



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

SPECIAL MEETING OF THE  
BOARD OF DIRECTORS  
May 16, 2012

A special meeting of the Bay Area Air Quality Management District Board of Directors will be held immediately following Board of Directors Budget Hearing in the 7<sup>th</sup> Floor Board Room at the Air District Headquarters, 939 Ellis Street, San Francisco, California. The Special Meeting of the Board of Directors will include a tour at the Shell Gas Station located at 800 Turk Street, San Francisco, CA 94102.

**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.

## Public Comment Procedures

Persons wishing to make public comment must fill out a Public Comment Card indicating their name and the number of the agenda item on which they wish to speak, or that they intend to address the Board on matters not on the Agenda for the meeting.

**Public Comment on Non-Agenda Matters, Pursuant to Government Code Section 54954.3** For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to commencement of the meeting. The remainder of the speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

**Public Comment on Agenda Items** After the initial public comment on non-agenda matters, the public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.

Up to ten (10) speakers may speak for three minutes on each item on the Agenda. If there are more than ten persons interested in speaking on an item on the agenda, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. Speakers are permitted to yield their time to one other speaker; however no one speaker shall have more than six minutes. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

# BOARD OF DIRECTORS SPECIAL MEETING AGENDA

WEDNESDAY  
MAY 16, 2012

BOARD ROOM  
7TH FLOOR

IMMEDIATELY FOLLOWING  
9:45 A.M. BOARD OF DIRECTORS  
BUDGET HEARING

**TOUR LOCATION:**  
SHELL GAS STATION  
800 TURK STREET  
SAN FRANCISCO, CA 94102

## **CALL TO ORDER**

Opening Comments  
Roll Call  
Pledge of Allegiance

Chairperson, John Gioia  
Clerk of the Boards

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

### **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.*

## **PROCLAMATION(S)/AWARDS**

*The Board of Directors will recognize employees who have completed milestones of twenty-five (25), thirty-five (35), and forty (40) years of service with the Air District during this first half of the calendar year.*

## **CONSENT CALENDAR (ITEMS 1 – 4)**

Staff/Phone (415) 749-

1. Minutes of the Board of Directors Regular Meeting of May 2, 2012

Clerk of the Boards

2. Board Communications Received from May 2, 2012 through May 15, 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 May 2, 2012 through May 15, 2012, if any, will be at each Board Member's place.*

3. Quarterly Report of Executive Office and Division Activities

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 second quarter is provided for information only. Also included is a summary of the Executive Office and Division Activities for the months of January 2012 – March 2012.*

4. Consider Authorization for Execution of a Contract and Associated Purchase Orders in Excess of \$70,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitation, for Continued Operation of the BioWatch Monitoring Network  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract with Technical and Business (T&B) Systems for the continued operation of the BioWatch monitoring network beginning on July 1, 2012 for a period of two years and also consider issuing a Purchase Order of \$1,169,646 for the first year of network operation and maintenance as outlined in a grant application with the Department of Homeland Security.*

5. Consider Approval of Recommendation to Establish the Classification of Health and Science Officer  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider approval of establishing the Classification of Health and Science Officer.*

### **ACTION ITEM**

6. Update on Senate Bill 1149 (DeSaulnier)  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will receive an update on Senate Bill 1149 (DeSaulnier) and provide Air District staff with recommended action.*

### **PRESENTATION**

7. Tour of Gas Dispensing Facility  
**B. Bateman/4653**  
[bbateman@baaqmd.gov](mailto:bbateman@baaqmd.gov)

*The Board of Directors will receive a tour of the Shell Gas Station located at 800 Turk Street, San Francisco, CA 94102.*

### **CLOSED SESSION**

8. **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

9. **POTENTIAL LITIGATION (Government Code Section 54956.9(c))**  
*Pursuant to Government Code Section 54956.9(c), a need exists to meet in closed session with legal counsel to consider initiating one item of potential litigation.*

## **OPEN SESSION**

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

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

*Speakers who did not have the opportunity to address the Board in the first round of comments on non-agenda matters will be allowed three minutes each to address the Board on non-agenda matters.*

### **BOARD MEMBERS' COMMENTS**

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

### **OTHER BUSINESS**

10. Report of the Executive Officer/APCO
11. Chairperson's Report
12. Time and Place of Next Meeting is a Special Meeting of the Board of Directors on Monday, May 21, 2012, Creekside Park Building, 10455 Miller Avenue, Cupertino, California 95014 at 10:00 a.m.
13. 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

### MAY 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Budget Hearing</b> <i>(At the Call of the Chair)</i>	Wednesday	16	9:45 a.m.	Board Room
<b>Special Meeting of the Board of Directors</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	16	Immediately following Special Budget Hearing	<u>Meeting Location:</u> Board Room  <u>Tour Location:</u> Shell Gas Station 800 Turk Street San Francisco, CA 94102
<b>Board of Directors Executive Committee</b> <i>(Meets 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED	Monday	21	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets the 3<sup>rd</sup> Monday Every Other Month)</i> - CANCELLED	Monday	21	10:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Special Meeting of the Board of Directors</b>	Monday	21	10:00 a.m.	<u>Meeting Location:</u> Quinlan Community Center Cupertino Room 10185 N. Stelling Road Cupertino, CA 95014  <u>Tour Location:</u> Front Parking Lot Entrance Lehigh Southwest Cement Company - Permanente Plant 24001 Stevens Creek Boulevard Cupertino, CA 95014
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets the 4th Wednesday Each Month)</i>	Wednesday	23	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>	Thursday	24	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Public Outreach Committee</b> <i>(Meets Quarterly at the Call of the Chair)</i>	Thursday	31	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

## JUNE 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	6	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets 2<sup>nd</sup> Wednesday each Month)</i>	Wednesday	13	9:00 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED	Monday	18	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<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	20	9:45 a.m.	Board Room
<b>Board of Directors Public Outreach Committee</b> <i>(Meets Quarterly at the Call of the Chair)</i> - CANCELLED	Thursday	21	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets the 4th Wednesday Each Month)</i>	Wednesday	27	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>	Thursday	28	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

## JULY 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>Advisory Council Regular Meeting</b> <i>(Meets 2<sup>nd</sup> Wednesday each Month)</i>	Wednesday	11	9:00 a.m.	Board Room
<b>Special Meeting of the Board of Directors</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	11	1:30 p.m.	<u>Meeting Location:</u> Hercules, CA  <u>Tour Location:</u> Hercules, CA
<b>Board of Directors Executive Committee</b> <i>(Meets 3<sup>rd</sup> Monday of each Month)</i>	Monday	16	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets the 3<sup>rd</sup> Monday Every Other Month)</i>	Monday	16	10:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<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	18	9:45 a.m.	Board Room

## JULY 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<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>	Thursday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
MM – 5/9/12 (10:58 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: May 11, 2012

Re: Board of Directors Draft Meeting Minutes

RECOMMENDED ACTION

Approve attached draft minutes of the Board of Directors Regular Meeting of May 2, 2012.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of May 2, 2012.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Jennifer C. Cooper

Attachment

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109  
(415) 749-5000

Board of Directors Regular Meeting  
May 2, 2012

## **DRAFT MINUTES**

### **CALL TO ORDER**

Chairperson John Gioia called the meeting to order at 9:46 a.m.

### **ROLL CALL**

Present: Chairperson John Gioia; Vice Chairperson Ash Kalra; Secretary Nate Miley; and Directors Tom Bates, Susan Garner, Carole Groom, Scott Haggerty, Jennifer Hosterman, David E. Hudson, Carol L. Klatt, Liz Kniss, Eric Mar, Mary Piepho, Katie Rice, Mark Ross, Jim Spering and Brad Wagenknecht.

Absent: Directors John Avalos, Susan Gorin, Edwin M. Lee, Ken Yeager and Shirlee Zane.

### **PLEDGE OF ALLEGIANCE**

Chairperson Gioia led the Pledge of Allegiance.

NOTED PRESENT: Director Rice was noted present at 9:47 a.m.

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

None.

### **CONSENT CALENDAR (Items 1 – 3)**

- 1. Minutes of the Board of Directors Regular Meeting of April 18, 2012;**
- 2. Board Communications Received from April 18, 2012, through May 1, 2012; and**
- 3. Air District Personnel on Out-of-State Business Travel.**

Board Comments: None.

Public Comments: None.

Board Action: Director Wagenknecht made a motion to approve Consent Calendar Items 1, 2 and 3; Director Kalra seconded; unanimously approved without objection.

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

### **4. Report of the Budget and Finance Committee Meeting of April 25, 2012** Chairperson C. Groom

Chairperson Gioia noted a correction to the agenda from “Fiscal Year End 2012” to “Fiscal Year End 2013.”

The Committee met on Wednesday, April 25, 2012, and approved the minutes of March 28, 2012.

The Committee received, continued to discuss, and considered recommending adoption of the Proposed Budget for Fiscal Year Ending (FYE) 2013. The Committee reviewed the year-to-year reserve funds budgeted projection; trends in cost cutting; an overview of the distribution of Air District staff vacancies; proposed salary reviews for the Health Officer, Information Systems and Deputy Air Pollution Control Officer positions; and a summary of the FYE 2013 budget. The Committee recommended Board of Directors adoption of the proposed FYE 2013 Budget.

The Committee received the Third Quarter Financial Report – FYE 2012. The Committee reviewed the General Fund revenues and expenses, Air District investments, fund balances and vendor payments in excess of \$70,000 without Board of Directors review for the third quarter of FYE 2012.

The Committee received the staff report and continued to discuss Proposed Fee Amendments for FYE 2013. The Committee reviewed a summary of the original staff proposal, and considered an option to modify the proposed amendments to fee schedules, specifically in regard to gasoline dispensing and Title V facilities. Under this new option, the fees for most gasoline dispensing facilities would be increased by 5%, rather than 9% as originally proposed. Fee increases for the largest 20% of gasoline dispensing facilities would remain at 9%. In order to meet fee revenue targets identified under the District’s Cost Recovery Policy and included in the proposed Budget for FYE 2013, an 11% increase in fees would be assessed under the Title V fee schedule, rather than a 9% increase as originally proposed. The Committee had a significant discussion reflecting different views on the matter which took into consideration the impacts on small and large businesses as well as non-retail operations, likely fee recovery timelines and the actual financial impact for facilities of varying sizes under varying proposals, concerns about subsidization of underpaid permit fees by other permittees and property tax revenue, the likelihood of fee increases being passed to the public and the importance of the public paying the true cost of gas at the pump. The majority of Committee members indicated their preference for the original staff fee proposal, rather than the new option presented. Final action to consider adoption of fee amendments is scheduled for the June 6, 2012 Board of Directors’ meeting.

The next meeting of the Committee is Wednesday, May 23, 2012, at 9:30 a.m.

#### **Board Comments:**

Director Sperring asked if today’s motion, if approved, will result in a modification to the increase in fees for small-scale gas dispensing facilities. Director Groom said that the fees increase will be a matter for Board consideration on June 6, 2012.

Director Piepho requested that staff reformat Board agenda packets so that carried forward Committee meeting documents are noted as such to ease review, thus clearly delineating which items are agenda items for the Board meeting and which are those forwarded from Committee review.

NOTED PRESENT: Director Bates was noted present at 9:52 a.m.

Public Comments: None.

Board Action: Director Groom made a motion to approve the report and recommendations of the Budget and Finance Committee; Director Hudson seconded; approved, with Director Spring opposing.

**5. Report of the Mobile Source Committee Meeting of April 26, 2012**  
Chairperson S. Haggerty

The Committee met on Thursday, April 26, 2012, and approved the minutes of February 23, 2012.

The Committee reviewed Carl Moyer Program projects with proposed grant awards over \$100,000 and recommends Board of Directors approval of three projects that will replace seven pieces of off-road equipment and authorization for the Executive Officer to enter into agreements for those projects.

The Committee also considered Transportation Fund for Clean Air (TFCA) County Program Manager Expenditure Plans for FYE 2013 and recommends that the Board of Directors:

1. Approve the allocation of FYE 2013 TFCA County Program Manager Funds as follows:

<b>County Program Manager</b>	<b>Est. New FYE 2013 TFCA Funds</b>	<b>Total Funds to be Programmed in FYE 2013</b> (New Funds + Interest + Reprogrammed Funds)
Alameda County Congestion Mgt. Agency	\$1,847,854.61	\$1,887,375.09
Contra Costa Transportation Authority	\$1,341,469.07	\$1,348,680.33
Transportation Authority of Marin	\$335,398.24	\$346,088.69
Napa County Transportation Planning Agency	\$186,018.12	\$192,531.89
San Francisco County Transportation Authority	\$716,200.86	\$992,480.15
San Mateo City/County Association of Gov'ts	\$1,012,000.01	\$1,037,781.01
Santa Clara Valley Transportation Agency	\$2,269,375.68	\$2,327,956.10
Solano Transportation Authority	\$293,581.12	\$294,507.74
Sonoma County Transportation Authority	\$566,733.54	\$618,545.43

2. Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into funding agreements with the County Program Managers for the total funds to be programmed in FYE 2013, listed on above table, consistent with the Board-adopted TFCA Program Manager Fund Policies.

The Committee then reviewed the proposed allocation of additional funds to the Lower-Emission School Bus Program and recommends that the Board of Directors:

1. Approve the use of Mobile Source Incentive Funds for the following project types:
  - School bus replacements;
  - The replacement of school bus natural gas fuel tanks;
  - Infrastructure improvements of deteriorating natural gas fueling dispensers; and
  - Retrofit of in-use school buses with emission control devices.
2. Allocate \$7.5 million in Mobile Source Incentive Funds to fund all allowable project types under the Lower-Emission School Bus Program.

The Committee also received an informational report on the TFCA Regional Fund Program. The report recapped the allocations of funding made by the Air District in FYE 2012; previewed the projected funding for FYE 2013; previewed proposed funding allocations for 2013 which included a shuttle program, a set aside of funding for possible inclusion in the Metropolitan Transportation Commission (MTC) One Bay Area Grant, a marine highway project and an Alternative Fuels Program.

The Committee then reviewed a proposal to select a contractor for the Regional Bicycle Share Pilot Project and recommends that the Board of Directors:

1. Approve the selection of Alta Bicycle Share, a contractor, to assist the Air District and its partners in deploying an organized network of publically-accessible bicycles for transportation use along the Peninsula transportation corridor under a Climate Innovation Program grant from the MTC;
2. Authorize the Executive Officer/APCO to enter into an agreement not to exceed \$5,969,000 with Alta Bicycle Share to deploy the bike share program required under the MTC grant; and
3. In the event that a contract cannot be agreed upon with the selected contractor, authorize the Executive Officer/APCO to enter into an agreement with the next consecutively ranked highest bidders, DecoBike or B-cycle to execute all necessary agreements to deploy the bike share program.

The next meeting of the Committee is on Thursday, May 24, 2012.

Board Comments: None.

Public Comments:

Mike Rea, West County Transportation Agency (WCTA), addressed the Board in support, specifically the Lower Emission School Program, thanking the Air District for its support and noting the symbiotic relationship between the WCTA and the Air District.

Board Action: Director Haggerty made a motion to approve the report and recommendations of the Mobile Source Committee; Director Wagenknecht seconded; carried unanimously without opposition.

NOTED PRESENT: Director Kniss was noted present at 9:58 a.m.

## **PRESENTATIONS**

### **6. Sustainable Communities Strategy Update**

Jean Roggenkamp, Deputy APCO, introduced Doug Kimsey, Director of Planning, MTC, and Ken Kirkey, Planning Director, Association of Bay Area Governments (ABAG), invited to present the Plan Bay Area, Draft Preferred Scenario, Jobs-Housing Connection and Transportation Investment Strategy.

