emitting new engine package instead of the current practice of utilizing new uncontrolled crate engines or uncontrolled rebuilt used engines.

More Information      Staff Presentation

**11-9-3      Public Meeting to Hear a Report to the Board on the Air Resources Board's Policies and Actions for Environmental Justice**

Staff will present to the Board an update on the implementation of ARB's environmental justice policies and actions over the last ten years.

More Information      Staff Presentation

**11-9-4      Public Meeting to Hear an Update on 2011 Legislation**

Staff will present to the Board a review of air quality and climate change legislation from the 2011-2012 Legislative Session.

Staff Presentation

**11-9-5      Public Meeting to Hear a Report to the Board on the Air Resources Board's Enforcement Penalty Policy**

Staff will present to the Board the final Enforcement Penalty Policy that describes ARB's process for assigning a penalty to a violation of an ARB enforced regulation.

More Information      Staff Presentation

**CLOSED SESSION– LITIGATION**

The Board will hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

*Pacific Merchant Shipping Association v. Goldstene, U.S. District Court (E.D. Cal. Sacramento),  
Case No. 2:09-CV-01151-MCE-EFB.*

*POET, LLC, et al. v. Goldstene, et al., Superior Court of California (Fresno County),  
Case No. 09CECG04850.*

*Rocky Mountain Farmers Union, et al. v. Goldstene, U.S. District Court (E.D. Cal. Fresno),  
Case No. 1:09-CV-02234-LJO-DLB.*

*National Petrochemical & Refiners Association, et al. v. Goldstene, et al., U.S. District Court (E.D. Cal. Fresno) Case No. 1:10-CV-00163-AWI-GSA.*

*Association of Irrigated Residents, et al. v. California Air Resources Board, Superior Court of California (San Francisco County), Case No. CPF-09-509562.*

*Association of Irrigated Residents, et al. v. U.S. E.P.A., 2011 WL 310357 (C.A.9), (Feb. 2, 2011).*

*California Dump Truck Owners Association v. California Air Resources Board, U.S. District Court (E.D. Cal. Sacramento) Case No. 2:11-CV-00384-MCE-GGH.*

*Engine Manufacturers Association v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2010-00082774.*

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**OPPORTUNITY FOR MEMBERS OF THE BOARD TO COMMENT ON MATTERS OF INTEREST**

Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.

**OPEN SESSION TO PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD ON SUBJECT MATTERS WITHIN THE JURISDICTION OF THE BOARD**

Although no formal Board action may be taken, the Board is allowing an opportunity to interested members of the public to address the Board on items of interest that are within the Board's jurisdiction, but do not specifically appear on the agenda. Each person will be allowed a maximum of three minutes to ensure that everyone has a chance to speak.

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<http://www.arb.ca.gov/board/online-signup.htm>

**IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK OF THE BOARD**

1001 I Street, 23rd Floor, Sacramento, CA 95814, (916) 322-5594

ARB Homepage: <http://www.arb.ca.gov>



**LOCATION:**



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Sacramento, California 95814  
<http://www.calepa.ca.gov/EPAbldg/location.htm>

**PUBLIC MEETING  
AGENDA**

**December 16, 2011**

**Webcast**

**Electronic Board Book**

This facility is accessible by public transit. For transit information, call: (916) 321-BUSS, website <http://www.sacrt.com/> (This facility is accessible to persons with disabilities.)

**TO SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:**

<http://www.arb.ca.gov/lispub/comm/bclist.php>

**Friday, December 16, 2011**

**9:00 a.m.**

**CONSENT CALENDAR:**

All items on the consent calendar will be voted on by the Board immediately after the start of the public meeting. Any item may be removed from the consent calendar by a Board member or by someone in the audience who would like to speak on that item. The following item is on the consent calendar:

**Consent Item # Agenda Topic**

**None.**

**DISCUSSION ITEMS:**

**Note:** The following agenda items may be heard in a different order at the Board meeting.

**Agenda Item # Agenda Topic**

**11-10-1 Public Meeting to Hear a Report on the First Formal Review of the Low Carbon Fuel Standard Program, and an Update on the Low Carbon Fuel Standard Sustainability Provisions**

Staff will present to the Board a report summarizing a review of the Low Carbon Fuel Standard (LCFS) program, as required by the LCFS regulation. Staff will also update the Board on the development of the LCFS sustainability provisions.

[More Information](#)

[Staff Presentation](#)

11-10-2

**Public Hearing to Consider Amendments to the Low Carbon Fuel Standard Regulation**

Staff will present for the Board's consideration proposed amendments to the LCFS regulation.

[More Information](#)

[Staff Presentation](#)

11-10-3

**Public Meeting to Consider Adoption of Proposition 1B Grants to Reduce Emissions From Goods Movement**

Staff will present for the Board's consideration a list of grant awards for local agency projects to reduce freight-related emissions in the four trade corridors.

[More Information](#)

[Staff Presentation](#)

11-10-4

**Public Hearing to Consider Amendments to California's Small Off-Road Engine and Tier 4 Off-Road Compression-Ignition Engine Regulations and Test Procedures; and Amendments to the Exhaust Emission Certification Test Fuel For Off-Road Spark-Ignition Engines, Equipment, and Vehicles**

Staff will present for the Board's consideration proposed amendments to align the small off-road engine and tier 4 off-road compression-ignition engine regulations and test procedures with the current federal versions, without affecting the stringency of the emission standards. Staff will also present proposed amendments for the use of 10 percent ethanol on-road motor vehicle test fuel for the exhaust emission certification of off-road spark-ignition engines.

[More Information](#)

[Staff Presentation](#)

**CLOSED SESSION– LITIGATION**

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*POET, LLC, et al. v. Goldstene, et al., Superior Court of California (Fresno County), Case No. 09CECG04850.*

*Rocky Mountain Farmers Union, et al. v. Goldstene, U.S. District Court*

*(E.D. Cal. Fresno),  
Case No. 1:09-CV-02234-LJO-DLB.*

*National Petrochemical & Refiners Association, et al. v. Goldstene, et al., U.S. District Court (E.D. Cal. Fresno) Case No. 1:10-CV-00163-AWI-GSA.*

*Association of Irrigated Residents, et al. v. California Air Resources Board, Superior Court of California (San Francisco County), Case No. CPF-09-509562.*

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*Engine Manufacturers Association v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2010-00082774.*

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**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 4, 2012

Re: Report of the Executive Committee Meeting of December 19, 2011

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Executive Committee met on Monday, December 19, 2011. The Committee received the following reports:

- A) Joint Policy Committee Update
- B) Quarterly Report of the Hearing Board: April - June 2011 and July - September 2011
- C) Financial Review of the Production System
- D) Workplan and Preparation for Board Retreat

Attached are the staff reports presented in the Executive Committee packet.

Chairperson Tom Bates will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

- A) None.
- B) None.
- C) None.
- D) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Vanessa Johnson  
Reviewed by: Jennifer C. Cooper

Attachments

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Tom Bates and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: December 12, 2011

Re: Joint Policy Committee Update

RECOMMENDED ACTION:

None; for information and discussion only.

BACKGROUND

The Joint Policy Committee (JPC) consists of representatives of four regional agencies and provides a forum for discussing issues of regional importance. JPC's recently approved work plan includes addressing regional economic development, energy use, and climate change. The JPC agenda for December 2, 2011 included updates on:

- Electric Vehicles (Jean Roggenkamp)
- Energy Efficiency (Bruce Riordan, JPC Climate Consultant)
- Local Renewable Power (Bruce Riordan)
- Bay Area Climate/Energy Resilience Strategy (Bruce Riordan)
- Bay Area Economic Development Strategy (Sean Randolph, Bay Area Economic Institute)
- Regional Governance (upcoming SB 878 Hearing, several studies underway)

The Joint Policy Committee (JPC) also discussed two additional issues and has referred these issues to each of the regional agencies for discussion prior to the next JPC meeting on January 20, 2012. The two issues are 1) selection of a staff advisor to JPC to replace Ted Droettboom who resigned earlier this year, and 2) JPC's role in facilitating the development of a Bay Area sea level rise strategy as part of its regional Climate Change work.