Mr. Kirkey began the presentation with a review of the Jobs-Housing Connection, including coordination of regional efforts; trends and projections in the regional growth of employment, population and housing development; key challenges and opportunities, such as the proximity of jobs to transit, job growth strategies and housing challenges in keeping with growth boundaries and the Sustainable Communities Strategy (SCS); and regional housing need allocation, including proposed methodology and regional housing need determination.

NOTED PRESENT: Directors Mar and Garner were noted present at 10:09 a.m.

Mr. Kimsey concluded the presentation with a review of the Draft Transportation Investment Strategy, including revenue forecasts; the six strategies for addressing the Three E's of economy, equity and environment; trade-off and Plan Bay Area summaries; regional agency promotion of healthy infill; and Plan Bay Area Schedule.

Chairperson Gioia asked, regarding slide 31, Investment Strategy #1, Two Investment Options – Option B, the nature of the cost associated with the 55 mph speed limit on Bay Area Freeways. Mr. Kimsey responded that it represents the projected annual cost of California Highway Patrol (CHP) enforcement through the year 2035.

Chairperson Gioia asked about which Environmental Impact Report (EIR) alternatives are being considered in May. Mr. Kimsey responded that they are being developed now and will be presented to the ABAG Administrative and MTC Planning Joint Committee Meeting in June, to be followed by a scoping process and then a presentation of specific alternatives in July.

Ms. Roggenkamp, gave the staff presentation Sustainable Communities Strategy Update, including reviews of the integration of SCS and air quality; Air District engagement with SCS development; a look at why SCS is a move in the right direction; key issues in public health and climate protection; and the next steps.

### **Board Comments:**

Chairperson Gioia said, regarding slide 5, SCS: Key Issues, that there is a big issue in terms of Priority Development Areas (PDA) and air quality issues and asked how best to merge the policy

discussions. Mr. Kirkey responded that ABAG will continue working closely with Air District staff, noting there is no disagreement about the public health imperative, local governments have expressed a need for clarity about what is expected in areas related to Air Quality, positive initial steps have been taken towards integrating MTC funded grants administered by ABAG, the need to develop best practices for local jurisdictions to implement, the goal of making more progress on greenhouse gas (GHG) target and the land development pattern overall, namely to support communities not rich in resources but which have a great deal of land use and transportation capacity.

Chairperson Gioia asked if some of the components regarding exposure to particulate matter and air quality issues will be incorporated between the approval of the preferred scenario in May and the final EIR in April 2013 to which Mr. Kirkey responded in the affirmative. Chairperson Gioia noted its absence to date is creating tensions and asked if it will be included in the 2013 presentation. Mr. Kirkey responded that it needs to be. Ms. Roggenkamp noted the Air District's work supporting these efforts is at a technical level and will likely move into policy discussions. Mr. Kimsey noted discussions are underway regarding funding for priority development plans. Jack Broadbent, Executive Officer/APCO, noted the considerable interaction and support between the agencies at all levels and that additional progress reports will be presented to the Board.

Director Hudson noted, regarding slide 25, Revenue Forecasts, that the anticipated federal revenue in the presentation is at odds with information he has received from other sources and asked to be kept apprised as things progress. Mr. Kimsey responded that the federal transportation bill has gone through successive extensions over the last couple of years and the trends have been that more goes through the metropolitan areas and less through the state and efforts are made towards a consolidation of programs.

Chairperson Gioia reminded the Board that today's goal is to provide input to staff regarding the issues presented.

Director Piepho asked if and how trends were explored and included from the 2010 census data which show an exodus from urban communities to the suburbs. Mr. Kirkey responded that it has been reviewed and opined that the Bay Area will see a different growth pattern under SCS than seen in the last 30 years in the greenfield land areas, and provided some trend assumptions. Director Piepho asked how adaptive management is being implemented. Mr. Kirkey said this effort differs from past regional efforts in the Bay Area in that it is state law and part of the regional transportation plan. Director Piepho stated that infill is expensive, which conflicts with affordable housing goals unless incentivized, and suggested efforts be made to bring employers closer to residences rather than just residences to employers.

Director Bates noted, regarding slide 41, How Can Regional Agencies Promote Healthy Infill?, that the overlap of PDA and infill housing potentially create significant air quality problems and asked how staff intends to support local communities with addressing this. Ms. Roggenkamp stated that the concept is for the regional agencies to develop some tools such as model ordinances, planning elements and best practices, coupled with planning funding, to help cities and counties grapple with this very real tension.

Director Bates noted that the Air District is putting in roughly \$2 million to the One Bay Area grant and asked how the proper use is being guaranteed. Mr. Broadbent responded that staff is coordinating with cities and counties to make sure there is very explicit direction as they apply for and receive

those funds. Ms. Roggenkamp noted that MTC staff is currently suggesting those monies may be retained and used by MTC for region-wide efforts in order to ease compliance tracking.

Director Bates expressed his concern about affordable work-force housing.

Director Ross stated that there seems to be a cost associated with all of these measures but the Air District portions should communicate the resulting savings to others, such as county health systems; the telecommuting scenario over the next 20 years is understated; and more education is needed on smart transportation. Mr. Kimsey stated that telecommuting currently represents 2% of the Bay Area workforce and is projected to double in 20 years. Director Bates suggested that estimate is too conservative. Mr. Broadbent highlighted the Air District's sponsorship of SB 1339 (Yee) regarding commuter benefits which speaks to telecommuting and suggested that helping to implement the SB 375 plan is seen as a vehicle to getting it signed into law. Director Ross noted a series of recent newspaper articles regarding the piecemeal outsourcing, or crowdsourcing, of work to telecommuters.

Director Wagenknecht agreed with the greater growth forecast of at-home occupations and noted that the Air District's function in the planning process is the public health component, work that will be greatly advanced by the Air District's recruitment of a health officer. Mr. Broadbent responded that the health officer is a topic on the next Board meeting agenda.

Director Kniss noted a series of recent reports reflecting that not all telecommuters like it; that the City of Palo Alto developed a very good re-densification project that was disassembled shortly after approval, at least partially because people did not want to be too close to transit; and urged staff to be mindful of the difference between plans that sound good and those that work down on the ground. Mr. Kirkey responded that Director Kniss' comments capture a central challenge both for the plan and the Bay Area as it moves forward and that local work is required in order to satisfy the various demands of individual communities. Director Kniss suggested the use of more three-dimensional modeling to better convey the real world implications of proposed projects.

Director Mar commended staff's work and mentioned concerns expressed by various community groups about equity; noted the African-American community's description of a gentrification process or "push-out"; and asked how equity is being made a central component of the plan, that staff look to include equity in transportation and congestion management plans and its impacts. Mr. Kirkey responded that staff look to equity in short- and long-range housing scenarios and community requirements are adjusted to an individual community's means and makeup, noting that there are a number of different factors pushing-up against each other and suggested that the Bay Area has a good plan comparatively speaking.

Director Haggerty asked if the Air District is in the process of reanalyzing Community Air Risk Evaluation (CARE) communities. Mr. Broadbent responded in the affirmative and explained that the CARE program is coming to its conclusion and transitioning into a number of other programs at the Air District, a proposal that will be brought before the Executive Committee at some point in the future. Director Haggerty asked how this will dovetail into the planning work discussed today and whether a new map will be made available to MTC and ABAG for consideration and inclusion in their work. Mr. Broadbent speculated in the affirmative and explained that the new information may be included while the EIR is out and that it will be included in the final EIR and SCS.



Director Haggerty noted, in concurrence with Director Ross, that CHP costs in 2035 can be quantified but that the health care costs related to air quality seemingly cannot and it is the Air District's responsibility to include this in the discussion. Director Haggerty added that the suburbs should not be abandoned for convenience as they cannot be permitted to grow without a plan and, from a public health standpoint, it is the Air District's responsibility to keep these related issues at the forefront of the discussion.

Director Miley thanked staff, noted the seeming incompatibility of PDA and CARE communities whereby infill is located in near proximity to major sources of emissions, and asked how the two will be reconciled. Ms. Roggenkamp responded that a set of mitigation measures have been developed and work between local governments and regional agencies is needed to implement those that will best promote and assist with the goals each circumstance requires. Director Miley stated that it is important to address existing and new developments, urged staff not to lose focus on the long-term viability of the plans as a whole, and asked staff what they expect to do in order to increase average daily time spent walking or biking, as detailed in slide 33, Investment Strategy #3. Mr. Kimsey responded that is an adopted target and the plan is to concentrate development around transit nodes or essential destinations. Director Miley suggested that more will be needed to get the American people to abandon their automobiles, a cultural shift of significant proportions, and more needs to be done increasing the availability of transit. Mr. Kimsey replied that the point is well taken and relayed that projections currently suggest, despite efforts made, that 85% of the trips in 2035 will still be by automobile.

Director Miley asked if the Bay Area Rapid Transit (BART) to Livermore project is still on the development radar to which Director Haggerty responded in the affirmative.

Director Rice commented regarding investment in infrastructure versus money going towards transit, opined that money is the biggest motivator, and asked if the total investment plan accommodates the shift to transit that will likely result from the ever increasing expense of traveling by private automobile. Mr. Kimsey replied that automobile operating costs are an important factor included in the projections, noting however that projections about the cost of gas in 2035 are very difficult to make.

Director Gioia said that the presentation was intended to get the discussion started and asked for staff updates on progress. Mr. Broadbent responded that the matter will be brought back before the Board a number of times.

Public Comments: None.

Board Action: None; informational only.

## **7. Update on Bay Area Air Quality Trends**

Henry Hilken, Director of Planning, Rules & Research, gave the staff presentation Bay Area Air Quality Trends, including overviews of the distribution of 2008 annual average emissions, emission trends from 1980 – 2010 for stationary sources and all sources, GHG emission inventory, emission reductions from adopted Air District regulations and grants from 1992 – 2012, significant mobile source regulations at the state and federal levels, ozone and particulate matter (PM<sub>2.5</sub>) exceedance

trends, carcinogenic and toxic air contaminant health risks and past and present health impacts and costs of air pollution.

Chairperson Gioia noted that “ROG” (for “reactive organic gases”) should be added to the List of Acronyms.

Chairperson Gioia asked, regarding slide 5, GHG Emission Inventory, whether staff can make projections about the inventory that take into account the California Air Resources Board (ARB) scoping plan and SCS to which Mr. Hilken responded in the affirmative and explained that staff is updating the inventory based on recent motor vehicle emission factors.

Director Kniss relayed her recent experience at an upscale resort in the Bay Area that provided an unlimited in-room supply of firewood with no warning about appropriate burn times and asked how many similar facilities exist and the stance of the Air District. Mr. Broadbent responded that the question is noted and will be included in the Winter Spare the Air presentation in the fall.

Director Hosterman asked, regarding slide 9, PM<sub>2.5</sub> Exceedance Trends, whether the measurement standards have changed over time and if the charts reflect that shift over time. Mr. Hilken responded in the affirmative, explaining that the knowledge, focus and standards have all changed over time and the charts have been normalized to reflect that.

Chairperson Gioia noted, regarding slide 10, Carcinogenic and Toxic Air Contaminant Health Risks, that the Bay Area risk factor in 1990 was approximately equal to West Oakland in 2005 and, regarding slide 11, Health Impacts: Past and Present, that the mortality related to these risks is down from approximately 6,400 to under 3,000.

Public Comments: None.

Board Comments:

Director Garner thanked staff and asked which slide in the presentation speaks most accurately to the conditions at the Lehigh cement plant in Santa Clara County. Mr. Hilken responded that slide 9, PM<sub>2.5</sub> Exceedance Trends, provides very generalized information but the data from recent monitoring in the area represent the best available and offered to provide data specific to Santa Clara County.

Director Wagenknecht asked when the Board should expect a report from the Air District Advisory Council regarding ultrafine particles. Ms. Roggenkamp responded that last year’s single, consolidated presentation to the Board by the Advisory Council was well received so the current plan is to emulate that approach.

Director Piepho noted that the trending is measured over time and asked if it can be configured to be based on population and included as supplemental information for the next presentation on this topic.

Chairperson Gioia commended the work done by the Air District, Board and staff.

Board action: None; informational only.

## **OTHER BUSINESS**

## **8. Report of the Executive Officer/APCO:**

Mr. Broadbent reported the Spare the Air season started May 2, 2012, and an aggressive outreach campaign will become apparent as work proceeds. Mr. Broadbent also introduced Thomas Addison, Senior Advanced Projects Advisor, who briefly summarized the implications of Senate Bill (SB) 1149 (DeSaulnier) for the Air District, including that it proposes the most significant reorganization of regional government in the Bay Area; was co-authored by Senator Steinberg, President Pro Tem; that it establishes a new agency entitled the Bay Area Regional Commission (BARC), to replace the Joint Policy Committee, which will be governed by a board of 15 directly elected representatives from the nine counties; the budgets, policies, plans, regulations of each regional agency would go to the BARC for approval; the BARC would have the authority to issue its own policies, plans and regulations; a new economic development plan is proposed; a provision prevents the Air District move to the new office headquarters; and fundamentally reorganizing the rules, responsibilities and interactions of the regional agencies.

Chairperson Gioia asked who drafted the bill to which Mr. Addison responded Art Bauer.

Mr. Broadbent urged Air District participation in Senator Mark DeSaulnier's Senate Transit and Housing Committee hearing on May 8, 2012, to take the important opportunity to establish a working relationship with the committee and explain a number of important principles, namely the Air District's public health function which brings with it some need for independence.

Chairperson Gioia expressed his support of Mr. Broadbent's approach and suggested the Air District not take a position at this time.

Mr. Addison noted the importance of the author's representation this is really about SB 375 and that SB 1149 is intended to correspond with and promote better integration or planning, but opined that it goes further in deep and fundamental ways.

Chairperson Gioia relayed that Senator DeSaulnier stressed in their brief conversation that SB 1149 is a work in progress and stakeholder input is welcome. Mr. Broadbent agreed that at first reading, the bill is cause for concern by staff but noted the importance of maintaining a good relationship with Senator DeSaulnier.

Director Haggerty urged the Air District to take an "oppose unless amended" stance until it is amended appropriately and noted that the opening provisions of SB 1149 relate to MTC and perhaps the Air District can be left out of the fight, the drafting of the bill lacked broad public input, and the inappropriateness of grouping the non-regulatory regional agencies with the Air District.

Chairperson Gioia stated that the question before the Board is whether to provide input to the Senate Transit and Housing Committee on May 8, 2012, as opposed to taking a position initially. Mr. Broadbent suggested that the Board may move to take emergency action. Chairperson Gioia suggested that opposition at this stage may not be the most productive approach.

Director Hosterman made a motion to agendize the consideration of the Air District stance on SB 1149 as an emergency item; Director Sperring seconded.

Director Hudson called for a point of procedure and stated that it cannot be taken as an emergency item as there is still time to address it at a special meeting. Chairperson Gioia asked Brian Bunker, District Counsel, whether it was appropriate to agendaize the matter on an emergency basis. Mr. Bunker responded that the difficulty is that time is available to the Board to agendaize another special meeting in the interim. Chairperson Gioia agreed and suggested the Board may also opt to relay its concerns to Senator DeSaulnier through direction to staff today. Mr. Bunker agreed that relaying concerns and suggestion is acceptable.

Director Garner asked for input from Director Bates, Chairperson of the Legislative Committee. Director Bates stated that Senator DeSaulnier put forth a bill that is in obvious need of input without any advance notice to anyone and suggested it is a shot in the dark for the very purpose of receiving input and the Air District would be best served by providing input and then taking a position after that time.

Chairperson Gioia called for a roll call vote on the pending motion; motion was defeated by the following vote of the Board:

AYES: Directors Groom, Hosterman, Kalra, Klatt, Piepho and Spring.