DISCUSSION

**Staff Advisor.** As you know, Ted Droettboom resigned from his position as the staff coordinator for the Joint Policy Committee (JPC) earlier this year. At the December 2, 2011 JPC meeting, the Executive Directors of the regional agencies recommended that

Will Travis be selected as the new coordinator and policy advisor to the JPC. As you may know, Mr. Travis recently announced his plans to retire as Executive Director of the Bay Conservation and Development Commission (BCDC) effective December 2011. This provides the opportunity for Mr. Travis to serve the JPC in this new capacity. As a matter of process, JPC members requested that the issue be discussed by each of the regional agencies before JPC takes action on this recommendation on January 20, 2012.

**Bay Area Sea Level Rise Adaptation Strategy.** On October 6, 2011, the Bay Conservation Development Commission (BCDC) adopted amendments to the San Francisco Bay Plan to address climate change, including provisions to address sea level rise within BCDC's regulatory jurisdiction (land within 100' of the Bay). BCDC referred the issue of facilitating a range of Bay Area stakeholders to develop a regional sea level rise adaptation strategy to the JPC. At the December 2, 2011 JPC meeting, the JPC discussed whether to accept the role of facilitating the development of a regional sea level rise adaptation strategy. JPC members directed staff to bring this recommendation back to each of the regional agencies for discussion prior to the next JPC meeting on January 20, 2012.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

**Staff Advisor.** MTC will hold the contract with Mr. Travis. Funding for the contract would be shared by the four JPC agencies, subject to the availability of funding from each agency. The Air District will contribute an amount up to \$75,000 per year toward Mr. Travis' compensation. Funds to cover this expenditure for the current fiscal year are included in the Board approved FYE 2012 budget and will be proposed in the FYE 2013 budget.

**Sea Level Rise Strategy.** None. This activity would be covered by the consultant costs shared by the regional agencies for the Staff Advisor and the Climate Consultant.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
 Memorandum

TO: Chairperson Tom Bates and Members of the Executive Committee  
 FROM: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board  
 DATE: November 30, 2011  
 RE: Hearing Board Quarterly Report – April 2011 to June 2011 and July 2011 to September 2011

**RECOMMENDED ACTION:**

This report is provided for information only.

**DISCUSSION:**

Below is Hearing Board activity during the second quarter period, from **April 2011 to June 2011:**

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Contra Costa/Richmond	<b><u>Docket No. 3613</u></b> – CHEVRON PRODUCTS COMPANY – <i>Request for a Regular Variance from Regulation 8, Rule 5, Section 321.1 Regulation 8, Rule 5, Section 321.3.1; Regulation 8, Rule 5, Section 321.3.2; Regulation 2, Rule 1, Section 307; Regulation2, Rule 6, Section 307; and Standard Conditions 1.A and 1.B.2 of Applicant’s Major Facility Review Permit.</i>	8-5-321.1 8-5-321.3.1 & 321.3.2 2-1-307 2-6-307 Std Condtns 1.A & 1.B.2	Hearing Scheduled for April 7, 2011; Withdrawn by Applicant; Order for Dismissal Filed April 11, 2011	3/2/11 to 8/31/11	===

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Santa Clara/San Jose	<b>Docket No. 3614</b> – APPEAL OF ROBERT M. SARVEY ON THE LOS ESTEROS CRITICAL ENERGY FACILITY – <i>Appeal on the Issuance of Authority to Construct for Facility ID #B3289.</i>	ATC	Pro Forma Hearing held April 21st; denied; set evidentiary hearing for May 26th; Request filed on May 9th by Appellant to abandon appeal; Dismissed	===	===
San Mateo/Redwood City	<b>Docket No. 3615</b> – APCO vs. VINOD CHAND BANSAL: VINOD CHAND BANSAL, INC., Individually, and d/b/a Valero; Valero, a Gasoline Dispensing Facility at 503 Whipple Avenue, Redwood City, CA 94063, Site No. D0363 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation filed by APCO; Hearing scheduled for July 28, 2011	===	===
San Francisco/San Francisco	<b>Docket No. 3616</b> – APCO vs. DOUBLE AA CORPORATION d/b/a JUNIPERO SERRA 76; BPG Pacific LLC; a Gasoline Dispensing Facility located at 1101 Junipero Serra Blvd., San Francisco, Site Nos. C9585 and D2129 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation filed by APCO June 28, 2011; Hearing scheduled for July 28, 2011	===	===
Santa Clara /Mountain View	<b>Docket No. 3617</b> – California Cleaners - – <i>Request for a Variance from Regulation 11, Rule 16, Section 274 1, emissions of synthetic solvent from dry cleaning operations and related operations.</i>	11-16-274	Variance filed June 28, 2011; Hearing scheduled for August 25, 2011	July 1, 2011 to July 1, 2012	134.9076 lbs.



COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Contra Costa/Martinez	<b><u>Docket No. 3532</u></b> – TESORO REFINING AND MARKET COMPANY, GOLDEN EAGLE REINERY (B2758) AND AMORCO TERMINAL (B2759) – <i>Appeal from the Major Facility Review Permit issued on December 1, 2003.</i>	Final Major Facility Review Permit	Appellant files new appeal on June 28, 2011; requests status report and further continuance; Hearing scheduled for Sept. 22, rescheduled to October 13 and again to November 10, 2011	===	===
Solano/Vallejo	<b><u>Docket No 3618</u></b> – APCO vs. PAL GAS INC., a California corporation, and d/b/a PAL GAS and CITY GAS a Gasoline Dispensing Facility, Site No. C8749; and JIT SINGH, Individually, and d/b/a PAL GAS and GAS CITY; PAL SAHOTA, a/k/a IQBAL SAHOTA, Individually - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation Filed June 29, 2011	===	===
Santa Clara/San Jose	<b><u>Docket No. 3619</u></b> – Gas Recovery Systems, Inc. – <i>Request for a Variance from Regulation 9, Rule 8, Section 302.2; limiting emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines.</i>	9-8-302.2	Variance filed June 30, 2011; Hearing scheduled August 11, 2011	January 1, 2012 to December 31, 2012	144.95 lbs. NOx
Solano/Benicia	<b><u>Docket No. 3531</u></b> – Valero Refining Company (Benicia Refinery (B2626) – <i>Request to Dismiss Appeal.</i>	Final Major Facility Review Permit	Appellant files request for Dismissal of Appeal; Order for Dismissal Filed June 2, 2011	===	===

Below is Hearing Board activity during the third quarter period, from **July 2011 through September 2011:**

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
San Mateo/Redwood City	<b><u>Docket No. 3615</u></b> – APCO vs. VINOD CHAND BANSAL: VINOD CHAND BANSAL, INC., Individually, and d/b/a Valero; Valero, a Gasoline Dispensing Facility at 503 Whipple Avenue, Redwood City, CA 94063, Site No. D0363 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing held July 28, 2011; Conditional Order for Abatement Issued	===	===
San Francisco/San Francisco	<b><u>Docket No. 3616</u></b> – APCO vs. DOUBLE AA CORPORATION d/b/a JUNIPERO SERRA 76; BPG Pacific LLC; a Gasoline Dispensing Facility located at 1101 Junipero Serra Blvd., San Francisco, Site Nos. C9585 and D2129 - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Hearing held July 28, 2011; Conditional order for Abatement Issued	===	===
San Jose/Mountain View	<b><u>Docket No. 3617</u></b> – California Cleaners - – <i>Request for a Variance from Regulation 11, Rule 16, Section 274 1, emissions of synthetic solvent from dry cleaning operations and related operations.</i>	11-16-274	Hearing held for August 25, 2011; Order Granting Variance approved	July 1, 2011 to July 1, 2012	134.9076 lbs.
Solano/Vallejo	<b><u>Docket No 3618</u></b> – APCO vs. PAL GAS INC., a California corporation, and d/b/a PAL GAS and CITY GAS a Gasoline Dispensing Facility, Site No. C8749; and JIT SINGH, Individually, and d/b/a PAL GAS and GAS CITY; PAL SAHOTA, a/k/a IQBAL SAHOTA, Individually - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	July 28, 2011 Accusation withdrawn by APCO— Respondent found to be in compliance	===	===