NOES: Chairperson Gioia; and Directors Bates, Garner, Hudson, Rice, Ross and Wagenknecht.

ABSENT: Directors Avalos, Gorin, Haggerty, Kniss, Lee, Mar, Miley, Yeager and Zane.

Director Piepho suggested that the matter be a regular agenda item at future Board meetings, the importance of the Air District going on record with its concerns, that all parties be respectful of the sensitivities involved as well as Senator DeSaulnier's legislative authority, and an exploration of others' takes on this bill, such as the Bay Area's legislative delegation.

Director Hosterman expressed her appreciation for the vote process and suggested that it alone will send a strong message on May 8.

Director Hudson suggested that the vote suggests the need for a Legislative Committee meeting as soon as possible.

Director Spring reported that he will urge the other bodies of which he is a member to not be passive as the Air District has opted to be and that this bill will create another body that is going to tell this organization how it will integrate these policies; noted that Board members talk about public health as being the Air District's primary mission, the authority for which is taken away by this bill; noted that the bill impacts the very mission of the Air District and runs counter to many regional agency missions, making the turning of a blind eye disingenuous; said that the bill represents an assault on the Air District's efforts to move to a new office building, one of the purposes of which is to enhance the interagency coordination the bill claims to promote, and that he resents any claim by Senator DeSaulnier towards promoting coordination as the bill makes it clear that the Senator cares about his interest alone; asked how one could justify working to dismantle a special district that has made more progress in several fronts than any other in the nation; and proposed that by not taking action today the Board has essentially given a green light to passage of the bill.

Chairperson Gioia noted that today's vote was not relative to a position on the bill but rather one of how best to approach the matter.

Mr. Broadbent said that Mr. Addison will convey to Senator DeSaulnier the strong concerns expressed, a desire to work on the bill, and the deliberation and vote taken today.

Director Groom explained that she voted yes on the motion because the bill speaks to the continued dysfunction of Sacramento and that their continued authoring of bills that impact local government needs to be met with a strong response.

### **CLOSED SESSION**

The Board of Directors adjourned to Closed Session at 12:18 p.m.

#### **9. EXISTING LITIGATION (Government Code Section 54956.9(a))**

Pursuant to Government Code Section 54956.9(a), a need existed to meet in closed session with legal counsel to consider the following case:

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

### **OPEN SESSION**

The Board of Directors resumed Open Session at 12:31 p.m. and Mr. Bunger reported out from the Closed Session that the Board authorized the filing of an appeal.

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

None.

### **BOARD MEMBERS' COMMENTS**

None.

### **OTHER BUSINESS (CONTINUED)**

- 10. Chairperson's Report:** None.
- 11. Time and Place of Next Meeting:** Wednesday, May 16, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, CA 94109 at 9:45 a.m.
- 12. Adjournment:** The Board of Directors meeting adjourned at 12:31 p.m.

Sean Gallagher  
Clerk of the Boards

**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: May 10, 2012

Re: Board Communications Received from May 2, 2012 through May 15, 2012

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

A list of communications directed to the Board of Directors received by the Air District from May 2, 2012 through May 15, 2012 if any, will be at each Board Member's place at the May 16, 2012 Special Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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

Memorandum

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

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 30, 2012

Re: Report of Division Activities for the Months of January 2012-March 2012

**ADMINISTRATION AND HUMAN RESOURCES – J. COLBOURN, DIRECTOR**

The Human Resources (HR) Office coordinated ten recruitment exams including exams for Air Quality Case Settlement Specialist, Air Quality Engineering Manager, Air Quality Program Manager, Administrative Secretary, Air Quality Meteorologist, Supervising Air Quality Specialist, 3 Temporary Administrative Analyst, and Temporary Air Quality Technician. In addition, the HR Office conducted training sessions, including: Department of Transportation (DOT) Hazardous Materials Transport Training, Supervisory Skills for First Line Supervisor/Manager, Terminating the Employment Relationship, and Mandated Fact-Finding. The HR Office continues to administer payroll, benefits, safety, and labor/employee relations. There are currently 319 regular employees, 12 temporary employees and 44 vacant positions. There were no new employees and 2 employee separations from January to March 2012.

Finance staff completed the FYE 2011 Audit with no significant findings. The proposed FYE 2013 Budget was submitted to the Board and referred to Budget & Finance committee for review. Legal notices were published for the public hearings associated materials and instructions were distributed for the FYE 2013 Air District budget. Work continues on testing of the integration of the new production system with the existing JDE financial services software.

**COMPLIANCE AND ENFORCEMENT – B. BATEMAN, DIRECTOR****Enforcement Program**

During the first quarter of 2012, the District received 135,721 calls to the 1-877-4NO-BURN line, and 1,715 complaints regarding wood burning. Staff mailed out 574 informational packets to residences that received complaints regarding wood burning. The District issued five Winter Spare the Air Alerts (WSTA) (on January 1, 2, 11, 12 and 14), resulting in 72 Warning Letters and 6 Notices of Violation issued on WSTA days. Staff inspected 35 hearth products retail sites to determine compliance with provisions of Regulation 6, Rule 3, and issued fourteen Notices to Comply (NTC) for lack of public awareness information for customers.

On January 16, 2012, staff met with representatives from the John Stewart Company and its various subcontractors working at the Hunters View Redevelopment Project to discuss elevated Naturally Occurring Asbestos (NOA) readings monitored over the last several months, how these elevated NOA levels had been addressed, and ways to reduce them moving forward. As a result of the meeting, additional dust mitigation measures were implemented. During the first quarter of 2012 there was a 67 percent reduction in the number of days with elevated NOA readings relative to the prior quarter. Staff conducted daily inspections and verified there were no violations of the site's Asbestos Dust Mitigation Plan.

On March 15, 2012, staff issued four Notices of Violation to the Lehigh Southwest Cement Company (Cupertino). The NOVs included one visible emission excess, two late reporting offenses (inoperative monitor/indicated excess) and two sulfur dioxide emission excesses. In all cases, compliance was achieved after one day of violation.

Staff investigated a complaint referred from the State Attorney General's Office and the San Mateo District Attorney's Office regarding air quality concerns at Summit Preparatory Charter High School in Redwood City. The complainant was concerned about the location of the school and its proximity to industrial sources of air pollution and the freeway. Staff conducted an investigation and found no violations of District regulations at the surrounding permitted facilities or at the school. A health risk screening analysis for this site is being prepared by the District's Planning, Rules, and Research Division.

Compliance and Enforcement Division staff participated in monthly Trucker Work Group meetings at the Port of Oakland.

### **Compliance Assurance Program**

The gasoline station inspection program began operating in the new Production System on March 5, 2012. All gasoline station inspection activities are being planned, completed and documented in the Production System.

Staff conducted 691 mobile source inspections for the Drayage Truck Regulation, the Commercial Idling ATCM, the Off-Road ATCM, Transport Refrigeration Units (TRU), Ocean-going Vessel Fuel Sulfur, Ship Onboard Incineration and the Portable Equipment Registration Program (PERP).

On January 18 - 19, 2012, staff attended the California Air Pollution Control Officers Association (CAPCOA) Vapor Recovery Committee meeting in Sacramento and helped develop the Committee's 2012 priority list; learned that an equipment builder may be selling uncertified rebuilt Enhanced Vapor Recovery (EVR) nozzles within the state; and, received an update from CARB about the status of ongoing EVR certifications.

On January 26 – 27, 2012, staff participated in the CAPCOA Enforcement Managers Committee meeting held in Diamond Bar, California where districts, CARB, and EPA discussed a variety of statewide enforcement issues including similarities and differences in various districts' wood smoke enforcement programs.



Staff made a presentation to the District’s Stationary Source Committee on March 19, 2012 on a variety of air quality issues associated with the Lehigh Southwest Cement Company (Cupertino).

On March 21, 2012, staff approved an Asbestos Dust Mitigation Plan (ADMP) for the restaurant Depot project site in the Bay View/Potrero Hill area of San Francisco.

**Compliance Assistance Program**

Compliance Advisories were sent to contractors and building departments regarding the removal of asbestos cement (transite) siding and roofing materials (Regulation 11-2); to contractors and building departments regarding new credit card payment procedures for asbestos demolition and renovation operations (Regulation 11-2); to wood products coating manufacturers regarding new formaldehyde emissions estimates and reporting requirements (Regulation 8-32); to manufacturers and distributors of boilers, steam generators and process heaters regarding new emission limit certification requirements (Regulation 9-7); and to owners and operators of gas stations with underground storage tanks with liquid condensate traps (vapor pots) regarding the new State deadline for upgrading Phase II enhanced vapor recovery and in-station diagnostic requirements (Regulation 8-7).

CARB and District staff participated in the first CARB Advanced Portable Equipment Registration Program (PERP) class in the Bay Area on January 11, 2012. Staff hosted an open burning informational booth at the Napa County Farmer’s Bureau annual safety conference for viticulture workers on March 29, 2012. On March 5, 2012, staff made a presentation on regulatory requirements for boilers and standby generators to the San Francisco chapter of the International Facility Management Association (IFMA).

**Operations**

The spring marsh management burn season started on March 1, 2012; staff approved 18 Marsh Management Smoke Management Plans (SMPs) for burn projects in Solano County.

Staff completed the data verification and posting of refinery flare monitoring data through January 2012.

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

**ENGINEERING DIVISION – C. CHILADAKIS, DIRECTOR**

**Permit Systems Program**

271 new permit applications were received: 204 standard New Source Review applications, 48 Gasoline Dispensing Facility applications, 12 Title V applications, and 7 Banking applications. The following table is a summary.

<b>Permit Activity</b>			
New applications received	271	New facilities added	93
Authorities to Construct issued	88	Exemptions (entire applications deemed exempt)	14
Permits to Operate issued (new and modified)	338	Annual update packages completed	1520

### **Toxics Program**

Staff completed 73 health risk screening analyses (HRSAs) during the first quarter of 2012. The majority of these HRSAs were for emergency diesel engines.

Kraft Foods Global (San Leandro) submitted a health risk assessment (HRA) for a group of large coffee roasters as required by the Air Toxic Hot Spot (ATHS) program. In March, staff discussed with Kraft some issues with the HRA. Staff is currently waiting for Kraft to respond.

In February, Microsoft Corporation (Santa Clara) submitted an HRA, for a group of emergency generators powered by diesel engines, as required by the ATHS program. The HRA is under review.

Staff continued to conduct air dispersion modeling of major sources of sulfur dioxide in order to demonstrate attainment status of the District with respect to the 2010 Revised Primary Sulfur Dioxide National Ambient Air Quality Standard. Staff is working with CAPCOA and CARB to develop a state-wide modeling approach. EPA recently withdrew its request to provide SO<sub>2</sub> modeling data to demonstrate compliance, and will rely on actual monitoring data instead.

### **Title V Program**

Staff issued five (5) minor revisions, one (1) permit renewal, one (1) administrative amendment, and one (1) synthetic minor operating permit. A number of other Title V permits are in the approval/public comment process.

On February 16, the Title V permit renewal for Lehigh Southwest Cement (Cupertino) was submitted to EPA along with District's responses to public comments. EPA's 45-day review ended on March 31.

### **Permit Evaluation Program**

One of the proposed power plants with an Authority to Construct, the Mariposa Energy Center (Byron), is scheduled to star-up by July 2012.

Tesla Motors Inc. (Fremont) plans to start manufacturing electric vehicles at their Fremont facility during the summer of 2012. On February 23, staff met with Tesla staff to review their permit applications. Staff is currently reviewing Tesla's responses to additional information requested by the District.

The District issued an Authority to Construct to the Shell Martinez Refinery for the Crude Tank Replacement Project (CTRP) on January 5. The purpose of the CTRP is to allow Shell to continue to supply local markets with California Air Resources Board (CARB) cleaner-burning gasoline and ultra-low sulfur diesel fuels, as well as other products. This project will allow more crude deliveries by ship which will replace crude oil supplied by the San Joaquin Valley.

### **Engineering Projects Program**

Staff started using the Production System to process permit applications and renewals for gasoline dispensing facilities (GDFs) on March 1, 2012. A demo was presented to the Stationary Source Committee on March 19 and at Board of Directors meeting on March 21. Staff continues to verify performance and resolve outstanding issues with the invoices and permits. About 50% of the renewal invoices and 60% of the Permits to Operate for GDF permits that expire in May have been issued.

Staff is working with Legal to amend all permit rules, Regulations 1, 2-1, 2-2, 2-4 and 2-6. A summary of the proposed changes was presented to the Stationary Source Committee on January 9. Staff held a public workshop on February 22 and three (3) follow-up Technical Working Group meetings. The public comment period from the workshop ended on March 27. Staff will review comments and propose appropriate regulatory changes by the end of April.

### **LEGAL DIVISION – B. BUNGER, DISTRICT COUNSEL**

The Air District Counsel's Office received 111 violations reflected in Notices of Violation (NOVs) for processing.

Mutual Settlement Program staff initiated settlement discussions regarding civil penalties for 47 violations reflected in NOVs. In addition, 1 Final 30 Day Letter was sent regarding civil penalties for 1 violation(s). Finally, settlement negotiations resulted in collection of \$69,885 in civil penalties for 40 violations.

Counsel in the Air District Counsel's Office initiated settlement discussions regarding civil penalties for 7 violations. Settlement negotiations by counsel resulted in collection of \$367,122 in civil penalties for 47 violations reflected in NOVs.

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

<b>COMMUNICATIONS AND OUTREACH – L. FASANO</b>
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**News Releases**

The Air District issued 16 press releases and/or media advisories during the last quarter: (to view press control key and click link)

1/1/2012	<a href="#">Twelfth Winter Spare the Air Alert called for Monday, January 2</a>
1/10/2012	<a href="#">Thirteenth Winter Spare the Air Alert called for Wednesday, January 11</a>
1/11/2012	<a href="#">Fourteenth Winter Spare the Air Alert called for Thursday, January 12</a>
1/12/2012	<a href="#">Air District settles case with Martinez facility</a>
1/12/2012	<a href="#">Air District asks public to voluntarily refrain from burning wood Friday, January 13</a>
1/13/2012	<a href="#">Winter Spare the Air Alert called for Saturday, January 14</a>
1/31/2012	<a href="#">Air District seeks public input on particulate matter reduction plan</a>
2/2/2012	<a href="#">Last chance for drayage truck funding</a>
2/4/2012	<a href="#">Wood smoke pollution rising in Bay Area</a>
2/7/2012	<a href="#">Wood smoke impacts animal health, too</a>
2/16/2012	<a href="#">Air District seeks public input on changes to air quality permits regulation</a>
2/21/2012	<a href="#">Permissive burn period opens for marsh management fires</a>
3/1/2012	<a href="#">Challenging Winter Spare the Air season closes</a>
3/8/2012	<a href="#">Air District and Alameda County offer \$3.3 million to reduce port truck pollution</a>
3/22/2012	<a href="#">Air District encourages Bay Area residents to spend tax refunds on fireplace gas inserts</a>
3/28/2012	<a href="#">Air District offers \$10 million to reduce marine engine air pollution</a>

**Media Inquiries**

Staff responded to numerous media inquiries during this quarter, topics included:

- Winter Spare the Air (*SJ Mercury News, Marin IJ, KLIV, KALW FM, KTVU, Daly California, KGO Radio, San Francisco Chronicle, Patch, KNBC 11, Palo Alto Daily News, KCBS, Bay City News, KNTV 11, KTVU Fox, KGO News 7, Napa Valley Register, Santa Rosa Press Democrat, KPIX, Solano Daily Republic, KQED, Arizona Republic, Palo Alto Patch, Vallejo Times Herald, Pacific Sun*)
  - WSTA Pet Event (*KGO7, KCBS, Contra Costa Times, KKIQ*)
  - WSTA Ridealong (*KGO7*)
  - Model ordinance (*KTVU*)
- Apartment Fire in San Francisco (*Bay Citizen*)
- Close of Burn Season (*Bay City News*)
- Emissions from diesel generators (*New York Times*)
- Building Move (*Marin IJ*)
- America's Cup EIR (*Bay Citizen, KPIX, KTVU*)
- Truck Regulations (*UC Berkeley TV*)
- EV Resources (*KTVU*)
- CASS Facility (*Oakland Tribune*)

- Napa Climate Plan (*Napa Valley Register*)
- Global Community Monitoring Projects (*KNTV*)
- Oakland Air Quality (*KALW*)
- Air Quality Monitoring (*Smartplanet.com*)
- PM Plan Workshop (*Bay City News*)
- PM and Plants (*KGO7*)
- WSTA Ridealong (*KGO7*)
- Ozone & PM pollution, EPA Report (*California Watch*)
- Mirant (*KCBS*)
- Reg 2 Workshop (*Bay City News*)
- Marin County Air Quality & 2008 Wildfire comparison (*Point Reyes Light*)
- Richmond Air Quality (*Environmental Health News*)
- Carl Moyer grants (*Half Moon Bay Review*)
- Winter Spare the Air (*Pacific Sun, KGO*)
- Senate Bill 1339 (*SF Examiner*)
- 800-EXHAUST (*KTVU*)
- PEVs (*CreaTV*)
- Model ordinance (*KTVU*)

### **Media Highlights**

The Air District was mentioned in approximately 450 print/online stories and 150 video clips in the last quarter. Below are the last quarter's media coverage highlights: (to view press control key and click link)

1/3/2012	<a href="#">Spare the air on KRON-SF (MyTV) - San Francisco, CA</a>	KRON 4 Early News
1/18/2012	<a href="#">Is SF Underestimating America's Cup Air Pollution?</a>	The Bay Citizen
1/21/2012	<a href="#">Rain welcomed in Vallejo and Bay Area might not last past Monday</a>	Vallejo Times-Herald
1/24/2012	<a href="#">CEQA guidelines "up in the air" - court suspends BAAQMD air quality rules</a>	Lexology
2/1/12	<a href="#">Air board hits the road to see business pollution up close</a>	San Jose Mercury News
2/8/12	<a href="#">Residents Pepper Officials On Cement Plant Health Risk</a>	Patch.com
2/8/12	<a href="#">Smoky air can harm dogs and cats, too, says vets and pollution experts</a>	Inside Bay Area
2/8/12	<a href="#">Spike in gas prices fuels the electric car's growing popularity</a>	KTVU
2/8/12	<a href="#">Consultant minimizes quarry health risk</a>	Los Altos Town Crier
2/18/12	<a href="#">Mayor Lee announces the return of "Sunday Streets", beginning ...</a>	San Francisco Sentinel.com
3/2/12	<a href="#">Marin again leads Bay Area in winter wood smoke complaints</a>	Marin Independent Journal
3/5/12	<a href="#">San Francisco Bike Sharing Program To Roll Out This Summer</a>	Huffington Post

3/7/12	<a href="#">Jack Broadbent: Bad air days in Bay Area send emergency room admissions skyrocketing</a>	San Jose Mercury News
3/16/12	<a href="#">Free shuttle linking Alameda, Oakland, to continue</a>	Contra Costa Times
3/19/12	<a href="#">Co-generation plant saves Pacific Union College \$1 million a year in energy costs</a>	North Bay Business Journal
3/20/12	<a href="#">Mower exchange offered by air district</a>	Daily Democrat

### **Public Inquiries**

Staff responded to approximately 665 calls and 300 e-mails from the public, many regarding Winter Spare the Air days, enforcement issues, and grants.

Phone Calls	665
E-mails	300 (sparetheair.baaqmd.gov, feedback@baaqmd.gov)

### **Publications**

The Feb./March 2012 issue of the League of Women Voters Bay Area Monitor newsletter featured an article about the Air District's proposed Portland Cement rule, written in consultation with Air District staff. The Bay Area Monitor has approximately 4,000 subscribers. (<http://bayareamonitor.org>)

### **Public Information Campaigns**

#### **Winter Spare the Air**

The Air District issued fifteen Winter Spare the Air Alerts and nine Recommended No Burn Days this winter season.

Staff conducted door-to-door outreach in Campbell on January 21, Piedmont on January 27, Pleasant Hill on January 28 and Dublin on February 24. During the door-to-door outreach, staff informed residents of the wood burning regulation and health impacts from wood burning. Cities were chosen due to the high number of woodsmoke complaints received for that area.

A pets with asthma event at the Tony La Russa's Animal Rescue Foundation attracted significant media attention about the health impacts of wood smoke on pets. A live interview with KKIQ was also conducted on this subject.

Staff produced a podcast from an interview with Karen Licavoli-Farnkopf from Breathe California about asthma and wood smoke.

Staff developed a major publicity push for the end of the Winter Spare the Air season which included an op-ed, new particulate matter data and an end-of-season news release.

Staff switched all social media, the widget and site-wide alert as well as the Air District websites to the Spare the Air Every Day message starting March 1.

COO hosted a Brown Bag Lunch for District staff on Thursday, March 29 to discuss public opinion research from the 2011-12 Winter Spare the Air campaign.

**800-EXHAUST** – The 800-EXHAUST advertising contractor provided staff with four advertising concepts for consideration. Staff selected one concept for the upcoming campaign, which launched in April. In 2013, the 800-EXHAUST program will no longer be a separate program rather, it will be fully integrated into the Spare the Air campaign.

**Spare the Air** – Staff received board approval of a contractor for the Spare the Air campaign's advertising, public relations and evaluation services.

Air District staff representing several divisions met with the lead contractor and all sub-contractors on March 29 to discuss 2012-13 initiatives and programs related to Spare the Air.

A new Spare the Air app is now available for Android devices. The app provides Alert Day notifications, county by county air quality forecasts, several tools to help users personally reduce air pollution, as well as air quality podcasts.

Staff met with MTC staff to discuss a partnership on a Spare the Air youth program.

**Public Participation Plan** – Staff continues to work on the Public Participation Plan. Staff issued an internal draft for review in March. Following internal review of the document, the plan will be reviewed by the stakeholders and taskforce advisory committee, comprised of 25 external stakeholders. Following the TF's review, the draft document will be released for public review.

**CAPCOA Public Outreach Committee** - Staff attended the CAPCOA POC meeting in Victorville, CA, February 29 – March 1. Staff and seven other public information officers from California air districts toured the Mitsubishi Cement Plant and discussed plant processes and permit requirements.

### **Spare the Air Resource Teams**

Staff met with local businesses, government agencies and civic organizations to address air quality concerns in the workplace and local communities.

#### **Spare the Air Resource Teams:**

- January 23 – Santa Clara County STA Resource Team Conference Call  
Approximately 5 members participated.
- January 24 – San Jose Green Vision Resource Team Meeting, San Jose  
Approximately 15 members attended.
- February 1 – Santa Clara County STA Resource Team Meeting, Sunnyvale  
Approximately 10 members participated.
- February 2 – Tri-Valley STA Resource Team Meeting, Livermore  
Approximately 10 members participated.

- February 3 – Napa Clean Air Coalition Resource Team meeting, Napa  
Approximately 12 Coalition members participated.
- February 21 – Santa Clara County Spare the Air Resource Team Conference Call  
7 team members participated.
- February 24 – Napa Valley Clean Air Coalition, Napa  
6 team members participated.
- March 5 – Southern Alameda County Resource Team meeting, Fremont  
15 team members participated.
- March 7 – Santa Clara County Spare the Air Resource Team meeting, Sunnyvale  
8 team members participated.
- March 14 – Contra Costa County Spare the Air Resource Team meeting,  
Richmond  
15 team members participated.
- March 20 – Sonoma County Spare the Air Resource Team, Sonoma  
10 team members participated.
- March 28 – Contra Costa County Spare the Air Resource Team Conference Call  
7 team members participated.
- March 28 – Tri-Valley Spare the Air Resource Team Conference Call  
6 team members participated.

### **Meetings with Community Organizations**

#### **Meetings:**

Staff met with Bay Area organizations to discuss air quality, community concerns and partnerships. These organizations include:

- January 17 – Regional School and Youth Outreach Technical Advisory  
Committee, Meeting  
Approximately 10 agency representatives participated.
- February 1 – Regional School and Youth Outreach Technical Advisory Committee,  
Conference Call  
Approximately 10 agency representatives participated.
- February 14 – Regional School and Youth Outreach Technical Advisory  
Committee, Oakland  
Approximately 6 committee members participated.
- February 14 – Meeting with MTC communications staff, Oakland  
Approximately 5 staff members attended.



- February 14 – Employer Program Leadership Committee, Conference Call  
Approximately 10 employer committee members participated.
- February 15 – Girl Scout Green Talk Meeting, San Carlos  
Approximately 10 girl scouts attended.
- February 15 – Chevron Retirees Association of Marin County, Marin  
Approximately 50 association members attended.
- February 29 – CALEEMod & GHG Mitigation Training, MTC Auditorium  
Approximately 60 people attended.
- March 8 – Sonoma County Asthma Coalition, Sonoma  
12 coalition members attended.
- March 8 – Regulation 2 Technical Working Group meeting, Air District offices  
17 group members attended.
- March 9 – Regional School and Youth Outreach Technical Advisory Committee,  
Oakland  
Approximately 6 committee members participated.
- March 9 – MTC Title VI Working Group, Oakland  
Approximately 10 government staff members attended.
- March 14 - “The Next Generation of Public Involvement: On-line Public  
Participation” Webinar, Air District Offices  
4 staff attended.
- March 21-23 – San Francisco City Wide Revival, San Francisco  
800 visitors to the booth.
- March 26 – Redwood Middle School EcoFair, Saratoga  
300 visitors to the booth.
- March 27 – Tesla’s Spare the Air Day, Palo Alto  
200 visitors to the booth.

**Presentations:**

Staff presented an overview of air quality policies to local environmental activists and elected officials.

- February 25 – Environmental Forum of Marin, Marin  
Approximately 25 local activists participated.

**Public Workshops:**

Community Outreach staff supported the Planning and Engineering Divisions by facilitating public workshops.

- February 6 – Particulate Matter Reduction Plan Workshop, Air District Offices & Webcast  
Approximately 20 people attended the meeting and 10 interacted via webcast.
- February 22 – Draft Regulation 2: Permits Workshop and Webcast, Air District Offices  
Approximately 60 people attended and 25 participated via webcast.
- February 28 – Regulation 2 – Technical Workgroup Discussion Meeting, Air District Offices  
Approximately 20 people attended.
- March 20 – Regulation 2 Technical Working Group meeting, Air District Offices  
17 group members participated.

**Retreats:**

Staff met with environmental justice organizations to identify best practices for future collaboration.

- January 26 – Bay Area Environmental Health Collaborative and Air District Retreat, San Francisco  
Approximately 15 Air District employees and 15 BAEHC members attended.

**Trainings:**

Staff conducted two training sessions for internal staff on working outreach events by reviewing educational materials and key program messages.

- January 30 and January 31 – Internal Community Outreach Staff Training, Air District Offices  
Approximately 80 District staff members participated.

**Community Events**

Staff represented the Air District and hosted informational booths at the following community events:

**Alameda County:**

March 17-18 – City of Dublin St. Patrick’s Day Festival

March 29 – Prescott-Joseph West Oakland Community Mixer, Oakland

**San Francisco County:**

March 17 – San Francisco St. Patrick’s Day

March 22 – San Francisco City-Wide Revival, San Francisco

**Santa Clara County:**

March 9-11 – San Jose Spring Home Show

**PLANNING DIVISION – H. HILKEN, DIRECTOR****Exposure Assessment and Emissions Inventory Program**

This is the first quarterly report of the newly created Exposure Assessment and Emissions Inventory (EA&EI) program, which combines the Community Air Risk Evaluation (CARE) program and the Emissions Inventory program. Major objectives for EA&EI this year include:

- Updating and reporting the Air District's inventory of air pollution emissions, for example to support the State Implementation Plan (SIP) submittal for fine particulate matter (PM<sub>2.5</sub>) and annual reporting to the California Air Resources Board (CARB);
- Retooling the emissions inventory database, specifically adapting to the new Production System database;
- Developing Community Risk Reduction Plans (CRRPs) and local-scale modeling to support healthy community planning and development;
- Summarizing work to date completed through the CARE program.

Staff completed reporting 2010 annual emissions to ARB. Staff produced a draft base year 2010 emissions inventory for the PM<sub>2.5</sub> SIP submittal. Staff continued updating inventories, chemical speciation profiles, and growth and control factors for the base year 2011 emissions inventory. The District's 2010 GHG inventory for District operations was verified by independent verifiers.

Staff developed a draft methodology report on the emissions inventory development and modeling for the San Francisco CRRP and continued developing emissions estimates to support the San Jose CRRP, including refinements to construction, rail and airport emissions and updates to the on-road emissions, incorporating the latest version of the State's mobile emissions factor model. Staff presented information on the development of CRRPs to the Berkeley Community Environmental Advisory Commission on March 1<sup>st</sup>. Staff prepared a joint presentation on CRRP work in progress with the City of San Francisco Public Health Department, presented on March 6<sup>th</sup> at the State Housing Siting and Near Roadway Air Quality Task Force, endorsed by the State Strategic Growth Council.

**Air Quality Planning Program**

Staff continued implementation of the CEQA Guidelines through meetings with staff from local jurisdictions; presentations to various organizations; tracking the use of the CEQA Guidelines by lead agencies; responding to numerous inquiries from local government staff and consultants, and drafting comment letters for projects subject to the CEQA thresholds. Staff provided CEQA comment letters to the following lead agencies: the City of Mountain View on its General Plan and GHG Reduction Program DEIR; the Town of Los Gatos for its North Forty Specific Plan NOP for a DEIR; the City of Menlo Park for its Facebook Campus Project DEIR; the City of Napa for its Downtown Napa Specific Plan DEIR; the City of Santa Rosa for its Climate Action Plan SEIR; the City of Redwood City for its Stanford in Redwood City Precise Plan DEIR; the City of East Palo Alto for its

Ravenswood/4 Corners TOD Specific Plan DEIR; and the City of San Ramon for its North Camino Ramon Specific Plan DEIR. Staff provided comments to the Governor's Office of Planning and Research (OPR) on OPR's Proposed Addition to the CEQA Guidelines Implementing Senate Bill 226. Staff continued work on drafting general plan guidelines to assist local governments in planning for healthy communities. Staff continued efforts to assist local government staff with integrating air quality analyses into Station Area Plans (SAP) and Priority Development Areas (PDA) in an effort to anticipate and resolve air quality issues related to SAPs/PDAs. Staff continued work on the PM<sub>2.5</sub> SIP submittal and PM research agenda. Staff provided comments to US EPA on its draft report entitled, "Creating Equity, Healthy, and Sustainable Communities: Strategies for Advancing Smart Growth, Environmental Justice, and Equitable Development".

Staff continued to collaborate with ABAG and MTC staff on development of the Sustainable Communities Strategy (SCS) and participated in monthly meetings of the Regional Advisory Working Group. Staff reviewed and provided comments on climate action plans (CAP) to the following local governments: City of Pleasanton; City of Walnut Creek; City of Berkeley, City of Concord, County of Marin, and County of Napa. Staff provided three letters in support of collaborative efforts to develop numerous CAPs within the counties of San Mateo, Solano, and Sonoma for proposals for Strategic Growth Council Planning Grants funded by Proposition 84.