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Santa Clara/San Jose	<b>Docket No. 3619</b> – Gas Recovery Systems, Inc., 1804 Dixon Landing Road Facility – <i>Request for a Variance from Regulation 9, Rule 8, Section 302.2; limiting emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines.</i>	9-8-302.2	July 21 <sup>st</sup> HB reschedules hearing from August 11 <sup>th</sup> to September 1, 2011; Applicant filed request for withdrawal of Variance on August 11, 2011; Hearing canceled; Application withdrawn	January 1, 2012 to December 31, 2012	144.95 lbs. NOx
Alameda/San Leandro	<b>Docket No. 3620</b> – APCO vs. BANSAL ENTERPRISES, INC. a California corporation, and <i>d/b/a PREMIER GASOLINE &amp; SNACKS</i> , a Gasoline Dispensing Facility, Site No. D0060; and MAHESH AGRAWAL, Individually, and <i>d/b/a PREMIER GAS &amp; SNACKS</i> - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation filed July 15, 2011; Hearing scheduled for August 11 <sup>th</sup> and rescheduled for August 25 <sup>th</sup> . On August 22 <sup>nd</sup> , APCO requests Dismissal due to confirmation of compliance	===	===
San Mateo/Menlo Park	<b>Docket No. 3621</b> – Gas Recovery Systems, Inc., Menlo Park Facility No. B1668 - <i>Request for a Variance from Regulation 9, Rule 8, Section 302.2; limiting emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines.</i>	9-8-302.2	Variance filed July 20, 2011; Hearing scheduled September 1 <sup>st</sup> , August 11 <sup>th</sup> , applicant requests withdrawal; Hearing canceled; Application withdrawn	January 1, 2012 to December 31, 2017	68.72 lbs. NOx

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Santa Clara/San Jose	<b><u>Docket No. 3622</u></b> - Gas Recovery Systems, Inc., Guada Lupe Mines Road, Facility No. B1669 - <i>Request for a Variance from Regulation 9, Rule 8, Section 302.2; limiting emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines.</i>	9-8-302.2	Variance filed July 20, 2011; Hearing scheduled September 1 <sup>st</sup> ; August 11 <sup>th</sup> , applicant requests withdrawal; Hearing canceled; Application withdrawn	January 1, 2012 to December 31, 2012	45.68 lbs. NOx
San Mateo/Pacifica	<b><u>Docket No. 3623</u></b> – APCO vs. PINAKIN PATEL <i>a/k/a</i> PETER PATEL, individually and <i>d/b/a</i> PACIFICA CHEVRON, a Gasoline Dispensing Facility, Site No. C0013; located at 100 Milagra Drive, Pacifica, CA - - <i>Accusation and Request for Order for Abatement; emissions of organic compounds from gasoline dispensing facilities.</i>	8-7-302	Accusation filed July 22, 2011; Hearing scheduled & Held August 18 <sup>th</sup> ; Conditional Order for Abatement approved Sept. 1, 2011	===	===
Contra Costa/Martinez	<b><u>Docket No. 3624</u></b> – TESORO REFINING AND MARKETING COMPANY; GOLDEN EAGLE REFINERY (B2758) AND AMORCO TERMINAL (B2759) – <i>Appeal from Major Facility Review Permit, issued June 28, 2011.</i>	MFRP	Appeal Filed July 27, 2011; Pro Forma Hearing scheduled and rescheduled for September 22, October 13 and November 10, 2011	===	===

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Santa Clara/Milpitas	<b><u>Docket No. 3625</u></b> – DKYH ENTERPRISES d/b/a FORD CLEANERS – <i>Request for a Short Term Variance from Regulation 11, Rule 16, Section 304.15; limiting emissions of synthetic solvent from dry cleaning operations and related operations.</i>	11-16-304.15	Application filed July 11 <sup>th</sup> ; Hearing scheduled for September 1 <sup>st</sup> ; August 30 <sup>th</sup> applicant requests dismissal; installing new machine; Hearing canceled & application dismissed by Chair	===	===
Napa/Napa	<b><u>Docket No. 3626</u></b> – APCO vs. KAPV INC. a California corporation, also d/b/a NAPA GAS, NAPA GAS U-HAUL, and IMOLA GAS U-HAUL, a Gasoline Dispensing Facility, Site No. C8262; MOJTABA KARIMABADI, an individual also d/b/a NAPA GAS and, NAPA GAS U-HAUL; J. GOLPAD, a/k/a JASON GOLPAD, an individual, d/b/a NAPA GAS; MELVIN K. LOUIE, Successor Trustee - <i>Accusation and Request for Order for Abatement; limiting emissions of synthetic solvent from dry cleaning operations and related operations.</i>	11-16-304.15	Accusation filed August 31, 2011; hearing scheduled for October 6, 2011.	===	===
San Francisco/San Francisco	<b><u>Docket No. 3627</u></b> – CHEVRON PRODUCTS COMPANY – <i>Request for a Short Term Variance; applicant's Major Facility Review Permit (Plant A0010, Source S-0679).</i>	8-5-304.2, 304.3, 321.3.2, and 322.5 2-6-307, Standard Conditions 1.A. and 1.B.2 of MFRP	Application filed September 6, 2011; Hearing scheduled for October 6, 2011; Applicant files Request for Dismissal on September 28 <sup>th</sup> ; Order for Dismissal	October 10, 2011 to November 8, 2011	===