### **Research and Modeling Program**

Staff continued to refine estimates of fine particulate matter (PM<sub>2.5</sub>) health impacts in the Bay Area, including updating the District's PM<sub>2.5</sub> modeling emissions inventory with ARB's newly developed EMFAC2011 and OFFROAD2011 emissions estimating computer programs, and estimating the contribution of transported PM<sub>2.5</sub> from the Central Valley to Bay Area PM<sub>2.5</sub> levels and assessing the health impacts of transported PM<sub>2.5</sub> on Bay Area residents. Working with the District's Technical Division, staff deployed three ultrafine particulate matter (PM<sub>0.1</sub>) counters to air monitoring stations. Staff presented planned activities in ultrafine PM monitoring, emissions inventory development, modeling and health impacts analysis at the Advisory Council retreat. Staff studied meteorological conditions for elevated PM<sub>2.5</sub> days of winter 2011-12 to select PM<sub>2.5</sub> sample filters that will be analyzed for carbon 14 to quantify the contribution of wood burning to Bay Area PM<sub>2.5</sub> levels. Staff participated in several Central California Air Quality Studies (CCAQS) Technical Committee and Policy Committee conference calls, and reviewed and commented on several draft final reports prepared for CCAQS. Staff continued to work with staff at the National Oceanic and Atmospheric Administration to evaluate the National Air Quality Forecasting Model performance over Central California.

### **Rule Development Program**

Staff presented materials at a public hearing before the Board of Directors on March 21, 2012 to consider a new proposed rule, Regulation 8, Rule 53: Vacuum Truck Operations and proposed amendments to Regulation 2, Rule 1: Permits, General Requirements. The hearing was continued until April 18, 2012. Staff also presented information regarding the rule development process for Rule 8-53 to the Stationary Source Committee meeting on January 9, 2012. Staff received comment on a draft new rule, Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants from Portland Cement

Manufacturing. The rule would affect Lehigh Southwest Cement in Santa Clara County and was the subject of a December, 2011 workshop. Staff continues to work on a new rule for foundries, other metal melting facilities and recycling facilities that operate auto shredders. Staff met with representatives of affected facilities, the California Metals Coalition representing foundries and metal melters and representatives of metal recyclers and toured US Pipe Corporation in Hayward, CA and Schnitzer Steel Co. in Oakland, CA. Staff has met with Valero Refinery regarding development of amendments to District Regulation 9, Rule 10: Nitrogen Oxides and Carbon Monoxide from Boilers, Steam Generators and Process Heaters in Petroleum Refineries. Staff presented information on this rule and the rule development process to the Stationary Source Committee meeting on March 19. Staff has been visiting significant particulate sources in the Bay Area, including landfills, quarries, asphalt batch plants, glass making facilities and food processing operations to research potential amendments to Regulation 6, Rule 1: Particulate Matter, General Requirements.

### STRATEGIC INCENTIVES – D. BREEN, DIRECTOR

Following is a summary of the Strategic Incentives Division achievements for the first quarter of 2012.

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

- Staff participated in the CAPCOA Grants and Mobile Source & Fuels Committee meeting, 1/25 and 3/28.
- Staff participated in a call with ARB staff regarding the import functionality in the ARB CARL database, 1/25.
- Staff notified grantees for 38 projects (80 engines) that their projects have been selected for audit as part of the District's annual CMP project performance audits. These projects will be inspected by May 2012.
- The ARB has added the Air District to their 2012 program audit schedule.
- Staff met with ARB staff, and a consultant to discuss concerns with the ARB CMP CARL project/reporting database, 2/27.
- Staff attended the "New Technology Diesel Clean Air Showcase for California" event in Sacramento, 2/27.
- Staff participated in a conference call with Calstart regarding the need for reauthorization of CMP and AB923 legislation, 3/1.
- Staff participated in an IPI meeting with ARB and other air districts, 3/13.
- Staff submitted the District's CMP Progress Questionnaire Report to ARB, 3/13.
- Staff submitted the following program documents to ARB, 3/16.
  - Executed CMP Year 14 Grant Award
  - Year 14 initial disbursement request: \$1,266,459
  - Second and final CMP Year 13 disbursement request: \$6,901,650
- Staff participated in US EPA West Coast Collaborative Steering Committee conference call, 3/15.
- Staff met with representatives from ARB and the Sacramento Air District to discuss potential changes to the ARB CMP CARL database, 3/20.

**Goods Movement Program (GMP)**

- *MY 2004 Port Truck Replacement Program:*
  - The application acceptance period for Engine MY2004 Port Truck Program closed on Friday, January 13. Staff received 23 applications. Staff worked to conduct final evaluations and issue contracts so that the contractor can place orders in late-Jan/early-Feb.
- *YR3 Funding cycle:*
  - Staff participated with CARB GMERP staff in application assistance sessions for YR 3 port truck replacement at the Port of Oakland on 1/12, 1/13, 1/26, 1/27, 2/2 and 2/6. Truck owners and motor carriers attended these sessions to learn about the new program and obtain application assistance. The application deadline for this program was 2/9.
  - CARB forwarded 719 applications (applications may contain more than one truck) to BAAQMD for data entry and initial follow up with applicants, 2/10.
  - Staff worked to finalize initial evaluations of GMP port truck replacement project applications and collect outstanding documentation from applicant's that participated in the previous port truck retrofit program. The final project data for projects was submitted to ARB, 3/1.
- *YR2 Funding cycle:*
  - Inspectors completed 158 of the anticipated total of 379 YR 2 truck inspections. Grants staff collected fleet compliance information and drafted grant agreements for projects.
  - Staff participated in a call with ARB and other districts regarding fleet compliance checks for truck program grantees, 2/15 and 3/1.
  - Staff participated in a conference call with ARB and other air districts to discuss the process of checking applicant's compliance status with the ARB Truck and Bus regulation, 3/22.
- *YR1 Funding cycle:*
  - Staff sent out annual reporting requests to port truck replacement grantees and on-road truck grantees, 1/17 and 1/18.
  - Annual reporting requests were sent to port truck replacement and on-road replacement and retrofit projects and the first of 1,319 port truck retrofit final reporting requests including final contract amendments.
- *Other:*
  - Staff presented port truck grant program updates to the Port of Oakland Truck Working Group meeting 1/23.
  - Staff submitted GMP quarterly reports to ARB, 2/15.
  - Staff participated in the CAPCOA Mobile Source & Fuels and Grants Committee meeting, 2/22.
  - Staff presented an overview of the proposed 2005/2006 drayage truck replacement program to the Port of Oakland Truck Working Group, 2/27.
  - Staff attended the Port of Oakland Trucker Working Group Meeting, 3/19.

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

- *Plug-in Electric Vehicle Program:*
  - Staff met with ECotality to discuss the development of the DC Fast Charger program, 1/10.
  - Staff met with Coulomb Technologies, Inc. to discuss opportunities for developing programs that would support the installation of PEV chargers in multi-dwelling units, 1/11.
  - Staff attended the 2012 National Fleet Electrification Conference hosted by VIA Motors, 1/11.
  - Staff issued a RFP seeking consultants to assist with PEV regional readiness planning, 1/13. Staff held a workshop on the RFP to receive and respond to questions, 1/20.
  - Staff presented testimony to the CARB Board of Directors in support of the Advanced Clean Cars program, 1/26. The Advanced Clean Cars program package was approved unanimously by the CARB Board on 1/27.
  - Staff participated in a conference call with representatives from SF Municipal Transportation Agency and SF Dept. of Environment to discuss deployment of EV Fast Charge infrastructure, 1/30.
  - Staff participated in meetings to discuss the development of the District's PEV Incentive Program with representatives from BMW on 2/2 and AeroVironment on 2/9.
  - The PEV Readiness Plan Development RFP closed on 2/3. A panel consisting of representatives from ABAG, MTC, Clean Cities Coalition, and the District was convened to review and score proposals, 2/7.
  - Staff participated in conference calls with CA PEV Collaborative and local representatives to discuss the status of the California PEV Readiness Project, 2/2, 2/7, 2/9 and 2/14.
  - Staff met with representatives from City Car Share to discuss grant funding opportunities for car sharing projects that use plug-in electric vehicles, 2/17.
  - The Executive Officer and staff participated in meetings to discuss the District's PEV Incentive Program with representatives from Leviton, 2/23.
  - Staff participated in a conference call with CA PEV Collaborative representatives to discuss PEV charging and multi-unit dwellings, 2/22.
  - Staff met with representatives from Nissan to discuss the current status and driver usage of the Nissan Leaf. Staff also discussed the sale and deployment of a DC Fast Charger developed by the Nissan Corporation, 3/6.
  - Staff met with representatives from the SF Department of the Environment to discuss the status of Electric Vehicle Supply Equipment (EVSE) deployment in parking garages owned by the City of SF, 3/22.
  - Staff participated in a conference call with representatives from the CPUC and NRG Energy to discuss the status of a legal settlement that will deploy DC Fast Chargers and Level II Public Chargers in the Bay Area and other areas of California, 3/28.

- *Regional Bike Share Pilot Project:*
  - Staff participated in a conference call to discuss the Regional Bike Share Pilot Project program development with SFMTA, 1/31.
  - Staff participated in conference calls to discuss program development with Caltrans, 1/10, and the Partners Workgroup, 1/12.
  - Caltrans approved the project's Construction phase, 2/7, and staff subsequently issued a request for proposals (RFP) for a contractor to design, build, operate, maintain, manage and publicize a regional bike share system for a pilot program, 2/9.
  - Staff held a conference call to discuss program development with the Partners Workgroup, 2/9, 2/16, and with VTA, 2/27.
  - Staff held a RFP Pre-Bidder's Conference with twenty-six attendees at the District Office, 2/27.
  - Staff presented at the SPUR lunchtime forum on Bike Sharing, 2/28.
  - Staff held conference calls to discuss RFP comments and questions with the Partners Workgroup, 2/29, 3/1, 3/5, and 3/6.
  - Staff posted the revised Bike Share RFP and RFP Questions and Answers, 3/7.
  - Staff attended Caltrans Disadvantaged Business Enterprise (DBE) workshop in Oakland, 3/7.
  - Six proposals were submitted in response to the Regional Bike Share Pilot Project RFP by the submittal deadline of 3/21. Staff and the Partner Working group reviewed and evaluated the bike share proposals, 3/26 and 3/27.
- *Other:*
  - One shuttle contract was executed with Peninsula Corridors Joint Power Board for \$993,330.
  - Staff attended MTC's 511 Bike Mapper training in Oakland, 3/22.

#### **Lower Emission School Bus Program (LESBP)**

- One contract was executed to retrofit four buses for \$77,790.
- Staff participated in a meeting with A-Z Bus sales, Inc. representatives regarding future of the program, 2/21.
- Staff conducted LESBP inspections for retrofits and replacements for FY 2011 cycle.

#### **Grant Development**

- District staff held a conference call with staff at the San Joaquin Valley APCD to discuss the emission benefits of the marine highway project, 1/12.
- Released the Lawn Mower Replacement Program RFP to select a contractor to manage the program, 1/12, with a submittal deadline extended to 4/25.
- Staff and ARB held check-in conference calls with two project partners NREC and GT Exhaust to discuss progress on the AQIP advanced locomotive demonstration projects, 1/23 and 3/12.
- Submitted quarterly report to EPA for the National Clean Diesel Program – Truck Replacement project for the 4th quarter of 2011.



- Staff participated in CEC's workshop on the AB 118 Air Quality Improvement Program (AQIP) Funding Plan for Fiscal Year 2012-13, 2/2.
- Staff participated in an EPA webinar on Community Choice Aggregation: Leveraging a Collective Procurement Model to Drive New Renewable Energy Generation and followed up with calls to two presenters, 3/6.
- Staff and ARB held the kick-off meeting via conference call with the project partner, Wind + Wing, for the wind-assisted ferry marine project, 3/12.
- Staff participated in ARB workshop on FY 2011/12 AQIP Locomotive Solicitation for \$1 million for Advanced Technology Locomotive Demonstration, 3/15.
- Staff processed reimbursement request from GT Exhaust locomotive demonstration project for completion of Milestone 1, emission testing of DPF, and forwarded request to ARB for payment, 3/15.
- Staff prepared and APCO signed and sent letter to FHFA in support of the PACE program, 3/26.

**TECHNICAL DIVISION – E. STEVENSON, DIRECTOR**

### **Air Quality**

During the 1<sup>st</sup> quarter of 2012, there were three days when the 24-hour national PM<sub>2.5</sub> standard was exceeded: January 9, 10, and 14. There were five Spare the Air Alerts, all in the first half of January, declared in the 1<sup>st</sup> quarter of 2012. In addition, the first half of January was very similar to most of December 2011 – cold and dry with light winds and high pressure. There were no strong weather systems to clean out particulates in the Bay Area until January 19<sup>th</sup> when the first strong storm in over eight weeks reached the Bay Area. Thereafter, occasional weather systems with strong winds and much needed rain passed through the Bay Area every 3<sup>rd</sup> or 4<sup>th</sup> day through the end of March.

For the winter season, November 1 through February 29, the Bay Area exceeded the national PM<sub>2.5</sub> standard on eleven days compared to just one day last winter. The difference was likely due to meteorological differences between the two seasons, as this winter was cold and dry while last winter was mild and wet.

### **Air Monitoring 1<sup>st</sup> Quarter 2012**

23 air monitoring stations were operational from January through March 2012, with all equipment operating on routine, EPA-mandated schedules. The increased wintertime sampling schedule for PM<sub>2.5</sub> began at designated stations on October 1<sup>st</sup>, 2011 and ended on March 31<sup>st</sup>, 2012. Ozone monitors at four satellite stations were shut down during the low ozone season on December 1<sup>st</sup>, 2011, as allowed under a waiver granted by the EPA, and resumed operation starting April 1<sup>st</sup>, 2012.

New ultrafine particulate instrumentation began operating in February at the San Pablo site. Data collected from this monitor will be used by Air District modelers to assess potential health impacts from ultrafine particulate in the Bay Area

A second wintertime study, performed in cooperation with the Planning Division to evaluate PM<sub>2.5</sub> composition at five monitoring locations (Napa, Vallejo, Concord, San Francisco and Livermore), began on November 23<sup>rd</sup> and was completed on January 31<sup>st</sup>.

When EPA lowered the National Air Quality Standard for lead to 0.15 microgram per cubic meter of air, they required a 12-month airport lead monitoring study at fifteen general aviation airports nationwide to determine whether airports that emit less than 1 ton per year of lead have the potential to exceed the new, lower lead standard. The fifteen airports were chosen based on runway layout, estimated annual aviation fuel usage, and the potential for population exposure to aircraft emissions. The Air District was required to take samples at three airports in the Bay Area (Palo Alto, San Carlos and Reid Hillview) as part of this effort. Sampling began during the first quarter of 2012 at all three locations and will continue for a minimum of one year.

### **Performance Evaluation**

The Performance Evaluation Group (PEG) conducted regular, mandated performance audits on 56 analyzers at twelve Air District Air Monitoring Stations during January, February, and March of 2012. Ground Level Monitoring (GLM) audits of Hydrogen Sulfide (H<sub>2</sub>S) and Sulfur Dioxide (SO<sub>2</sub>) monitors were conducted at GLM networks at Chevron, ConocoPhillips, and Conoco Carbon refineries and met all performance criteria. In addition, start-up audits were conducted on four monitors in the ConocoPhillips refinery GLM network.

PEG repaired equipment at eight of the District's meteorology network sites and rebuilt 44 wind speed and direction sensors replaced during the previous year. The sensors were tested and calibrated and will be re-used during the coming months. PEG will be calibrating, auditing, trouble-shooting and maintaining the sensors, data loggers, and modems at all 22 District meteorology sites in April and May 2012.

PEG staff attended a weeklong, on-line conference sponsored by the EPA. The conference focused on standard gaseous and particulate sampling practices defined by regulation.

### **Laboratory**

In addition to routine ongoing analyses, four samples collected from the bag house at Granite Rock Company, San Francisco were analyzed for organic and inorganic content as part of a PM compliance test.

Four sludge samples from Palo Alto Regional Water Quality Control Plant were analyzed for total chrome, bulk density and moisture.

Sixteen aqueous samples from the same water plant were also analyzed for total chrome.

### **Source Test**

Ongoing Source Test Section activities during the first quarter of 2012 included:

- 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.
- Review of the ConocoPhillips Rodeo Refinery's open path monitor monthly reports for January, February, and March.

The Source Test Section continued participation in the District's Rule Development efforts for Metal Melting, Vacuum Trucks, and revisions to Regulation 6.

Staff completed cost and equipment evaluation of EPA's Method 201A and revisions to Method 202 for particulate particle size sampling.

The section's five staff engineers voluntarily rotated every three weeks through the position of acting section manager. Michael Bachmann acted as the section's administrative manager.

**STATISTICS**

**Administrative Services:**

**Accounting/Purchasing/Comm.**

General Checks Issued	1,176
Purchase Orders Issued	453
Checks/Credit Cards Processed	3,625
Contracts Completed	44
RFP's	7

**Executive Office:**

Meetings Attended	177
Board Meetings Held	4
Committee Meetings Held	13
Advisory Council Meetings Held	3
Hearing Board Meetings Held	1
Variances Received	1

**Information Systems**

New Installation Completed	10
PC Upgrades Completed	0
Service Calls Completed	710

**Human Resources**

Manager/Employee Consultation (Hrs.)	300
Management Projects (Hrs.)	400
Employee/Benefit Transaction	500
Training Sessions Conducted	4
Applications Processed	454
Exams Conducted	10
New Hires	0
Payroll Administration (Hrs.)	580
Safety Administration	150
Inquiries (voice/telephone/in-person)	4,800

**Strategic Facility /Vehicle**

Requests for Facility Services	178
Vehicle Request(s)/Maintenance	48

**Compliance Assistance and Operations Program**

Asbestos Plans Received	1,163
Coating and other Petitions Evaluated	8
Open Burn notifications Received	720
Prescribed Burn Plans Evaluated	18
Tank/Soil Removal Notifications Received	25
Compliance Assistance Inquiries Received	162
Green Business Reviews	12
Refinery Flare Notifications	57

**Compliance Assurance Program**

Industrial Inspections Conducted	1,436
Gas Station Inspections Conducted	117
Asbestos Inspections Conducted	574
Open Burning Inspections Conducted	55
PERP Inspections Conducted	42
Mobile Source Inspections	649
Grants Inspections Conducted	454

**Engineering Division:**

Annual Update Packages Completed	1,520
New Applications Received	271
Authorities to Construct Issued	88
Permits to Operate Issued	338
Exemptions	14
New Companies added to Databank	93

**Communications and Outreach:**

Presentations Made	1
Responses to Media Inquiries	80
Press Releases & Advisories	16
General Requests for Information	965
Events staffed with Air District Booth	5
Visitors (District Tour)	0

**STATISTICS (continued)**

**Compliance and Enforcement Division:**

**Enforcement Program**

Violations Resulting in Notices of Violation	106
Violations Resulting in Notice to Comply	35
New Hearing Board Cases Reviewed	1
Reportable Compliance Activity Investigated	165
General Complaints Investigated	469
Smoking Vehicle Complaints Received	1,263
Woodsmoke Complaints Received	1,715
Mobile Source Violations	26

**Technical Services:**

**1st Quarter 2012 Ambient Air Monitoring**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std.....	3
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.....	0
Days Exceeding the State 1-hour Ozone Std.....	0
Days Exceeding the State 8-hour Ozone Std.....	0

**Ozone Totals, Jan.-Dec. 2012**

Days Exceeding State 1-hour Ozone Std.....	0
Days Exceeding Nat'l 8-hour Ozone Std.....	0
Days Exceeding State 8-hour Ozone Std.....	0

**Particulate Totals, Jan.-Dec. 2012**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std.....	3
Days Exceeding the 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 2011-2012**

Days Exceeding Nat'l 24-hour PM <sub>2.5</sub> Std.....	11
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**1st Quarter 2012 Agricultural Burn Days**

Jan.-Mar. Permissive Burn Days – North.....	72
Jan.-Mar. No-Burn Days – North.....	19
Jan.-Mar. Permissive Burn Days – South.....	72
Jan.-Mar. No-Burn Days – South.....	19
Jan.-Mar. Permissive Burn Days – Coastal.....	76
Jan.-Mar. No Burn Days – Coastal.....	15

**Laboratory**

Sample Analyzed.....	1,122
Laboratory Analyses.....	0

**Technical Library**

Titles Indexed/Cataloged	
Periodicals Received/Routed	

**Source Test**

Total Source Tests.....	83
Pending Source Tests.....	11
Violation Notices Recommended.....	6
Contractor Source Tests Reviewed.....	3,068
Outside Test Observed.....	10
Violation Notices Recommended After Review...	10

**Continuous Emissions Monitoring (CEM)**

Indicated Excess Emission Report Eval.....	37
Monthly CEM Reports Reviewed.....	159
Indicated Exceeded from CEM.....	24

**Ground Level Monitoring (GLM)**

Jan.-Mar. Ground Level Monitoring SO <sub>2</sub> Excess Reports.....	0
Jan.-Mar. Ground Level Monitoring H <sub>2</sub> S Excess Reports.....	3

**These facilities have received one or more Notices of Violations**  
**Report period: January 1, 2012 – March 31, 2012**

<b>Alameda County</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
1/10/2012	A9684	Bay Ship & Yacht Co	Alameda	Failure to Meet Permit Conditions
1/10/2012	A0703	Pacific Steel Casting Co-Plant #2	Berkeley	Failure to Meet Permit Conditions
1/10/2012	B6869	U C Berkeley, Clark Kerr Campus	Berkeley	No Authority to Construct, No Permit to Operate
2/6/2012	V2217	City of Hayward	Hayward	Gasoline Dispensing Facilities
2/6/2012	V2216	City of Hayward - Hayward Fire Station #6	Hayward	Gasoline Dispensing Facilities
2/29/2012	A8329	Biofuel Systems	Livermore	Failure to Meet Permit Conditions
2/16/2012	A5095	Republic Services Vasco Road, LLC	Livermore	Solid Waste Disposal Sites
3/21/2012	B7566	Vintage 99 Label	Livermore	Graphice Arts Printing & Coating Operations
1/10/2012	A7780	Alta Bates Summit Medical Center	Oakland	Failure to Meet Permit Conditions
2/6/2012	V2214	Oakland Unified School	Oakland	Gasoline Dispensing Facilities
2/6/2012	V2215	Oakland Unified School	Oakland	Gasoline Dispensing Facilities
1/12/2012	C0168	Portola Valley Shell	Oakland	No Permit to Operate
3/19/2012	C9278	Westco Gas	Oakland	Gasoline Dispensing Facilities
1/24/2012	A3445	Associated Aerospace Activities	San Leandro	Failure to Meet Permit Conditions, New Source Review

<b>Contra Costa County</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
1/24/2012	B6855	Kaiser Antioch Deer Valley	Antioch	Failure to Meet Permit Conditions
1/12/2012	C5455	Brentwood Blvd 76 - Moneshpal S	Brentwood	Gasoline Dispensing Facilities
3/6/2012	V1577	Joseph Lang	Concord	Open Burning
3/6/2012	B8357	Lloyd's Custom Woodwork, Inc	Concord	Failure to Meet Permit Conditions
1/24/2012	B2769	Military Ocean Terminal Concord	Concord	Failure to Meet Permit Conditions; NOx & CO from Stationary Internal Combustion Engines
1/12/2012	A4022	SFPP, L P	Concord	Storage of Organic Liquids
1/10/2012	D0527	Super Gas and Liquor	Concord	Gasoline Dispensing Facilities
2/9/2012	D0598	Safeway Store # 1917	Discovery Bay	Gasoline Dispensing Facilities
1/24/2012	A1464	Acme Fill Corporation	Martinez	Major Facility Review (Title V); Solid Waste Disposal Sites
1/12/2012	C9730	Martinez Carwash	Martinez	Gasoline Dispensing Facilities
3/6/2012	A7034	Plains Products Terminals LLC	Martinez	Major Facility Review (Title V);Storage of Organic Liquids
3/6/2012	A0011	Shell Martinez Refinery	Martinez	Standards of Performance for New Stationary Sources; Sulfur Dioxide
2/22/2012	B2758	Tesoro Refining and Marketing Company	Martinez	Public Nuisance; Continuous Emission Monitoring & Recordkeeping Procedures;Major Facility Review (Title V); Storage of Organic Liquids;Sulfur Dioxide;Hydrogen Sulfide
1/12/2012	C9931	Bridgehead Shell	Oakley	No Permit to Operate
2/24/2012	C0065	Shell Gas Station	Pinole	No Permit to Operate
3/6/2012	A0227	Criterion Catalysts Company LP	Pittsburg	Major Facility Review (Title V)
1/12/2012	C9610	Unocal #2705704	Pittsburg	Failure to Meet Permit Conditions
2/16/2012	A0010	Chevron Products Company	Richmond	Area Concentration Excesses; Major Facility Review (Title V); Surface Coating of Large Appliances & Metal Furniture; Wood Products Coatings;Sulfur Dioxide;Hydrogen Sulfide
1/10/2012	A2482	City of Richmond Water Pollution Control District	Richmond	Public Nuisance
1/12/2012	D0450	Cutting Mini Market (ARCO)	Richmond	No Permit to Operate
1/10/2012	A0023	General Chemical West LLC	Richmond	NOx & CO from industrial, institutional, & Commercial Boilers, Steam Generators, & Process Heaters
2/14/2012	C0119	Harbour Way Mini Mart	Richmond	Gasoline Dispensing Facilities
2/22/2012	A3027	Richmond Metal Painting	Richmond	Failure to Meet Permit Conditions
3/6/2012	A0016	ConocoPhillips - San Francisco Refinery	Rodeo	Public Nuisance;Parametric Monitoring & Recordkeeping Procedures; Major Facility Review (Title V)
1/12/2012	C7408	Rodeo 76	Rodeo	No Permit to Operate
1/13/2012	C1735	TEXXOIL	Walnut Creek	No Permit to Operate
1/24/2012	C1749	Walnut Creek Shell #136245	Walnut Creek	Failure to Meet Permit Conditions; Gasoline Dispensing Facilities

**These facilities have received one or more Notices of Violations**  
**Report period: January 1, 2012 – March 31, 2012**  
**continued**

<b>Marin County</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
2/7/2012	V1175	Seven Circles Foundation	Lagunitas	Open Burning
2/16/2012	A1275	Novato Sanitary District	Novato	Public Nuisance
2/6/2012	V2116	Unocal Service Station #2705727	Novato	Gasoline Dispensing Facilities
1/5/2012	B6466	US TelePacific Communications	San Rafael	No Permit to Operate
<b>Napa County</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
3/6/2012	B1247	Clover Flat Resource & Recovery Park	Calistoga	Solid Waste Disposal Sites; No Permit to Operate
3/13/2012	N9815	Napa-Vallejo Waste Management Authority	Napa	Parametric Monitoring & Recordkeeping Procedures; Solid Waste Disposal Sites
2/16/2012	P0019	Vyborny Vineyard Management	Rutherford	Open Burning
2/14/2012	V1581	Saint Helena Chevron	Saint Helena	Gasoline Dispensing Facilities
2/14/2012	C8680	Exxon	Yountville	Gasoline Dispensing Facilities
<b>San Francisco County</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
1/24/2012	H5212	Golden Gate National Recreation Area	San Francisco	Public Nuisance
2/24/2012	C8010	Pacific Enterprise Unocal 76	San Francisco	Gasoline Dispensing Facilities
1/30/2012	C7027	Pacific Gas & Electric	San Francisco	Public Nuisance
1/12/2012	C9307	Tosco #30221-2611187 Attn: L Cunningham	San Francisco	No Permit to Operate
<b>San Mateo County</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
2/22/2012	A2227	Mills Peninsula Medical Center	Burlingame	Failure to Meet Permit Conditions
2/24/2012	C2785	Olde English Garage	Burlingame	No Authority to Construct; No Permit to Operate
2/15/2012	Q5942	Fil-Am Cuisine	Daly City	Particulate Matter & Visible Emissions
2/22/2012	A1507	North San Mateo County Sanitation Dist	Daly City	Gasoline Dispensing Facilities
2/24/2012	C2994	Dave and Lou's Service	Pacifica	Gasoline Dispensing Facilities
3/21/2012	B1185	Expert Woodworking	Redwood City	No Permit to Operate
2/24/2012	S2073	SFD	San Carlos	Particulate Matter & Visible Emissions
<b>Santa Clara County</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
3/28/2012	B5650	Lucky Supermarkets #706	Cupertino	Failure to Meet Permit Conditions
1/24/2012	D0463	The Garlic Farm Center	Gilroy	Failure to Meet Permit Conditions
2/16/2012	V1334	John & Melanie Cantu	Los Gatos	Particulate Matter & Visible Emissions
3/15/2012	E1108	Palo Alto Cafe	Palo Alto	No Authority to Construct; No Permit to Operate
1/13/2012	C4080	Almaden Unocal #254831	San Jose	Gasoline Dispensing Facilities
3/15/2012	C0060	Gas Depot at Winchester	San Jose	No Permit to Operate
2/24/2012	V2169	New Sunrise Seven Gas & Service	San Jose	Failure to Meet Permit Conditions
3/6/2012	A6044	O L S Energy-Agnews	San Jose	Continuous Emission Monitoring & Recordkeeping Procedures; Major Facility Review (Title V)
1/10/2012	C6525	Santa Clara County Roads & Airprt Agency	San Jose	Failure to Meet Permit Conditions
3/6/2012	C9351	Saratoga 76	San Jose	Gasoline Dispensing Facilities
3/19/2012	C8960	Unocal #257186-Satnam Petroleum	San Jose	Failure to Meet Permit Conditions
3/15/2012	D0374	Valero Refining Co SS#7263	San Jose	Gasoline Dispensing Facilities
3/14/2012	C9629	World Oil Marketing	San Jose	Failure to Meet Permit Conditions
2/16/2012	A0621	City of Santa Clara	Santa Clara	Parametric Monitoring & Recordkeeping Procedures; Major Facility Review (Title V)
3/13/2012	D0379	Valero Refining Co SS#7624	Santa Clara	Gasoline Dispensing Facilities
2/14/2012	V1585	Stanford University	Stanford	Gasoline Dispensing Facilities

**These facilities have received one or more Notices of Violations**  
**Report period: January 1, 2012 – March 31, 2012**  
**continued**