COUNTY/CITY	PARTY/PROCEEDING	REGULATION(S)	STATUS	PERIOD OF VARIANCE	ESTIMATED EXCESS EMISSIONS
Contra Costa/Richmond	<b>Docket No. 3524</b> – CHEVRON U.S.A., INC. – <i>Request for Dismissal of Appeal from Major Facility Review Permit.</i>	Final Major Facility Review Permit	Appellant Requests Dismissal of Appeal on September 8, 2011; Order for Dismissal	===	===
Contra Costa/Rodeo	<b>Docket No. 3628</b> – CONOCOPHILLIPS COMPANY, SAN FRANCISCO REFINERY – <i>Appeal from Issuance of Final Major Facility Review Permit for Facility No. A0016, issued September 1, 2011.</i>	Final Major Facility Review Permit	Appeal filed September 29, 2011; Scheduled Pro Forma hearing for October 27, 2011	===	===
Contra Costa/Brentwood	<b>Docket No. 3585</b> - PRECISION CABINETS & TRIM (B2676) - <i>Status report and update hearing regarding conditions of Order Granting a Product Variance, dated September 2, 1010; emissions of volatile organic compounds from the application of coatings; (B2676).</i>	8-32-303	Hearing held September 22, 2011 regarding compliance of conditions; Order regarding Compliance with Conditions of Variance filed Oct. 6, 2011	July 1, 2010 through April 1, 2011	Non-compliance POC emissions- 201.63 lbs. VOC emissions: 113.1 lbs. POC emissions- 88.53 lbs. Total excess emission fee: \$204.50

**SECOND QUARTER NOTES (April-June 2011):**

- During the second quarter of 2011 (April to June), the Hearing Board held 1 hearing and processed a total of 11 applications; 3 of which were Accusations, 2 were Appeals, 3 Variances, and 3 Requests for Withdrawals or Dismissals. The Clerk processed a total of 2 Final Orders.
- The Hearing Board officially approved its New Hearing Board Rules on June 2, 2011, which had been outdated since December 2002.

- The Hearing Board collected a total of \$2,817.00 during the second quarter of 2011.

**THIRD QUARTER NOTES (July-September 2011):**

- During the third quarter of 2011 (July to September), the Hearing Board held 5 hearings and processed a total of 19 applications, 3 of which were Accusations, 2 Appeals, 4 Variances, and 10 Requests for Withdrawals or Dismissals and Status/Compliance Reports. The Clerk processed a total of 7 Final Orders.
- The Hearing Board collected a total of \$2,593.84 during the third quarter of 2011.

Respectfully submitted,

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

Prepared by: Lisa Harper

Reviewed by: Jennifer Cooper

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Tom Bates and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: December 6, 2011

Re: Financial Review of the Production System

RECOMMENDED ACTION:

None; receive and file.

DISCUSSION

Staff enlisted the service of IntelliBridge Partners to perform an independent review of the finances spent to date on the development and implementation of the Production System. The two specific objectives of the review were to determine:

- (1.) How much money was projected to be spent and were projections properly communicated to the District's Board and executive staff?
- (2.) How much money has actually been spent and was the actual financial status properly communicated to the District's Board and executive staff?

Mr. Greg Matayoshi of IntelliBridge Partners will provide an overview of his findings, and staff will discuss implementing the recommendations from the report.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Cost to perform the review came from Program 104 –Executive Office in the Fiscal Year Ending (FYE) 2011 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Jennifer C. Cooper



BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Tom Bates and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: December 6, 2011

Re: Workplan and Preparation for Board Retreat

RECOMMENDED ACTION:

None; receive and file.