<b>Solano County</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
3/19/2012	A8720	The Ideal Body Shop	Vallejo	No Permit to Operate; Motor Vehicle & Mobile Equip Coating Operations
1/27/2012	B2626	Valero Refining Company - California	Benicia	Standards of Performance for New Stationary Sources; Flare Monitoring at Petroleum Refineries; Flare Controls at Petroleum Refineries; Continuous Emission Monitoring & Recordkeeping Procedures; No Authority to Construct; Major Facility Review (Title V); Equipment; Storage of Organic Liquids; Leaks; Sulfur Dioxide
2/15/2012	C9489	Gas City	Benicia	Gasoline Dispensing Facilities
2/15/2012	C9769	Arco AM/PM - Rajwinder Kang	Fairfield	Gasoline Dispensing Facilities
2/6/2012	D0380	Valero Refining Co SS#7289	Vallejo	Gasoline Dispensing Facilities
<b>Sonoma County</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
3/13/2012	R2397	Joe Tresch	Petaluma	Open Burning
2/6/2012	V2213	Big 4 Rents, Inc	Rohnert Park	Gasoline Dispensing Facilities
3/13/2012	V1730	Anthony Mazzola	Santa Rosa	Particulate Matter & Visible Emissions
3/13/2012	B3085	Complete Collision Center, LLC	Santa Rosa	No Permit to Operate
3/13/2012	V1729	Lorene Silveira	Sebastopol	Particulate Matter & Visible Emissions
2/7/2012	V1186	Mike Lyons	Sebastopol	Open Burning
2/15/2012	C8363	Nella Oil	Sebastopol	Gasoline Dispensing Facilities
3/6/2012	A4863	Pleasant Hill Cemetery	Sebastopol	Particulate Matter & Visible Emissions
3/21/2012	V1840	Suzanne Reta	Sebastopol	Open Burning
1/10/2012	V0797	Joseph Udovich	Sonoma	Open Burning
2/22/2012	F0392	Hanes, Roger	Windsor	Open Burning
<b>Out of Area Counties</b>				
<b>Status Date</b>	<b>Site #</b>	<b>Site Name</b>	<b>City</b>	<b>Regulation Title</b>
1/31/2012	V1113	Terry Johnson Trucking, Inc.	Coalinga	Commercial Vehicle Idling Citation
2/21/2012	U2839	United Van Lines	Fenton	Commercial Vehicle Idling Citation
2/16/2012	V1330	Western Flyer Express, Inc.	Oklahoma City	Commercial Vehicle Idling Citation
2/23/2012	F4406	Williams Tank Lines/Mike Stewart	Stockton	Gasoline Bulk Terminals & Gasoline Delivery Vehicles
3/15/2012	V1763	(SHIP) Overseas Martinez	Tampa	Particulate Matter & Visible Emissions
2/16/2012	Q1452	Conocol Phillips	Tracy	Public Nuisance



## Closed Notice of Violations with Penalties by County January 1, 2012 – March 31, 2012

### Alameda

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Bay Ship & Yacht Co	A9684	Alameda	\$1,000	1
Bayview Shell #136019	C8867	San Leandro	\$13,830	1
Cellotape Inc.	B0790	Fremont	\$1,500	1
Hayward Unified School District	V1912	Hayward	\$7,411	1
Mehdi M. Ansari	Q2652	Emeryville	\$1,896	2
Owens-Brockway Glass Container Inc.	A0030	Oakland	\$28,500	4
Pleasanton Garbage Service, Inc.	C7767	Pleasanton	\$3,000	1

**Total Violations Closed: 11**

### Contra Costa

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Air Liquide Large Industries US LP	B7419	Rodeo	\$15,000	1
Concord Smog & Gas	C9533	Concord	\$2,250	1
Convenience Retailers LLC	C8371	San Ramon	\$4,850	1
Criterion Catalysts Company LP	A0227	Pittsburg	\$18,000	1
Dutra Materials/San Rafael Rock Quarry Inc	A7053	Richmond	\$20,000	1
Gas of America	V1564	Antioch	\$2,500	1
Lone Tree Gas & Food	C1124	Antioch	\$800	3
Moraga Auto Care	D0532	Moraga	\$300	1
Plains Products Terminals LLC	A7034	Martinez	\$116,000	11

**Total Violations Closed: 21**

**Closed Notice of Violations with Penalties by County**  
**January 1, 2012 – March 31, 2012**  
**Continued**

**Marin**

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
A & A Gas	C8435	Novato	\$1,000	1

**Total Violations Closed: 1**

**Napa**

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Clover Flat Resource & Recovery Park	B1247	Calistoga	\$7,000	3
Saint Helena Chevron	V1581	Saint Helena	\$1,250	1

**Total Violations Closed: 4**

**San Francisco**

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Junipero Serra 76 - Double AA Corp.	C9485	San Francisco	\$4,500	1
Valero SS#7959	C0805	San Francisco	\$4,750	1

**Total Violations Closed: 2**

**San Mateo**

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Cycle Shack Inc.	B1496	South San Francisco	\$500	1
Fox Rent A Car	C8027	San Francisco	\$9,730	1
Gustavo Greco #250915	C9945	Redwood City	\$500	1
Lyngso Garden Materials Inc.	B2324	Redwood City	\$1,400	1
South San Francisco Unified School District	C8500	South San Francisco	\$875	1

**Total Violations Closed: 5**

**Closed Notice of Violations with Penalties by County**  
**January 1, 2012 – March 31, 2012**  
**Continued**

**Santa Clara**

Site Name	Site Occurrence	City	Penalty Amount	# of Violations Closed
Camden Smog and Gas Corp.	C7052	San Jose	\$750	2
City of Mountain View (Shoreline Landfill)	A2740	Mountain View	\$500	1
De Anza Carwash Inc.	C3435	Cupertino	\$1,000	2
East Side Union High School District	C6637	San Jose	\$9,089	1
Gas Depot at Winchester	C0060	San Jose	\$1,000	1
Hosmer-Dorrance Corp.	A2850	Campbell	\$2,000	2
Kwikserv (BMZ Investment Inc.)	D0888	San Jose	\$3,000	1
Los Gatos Chevron	V1563	Los Gatos	\$3,500	1
Pump N Go	V1561	Morgan Hill	\$3,000	1
Reco Gas and Minimart	C6186	San Jose	\$3,500	1
San Jose Tallow Company	A1070	San Jose	\$7,000	3
Santa Clara Gas Company	C4430	Santa Clara	\$1,000	1
SAP Labs, Incorporated	B3958	Palo Alto	\$500	1
Stanford University	V1585	Stanford	\$500	1
Unocal #5428 - Attn: Mary Tran	C5250	Cupertino	\$1,000	1

**Total Violations Closed: 20**

**Closed Notice of Violations with Penalties by County  
January 1, 2012 – March 31, 2012  
Continued**

**Solano**

<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
E. Hiew Lee	V0017	American Canyon	\$500	1
J & R Gas and Mini Mart	C9631	Vallejo	\$1,000	1
Valero Benicia Asphalt Plant	A0901	Benicia	\$5,000	1
Valero Refining Company - California	B2626	Benicia	\$94,500	16

**Total Violations Closed: 19**

**Sonoma**

<b>Site Name</b>	<b>Site Occurrence</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
Metron Super Gas	D0198	Petaluma	\$2,750	1
Press Democrat	A2277	Rohnert Park	\$500	2
Sonoma County Department of Public Works	A2254	Petaluma	\$2,400	1

**Total Violations Closed: 4**

**ACRONYMS AND TERMINOLOGY**

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
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

$^{\circ}\text{C}$	Degrees Celsius
C	Carbon
$\text{CaO}$	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
CEU	Continuing Education Unit
CFR	U.S. Code of Federal Regulations
$\text{CH}_4$	Methane
Cl	Chloride(s)
CI	Confidence Interval
CMAQ	Community Model Air Quality (system)
CMC	Criteria Maximum Concentration
CN	Cyanide
CO	Carbon monoxide
$\text{CO}_2$	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
$\text{dBL}_{\text{Aeq}}$	'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
DNPB	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 Authorisation
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 tonnes per year
kPa	Thousand Pascal
l	Litre
LC-50	Lethal Concentration of a chemical which kills 50% of a sample population
$L_{eq}$	Unweighted energy-equivalent noise level
LCS	Laboratory Control Sample
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
$L_{WA}$	'A' weighted sound power level
M	Million
m	Metre
m/s	Metres per second
$m^3/s$	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
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
NMVO	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
Qatum	The Hydro/QP Aluminium and Power Plant Project
QAPP	Quality Assurance Project/Program Plan
QC	Quality Control
QEW	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
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
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
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
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 Organisation
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 John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 18, 2012

Re: Consider Authorization for Execution of a Contract and Associated Purchase Orders in Excess of \$70,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitations, for Continued Operation of the BioWatch Monitoring Network

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RECOMMENDED ACTION

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract with Technical and Business (T&B) Systems for the continued operation of the BioWatch monitoring network beginning on July 1, 2012 for a period of two years and also consider issuing a Purchase Order of \$1,169,646 for the first year of network operation and maintenance as outlined in a grant application with the Department of Homeland Security.

DISCUSSION

The BioWatch program began in February of 2003 with eight locations in the San Francisco area. In July of 2003, the network expanded to include 6 additional sites in the San Jose area. The operational demands of this network necessitated the use of a contractor and a Request for Quotation (RFQ) was sent to five qualified contractors. Staff received proposals from three contractors who responded to the RFQ. After a thorough evaluation, the contract was awarded to T&B Systems (Board of Directors Memo, Agenda Item 5E, dated August 26, 2003). In 2006, the network was again expanded to a total of 32 sites located throughout the Bay Area and additional grant funding was incorporated into the budget (Budget and Finance Committee, May 15, 2006; Agenda Item 5; Board of Directors, May 24, 2006, Agenda Item 9).

T&B Systems has continued to operate the network effectively and efficiently. The Department of Homeland Security has noted that T&B System's operational costs are among the lowest in the nation. They have met every operational demand within budget. The contract under consideration would allow T&B Systems to continue to operate and maintain the BioWatch network for the next two years beginning on July 1, 2012 and has been written to terminate if Federal Grant funds are exhausted or become unavailable. The Purchase Order under consideration will cover operation of the network through the end of the first year of the contract without exceeding the total grant award for contracted services.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funds for this Purchase Order are from a Homeland Security Grant that covers operation of the existing network and the associated Air District costs of administering the program. There will be no financial impact to the Air District's general revenue resources.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Eric Stevenson  
Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

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

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 8, 2012

Re: Consider Establishing the New Job Classification of Health and Science Officer

RECOMMENDED ACTION

Approve establishing the new job classification of Health and Science Officer (Attached) at salary range 158M (\$144,666 to \$175,843 annually).

BACKGROUND

The Board has expressed the need of a Health and Science Officer to provide leadership and advice on health related policy matters and strategies.

DISCUSSION

The Health and Science Officer will be responsible for conducting complex health related projects and studies and developing and presenting health policy issues and recommendations to the Board and executive management.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no financial impact beyond that already contemplated in the Fiscal Year Ending 2013 budget.

Respectfully Submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Rex Sanders  
Reviewed by: Jack M. Colbourn

Attachment



## HEALTH AND SCIENCE OFFICER

### DEFINITION

Under direction, provides leadership and advice on health and environmental health science related policy matters and strategies including conducting complex health related projects and studies; serves as the District's liaison with other agencies; performs related work as assigned.

### DISTINGUISHING CHARACTERISTICS

This single-position class is a management level specialized position. The incumbent performs project-oriented assignments requiring considerable professional knowledge and significant independent action and judgment. The incumbent may provide lead direction to staff, is responsible for health-related policy and program development and implementation, and performs complex health related activities for the District. Incumbents may represent the District in strategic situations and speak with the authority of the District; successful performance requires the use of sound judgment and initiative. Supervision of others may be assigned to this classification for special projects for a limited duration.

### EXAMPLES OF DUTIES (Illustrative Only)

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

Devises substantive health related policy and strategy for the District.

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

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

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

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

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

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

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

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

**Health and Science Officer**  
**May 2012**  
**Page 2 of 3**

Attends Air District departmental, board and committee meetings.

Directs and/or leads staff as assigned.

Manages personnel and resources as assigned.

Other duties as assigned.

**QUALIFICATIONS**

**Knowledge of:**

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

Applicable District rules and regulations and state and federal laws.

Principles and practices of public administration.

Principles and practices of effective public relations.

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

State and federal legislative processes.

Principles and practices of effective writing.

Basic supervisory principles and practices.

**Skill in:**

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

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

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

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

Exercising sound independent judgment within general policy guidelines.

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

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

Selecting, training and motivating staff.

**Ability to:**

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

Understand state and federal laws affecting District policy.

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

Balance multiple demands and deadlines effectively.

Provide effective leadership and supervision to assigned staff.

**Other Requirements:**

Must possess a valid California driver's license.

**Education and Experience:**

A typical way to obtain the knowledge and skills is:

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

**Working Conditions and Physical Demands**

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

**FLSA – Exempt**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

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

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 10, 2012

Re: Update on SB 1149 (DeSaulnier)

RECOMMENDED ACTION

Oppose unless amended, per discussion below.

THE BILL

Senate Bill 1149, authored by State Senator Mark DeSaulnier, was amended on May 1 from an inconsequential item striking obsolete code sections into a major bill revising regional governance in the San Francisco Bay Area. A copy of the bill is attached.

Among its many provisions, SB 1149 would create a new agency (the Bay Area Regional Commission, or BARC), governed by 15 directly elected commissioners each representing a certain population-based district of the region. The BARC would control the budgets and activities of the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission (MTC), the Bay Area Toll Authority (BATA), the Association of Bay Area Governments (ABAG), and the Bay Conservation and Development Commission (BCDC). The BARC would assume the existing responsibilities of the Joint Policy Committee (JPC), which was established in 2004 by legislation authored by then State Senator Tom Torlakson, and amended subsequently by Senator DeSaulnier.

The BARC would do much more than the current JPC. The existing regional agencies would become divisions of BARC, and their plans, programs, and regulations would be reviewed by the BARC. The BARC would prepare a regional reorganization plan, which would include cost savings and consolidation of such regional agency departments as human resources, budget and financial services, information technologies, legal services, public information and outreach, intragovernmental relations, and more. The existing regional agencies would fund the BARC, which is to have (in addition to its 15 commissioners) its own executive director, legal counsel, and chief financial officer, and other staff. The BARC would also receive funding from BATA, as well as receiving all federal and state transportation planning funds currently received by MTC.

The BARC would develop public outreach policies governing itself and its “divisions” (the currently autonomous regional agencies). It would review the policies, plans, and associated regulations of the regional agencies, including for their consistency with SB 375. The BARC

also would develop and implement its own policies, goals, and regulations. Each of the regional agencies would be required to adopt its own 'functional regional plan' (undefined in the bill), which would be reviewed and approved or disapproved by the BARC. Factors the BARC would consider in approving the functional regional plans of its divisions include the consistency of the plans with BARC's own policies and plans, with SB 375, and with the regional economic development plan.

The 20-year regional economic development plan is to be prepared by the BARC, and updated and revised every four years. Its purpose is to ensure that the region is capable of adapting to changes in the national and international economy. This is a major new responsibility given significant discussion and direction in the bill. The BARC is also to have an advisory committee, in some respects similar to the BAAQMD's advisory council.

The bill also specifies that toll revenues managed by BATA, and revenues in its reserve funds, cannot be invested in real property. Presumably, this would require 390 Main Street to be sold. Finally, no more than 5% of toll revenues can be used for administration and planning purposes.

## DISCUSSION

Generally, Senator DeSaulnier has indicated that there is a need to integrate regional policy-making in the Bay Area. He states that the new requirements of SB 375 make that need more acute. Also, he argues that as the region has increased in population, the old structure of regional governance has proven unable to meet the region's current demands. Furthermore, he has indicated that without a new emphasis on regional economic development, the Bay Area will suffer economically, and be out-competed by regions elsewhere in this country and overseas. Given the emphasis of the bill on new public outreach policies, he may believe that the regional agencies have done an inadequate job of informing the public of their actions. He has stated that MTC inappropriately and illegally spent toll reserves on a new regional agency headquarters facility. He testified that his three interim hearings of the Senate Transportation and Housing Committee, held in San Jose, Oakland, and San Francisco, justify the contents of SB 1149.