DISCUSSION

Each year, the Board of Directors looks back at accomplishments for the past year and identifies major initiatives for the upcoming year. Staff will provide a list of the Air District initiatives and key accomplishments for 2011 and the progress of each one. Staff is developing a list of proposed initiatives for 2012 that will be discussed at the Board of Directors Special Meeting/Retreat on January 18, 2012. Many of the initiatives stem from the 2010 Clean Air Plan.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Resources to implement the initiatives are included in the FY 2011/12 budget and will be considered in the preparation of the FY 2012/13 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 9, 2012

Re: Report of the Stationary Source Committee Meeting of January 9, 2012

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Stationary Source Committee met on Monday, January 9, 2012. The Committee received the following reports and recommendations:

- A) Amendments to Regulation 2, Rules 1, 2, 4, and 6
- B) Proposed Regulation 8, Rule 53: Vacuum Truck Operations

Attached are the staff reports presented in the Stationary Source Committee packet. Chairperson Gayle B. Uilkema will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None.
- B) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Maricela Martinez  
Reviewed by: Jennifer C. Cooper

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Uilkema and Members  
of the Stationary Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: December 22, 2011

Re: Briefing on Draft Amendments to Regulation 2, Rules 1, 2, 4, and 6

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Staff is proposing to amend the regulations for permitting stationary sources to address recent U.S. Environmental Protection Agency (EPA) mandated requirements for particulate matter less than 2.5 micrometers (PM<sub>2.5</sub>), Greenhouse Gases (GHG), and nitrogen dioxide in Prevention of Significant Deterioration (PSD) and Title V permitting. The objective of these rule amendments is for the District to obtain an approved State Implementation Plan (SIP) for its PSD and nonattainment New Source Review (NSR) program, which protects public health and welfare from criteria pollutant and GHG emissions.

In addition to incorporating the EPA requirements discussed above, Regulation 2, Rules 1 and 2 would be significantly reorganized to increase the clarity and efficacy of the existing rules. Staff is also proposing certain amendments that would be more stringent than what EPA requires (e.g., more stringent trigger levels for requiring Best Available Control Technology for sources of PM<sub>2.5</sub>, and public noticing/comment requirements for non-major facilities).

DISCUSSION

At the Committee meeting on January 9, 2012, staff will provide additional details on the draft amendments to the District's permit rules including:

- Background on EPA-mandated requirements;
- Overview of draft rule amendments;
- Details for an upcoming public workshop;
- Next steps in rule development process including expected timeframe for completion.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Brian Bateman  
Reviewed by: Jeffrey Mckay

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Uilkema and Members  
of the Stationary Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: December 28, 2011

Re: Proposed Regulation 8, Rule 53: Vacuum Truck Operations

RECOMMENDED ACTION

Receive and file.

BACKGROUND

Stationary Source Control Measure SSM-5 of the 2010 Clean Air Plan identified vacuum truck operations as a potential source of organic emission reductions. Vacuum trucks are used by a variety of Bay Area industries to move materials, both liquid and solid, from one location to another. Proposed Regulation 8, Rule 53 focuses on vacuum truck operations in petroleum refineries, marine terminals, gasoline bulk terminals and bulk plants, and pipeline facilities. District source tests show that these operations emit significant organic emissions when used to move relatively volatile materials such as gasoline, gasoline blending stocks, ethanol and naphtha.

Proposed Regulation 8, Rule 53 would apply specifically to vacuum truck operations moving more volatile materials in the types of facilities listed above. Staff conducted two public workshops, one on July 21st in Martinez and one on July 25th at the District office, and presented information on the proposed rule and rule development process to the Stationary Source Committee on September 29, 2011. Staff revised the proposal based on comments received at and following the workshops. Staff anticipates a public hearing in February, 2012.

DISCUSSION

In this report, Staff will present information on:

- Background on Bay Area vacuum trucks and vacuum truck operations;
- Overview of proposed Regulation 8, Rule 53;
- Emissions and emission reductions;
- Costs and cost effectiveness; and,
- The rule development process including remaining steps.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: William Thomas Saltz  
Reviewed by: Henry Hilken