Unfortunately, while SB 1149 is in part being proposed to provide better public involvement and engagement in regional decisionmaking, it has surfaced late in the legislative year as a gut-and-amend bill. Thus, it avoided such requirements as the February bill introduction deadline, or the requirement that it be in print 30 days prior to being heard in policy committee. Thus, many directly affected parties, the public, and various interest groups have not had the opportunity to review, discuss, and take positions on the bill. Prior to May 1, SB 1149 simply eliminated obsolete reporting requirements. It was first publicly available on May 2, and since then has been heard in both the Senate Transportation and Housing Committee (on May 8) and the Senate Governance and Finance Committee (on May 9). Senator DeSaulnier chairs the first committee, and is a member of the second. The bill has passed out of both committees, although it passed out of the latter committee only after the author committed to certain amendments. The exact nature of these amendments is unclear to Air District staff, although we expect they will be in print prior to your discussion of this issue on May 16. If the amendments are in print on May 16, they will be distributed to you at your meeting. Per your direction on May 2, staff have

expressed grave concerns with SB 1149, from both a procedural and policy perspective, to Senator DeSaulnier and the two policy committees that have held hearings on the bill thus far.

In both policy committees, Senator DeSaulnier noted that he hoped to use this bill to begin a dialogue on strategies to improve regional governance. He urged its passage as a tool to help him engage the regional agencies in a meaningful discussion of improvements and reforms in the existing decisionmaking process and structure.

Staff note that Senator DeSaulnier also is the author of SB 878, which was reviewed by the Legislative Committee some months ago, and on which the Board adopted a ‘watch’ position. A copy of that bill is attached. Note that generally, SB 878 deals with the same issues and goals as SB 1149. It would have the JPC suggest ways to improve regional agency cooperation, planning, and possible consolidation of certain functions; improve regional economic goals; and improve public outreach, transparency, and accountability. This bill passed out of the Senate without opposition, and now awaits its first policy hearing in the Assembly.

### STAFF RECOMMENDATION

Based on the Board’s discussion of this issue on May 2 and staff analysis of the bill, staff recommends an “oppose unless amended” position on SB 1149 based on both procedural and policy concerns with its current contents. Staff believe that the most major change to regional governance in the Bay Area in over 50 years should not happen without extensive discussion, deliberation, debate, and public engagement and involvement. Regrettably, that has not yet occurred on the ideas in this bill.

Staff also believe that an agency like the BAAQMD, which is fundamentally a regulatory agency, has a different core mission than some of our sister agencies, which are primarily planning and funding agencies. The regional agencies have diverse goals, including clean air, improved mobility, protection of the bay, and improved housing and land use. While it is critical that we coordinate and collaborate with these sister agencies, it is also critical that we retain our autonomy. Our mission of improving air quality must not be compromised by being made subservient to Bay Area economic development, for example.

However, staff also believe that the people of the region deserve regional government bodies that work together to achieve common goals, such as addressing climate change impacts, or achieving the emissions reductions mandated by both SB 375 and AB 32. We know that effective collaboration, in a publicly-accountable process, is a goal shared by the BAAQMD Board. Thus, staff believe that a bill such as SB 878, which would have the regional agencies and the JPC work on improving coordination and addressing regional economic development, is an alternative way of addressing these worthwhile goals. While SB 878 deserves discussion and consideration and more input from all of the regional agencies and the public, we believe it is appropriate and responsible for the BAAQMD to participate in such discussions.

Staff recommend an ‘oppose unless amended’ position on SB 1149 as currently in print. We believe we should commit to working with Senator DeSaulnier and the Legislature on a series of discussions of how to improve regional governance and collaboration between the agencies, but

that such efforts should not involve the merger of this agency or the creation of a new agency overseeing the existing regional agencies.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Tom Addison  
Reviewed by: Jean Roggenkamp

Attachments: Senate Bill 1149  
Senate Bill 878

AMENDED IN SENATE MAY 1, 2012

**SENATE BILL**

**No. 1149**

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**Introduced by Senator DeSaulnier**  
*(Principal coauthor: Senator Steinberg)*

February 21, 2012

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~~An act to repeal Section 66508 of the Government Code, relating to the Metropolitan Transportation Commission. An act to add Title 7.1.5 (commencing with Section 66538) to the Government Code, relating to the Bay Area Regional Commission.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1149, as amended, DeSaulnier. ~~Metropolitan Transportation Commission. Bay Area Regional Commission.~~

*Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created as a joint powers agency comprised of cities and counties under existing law with regional planning responsibilities. Existing law provides for a joint policy committee of certain regional agencies to collaborate on regional coordination. Existing law requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy coordinating transportation, land use, and air quality planning, with specified objectives.*



*This bill would create the Bay Area Regional Commission, to be governed by 15 commissioners elected beginning in 2014 from districts in the Bay Area region, with specified powers and duties, including the powers and duties previously exercised by the joint policy committee. The bill would require the regional entities that are funding the joint policy committee to continue to provide the same amount of funding as provided in the 2012–13 fiscal year, as adjusted for inflation, but to provide those funds to the commission rather than to the committee. The bill would provide for the Bay Area Toll Authority to make contributions to the commission, as specified, in furtherance of the exercise of the authority’s toll bridge powers. The bill would require federal and state funds made available to the Metropolitan Transportation Commission for purposes of transportation planning to be budgeted to the Bay Area Regional Commission. The bill would specify the powers and duties of the commission relative to the other regional entities referenced above, including the power to approve the budgets of those regional entities and to develop an integrated budget for the commission and the regional entities. The bill would provide for the commission’s executive director to develop a regional reorganization plan, with consolidation of certain administrative functions of the regional entities under the commission, with a final plan to be adopted by the commission by June 30, 2016. The bill would require organization of the regional entities as divisions of the commission, and would require the executive director to recommend candidates for vacant executive director positions at the regional entities as these positions become vacant. The bill would require the commission to adopt public and community outreach policies by October 31, 2015. The bill would require the commission to review and comment on policies and plans relative to the transportation planning sustainable communities strategy of the regional entities under Senate Bill 375 of the 2007–08 Regular Session, and beginning on January 1, 2017, the bill would provide for the commission to adopt or seek modifications to the functional regional plan adopted by each regional entity in that regard and would provide that the commission is responsible for ensuring that the regional sustainable communities strategy for the region is consistent with Senate Bill 375 of the 2007–08 Regular Session. The bill would require the commission to prepare a 20-year regional economic development strategy for the region, to be adopted by December 31, 2015, and updated every 4 years thereafter. The bill would require any changes proposed by the commission with respect*

to bridge toll revenues managed by the Bay Area Toll Authority to be consistent with bond covenants, and would prohibit investment in real property of toll revenues in any reserve fund.

*This bill would enact other related provisions.*

*Because the bill would impose various requirements on local entities, it would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law creates the Metropolitan Transportation Commission, a local transportation planning agency.~~

~~Existing law requires that the commission adopt, by June 30, 1973, a regional transportation plan for the region, as defined, and authorizes, prior to adoption of the regional transportation plan, the operation, construction, or modification of transportation systems without the commission's approval.~~

~~This bill would delete these obsolete provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

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

1     SECTION 1. Title 7.1.5 (commencing with Section 66538) is  
2     added to the Government Code, to read:

3

4             TITLE 7.1.5. BAY AREA REGIONAL COMMISSION

5

6     66538. The Legislature finds and declares all of the following:

7     (a) Various institutional reforms were initiated in the  
8     nine-county San Francisco Bay Region during the mid-20th  
9     Century to address the needs for regional intergovernmental  
10    cooperation, including the formation of the Bay Area Air Quality  
11    Management District in 1955; the formation of a voluntary council  
12    of governments, the Association of Bay Area Governments in 1961  
13    to enhance the coordination of land use policy decisions across

1 *municipal and county boundaries; the formation of the Bay*  
2 *Conservation and Development Commission in 1965 with the*  
3 *mission of preserving and protecting San Francisco Bay and its*  
4 *estuary system from destructive and ill-planned encroachment;*  
5 *and the establishment of the Metropolitan Transportation*  
6 *Commission in 1970, California's first statutorily created regional*  
7 *transportation planning agency, to plan the region's transportation*  
8 *infrastructure, to prioritize transportation investments, and to*  
9 *organize and manage the allocation of financial resources*  
10 *necessary to implement the regional transportation plan.*

11 *(b) Regional planning requirements have increased significantly*  
12 *during the last 40 years. Among the most important changes in*  
13 *state law governing the terms and conditions of regional planning*  
14 *are those mandated by Senate Bill 375 of the 2007–08 Regular*  
15 *Session (Chapter 728 of the Statutes of 2008). Among the*  
16 *provisions of this statute is a requirement that a regional*  
17 *transportation plan in urban areas include a sustainable*  
18 *communities strategy designed to achieve greenhouse gas emission*  
19 *reduction targets established by the State Air Resources Board.*  
20 *The successful implementation of the sustainable communities*  
21 *strategy requires close cooperation between regional and local*  
22 *agencies in preparing land use, transportation, and regional air*  
23 *quality management plans. Existing law requires collaboration*  
24 *between the Metropolitan Transportation Commission and the*  
25 *Association of Bay Area Governments when preparing the*  
26 *sustainable communities strategy; however, there is no independent*  
27 *policy body governing the collaboration. In addition to regional*  
28 *collaboration, there is a need, when preparing the sustainable*  
29 *communities strategy, for collaboration with the cities and counties*  
30 *responsible for land use planning, but where that responsibility*  
31 *resides is unspecified. This title is intended to address and remedy*  
32 *these deficiencies.*

33 *(c) There is a need to integrate regional policymaking among*  
34 *the Metropolitan Transportation Commission and its associated*  
35 *agency, the Bay Area Toll Authority; the Bay Area Air Quality*  
36 *Management District; the Bay Conservation and Development*  
37 *Commission; and the Association of Bay Area Governments. These*  
38 *regional entities have important responsibilities associated with*  
39 *establishing and maintaining the region's sustainable communities*  
40 *strategy. Recognizing the need to integrate regional planning, this*

1 *title establishes a regional policymaking process, in collaboration*  
2 *with the governing boards of the regional entities, to ensure that*  
3 *regional policies are developed within a common framework and*  
4 *establishes a single point of contact for the general public and*  
5 *public agencies having an interest in regional policies and*  
6 *programs. Further, in an effort to achieve efficiencies, it*  
7 *consolidates common administrative functions and establishes*  
8 *processes for coordinating professional functions among the*  
9 *regional entities. It also provides for direct public accountability*  
10 *on regional issues by establishing a regionally elected governing*  
11 *board, to be known as the Bay Area Regional Commission.*

12 *(d) An important objective of Senate Bill 375 of the 2007–08*  
13 *Regular Session was to reduce the migration of workers and jobs*  
14 *outside of the region because of the need for affordable housing.*  
15 *In light of these circumstances, there is a need to create an*  
16 *economic development strategy for the region that will attract and*  
17 *retain businesses. To this end, the creation of an economic strategy*  
18 *is necessary that builds on the education resources of the region,*  
19 *including high schools, community colleges, and public and private*  
20 *universities, and recognizes the need for a diversified regional*  
21 *economy with employment opportunities for a wide spectrum of*  
22 *skills. In developing this strategy, it is important to sustain the*  
23 *environment and the social and cultural amenities that historically*  
24 *have made the Bay Area an unquestionably desirable place to live*  
25 *and work.*

26 *66538.1. For purposes of this title, the following definitions*  
27 *shall apply:*

28 *(a) “Commission” means the Bay Area Regional Commission.*

29 *(b) “Commissioners” means the governing board of the Bay*  
30 *Area Regional Commission.*

31 *(c) “Region” means the area encompassed by the Counties of*  
32 *Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo,*  
33 *Santa Clara, Solano, and Sonoma.*

34 *(d) “Regional entities” means the Metropolitan Transportation*  
35 *Commission, including any joint exercise of powers agencies that*  
36 *include the commission as a member agency; the Bay Area Toll*  
37 *Authority; the Bay Area Air Quality Management District; the San*  
38 *Francisco Bay Conservation and Development Commission; and*  
39 *the Association of Bay Area Governments.*

1 66538.2. (a) *The Bay Area Regional Commission is hereby*  
2 *established, and the commission shall succeed to and is vested*  
3 *with all the duties, powers, purposes, responsibilities, and*  
4 *jurisdiction of the joint policy committee described in Sections*  
5 *66536, 66536.1, and 66536.2, as well as any additional duties,*  
6 *powers, purposes, responsibilities, and jurisdiction provided in*  
7 *this title.*

8 (b) *The regional entities that are funding the joint policy*  
9 *committee shall continue to provide that level of funding, with the*  
10 *funding to be provided to the commission rather than to the*  
11 *committee. The amount to be provided by each regional entity*  
12 *shall be, at a minimum, the amount provided in the 2012–13 fiscal*  
13 *year, adjusted annually for inflation, but may be a greater amount.*  
14 *The commission may seek additional funding for purposes of*  
15 *implementing this title from the regional entities.*

16 (c) *The Bay Area Toll Authority shall make contributions to the*  
17 *Bay Area Regional Commission in furtherance of the exercise of*  
18 *the authority's powers under Division 17 (commencing with Section*  
19 *30000) of the Streets and Highways Code, including, without*  
20 *limitation, contributions in the form of personnel services, office*  
21 *space, and funding. The authority shall also make contributions*  
22 *to the commission on a reimbursement-for-cost basis; provided,*  
23 *however, that reimbursement shall not be required to the extent*  
24 *that the contributions provided are determined by the commission*  
25 *to be in furtherance of the exercise of the authority's powers under*  
26 *that division.*

27 (d) *Federal and state funds made available to the Metropolitan*  
28 *Transportation Commission for purposes of transportation*  
29 *planning shall be budgeted to the Bay Area Regional Commission.*

30 (e) *The joint policy committee shall employ an interim executive*  
31 *director for the commission to serve until June 30, 2015, or until*  
32 *his or her successor has been appointed pursuant to Section*  
33 *66538.3, whichever first occurs. The interim executive director*  
34 *may act on behalf of the commission until commissioners are*  
35 *elected and take office.*

36 (f) *During a transition period, until January 1, 2017, the*  
37 *commission shall review and comment on draft plans and proposed*  
38 *final plans for the regional transportation system, the sustainable*  
39 *communities strategy as described in Section 65088 of this code*  
40 *and Chapter 4.2 (commencing with Section 21155) of Division 13*

1 of the Public Resources Code, and other plans and regulations.  
2 Thereafter, review of these plans and regulations shall be subject  
3 to Section 66538.11.

4 (g) (1) The commission shall draw the boundaries for 15  
5 districts from which candidates for the commissioners shall be  
6 elected. The commission shall ensure compliance with all  
7 applicable state and federal laws regarding the apportionment of  
8 population among the districts.

9 (2) Initial commission elections, including primary and general  
10 elections, shall take place in 2014.

11 (3) The term of office for each commissioner shall be four years,  
12 except as otherwise provided by Section 66538.3.

13 (h) The commission shall undertake a study to determine the  
14 feasibility of publicly financing the elections of commissioners for  
15 subsequent elections.

16 66538.3. (a) The commissioners elected in 2014 shall take  
17 office on the first Monday after January 1, 2015.

18 (b) No later than January 15, 2015, the commissioners shall  
19 draw lots to determine the initial terms of office by district. Seven  
20 commissioners shall serve an initial term of two years and eight  
21 commissioners shall serve an initial term of four years.

22 (c) The commission shall appoint an executive director, a chief  
23 legal counsel, and a chief financial officer by June 30, 2015. These  
24 officers shall serve at the pleasure of the commission. The executive  
25 director may appoint additional staff of the commission.

26 66538.4. (a) The commission shall authorize its executive  
27 director to prepare a regional reorganization plan. The commission  
28 shall adopt goals and policies to govern the preparation of the  
29 plan. Among the goals shall be a statement as to the expected  
30 reduction in the cost of overhead and in the operation and  
31 management of the regional entities. All cost saving shall be  
32 directed to the commission's general fund. In addition, goals shall  
33 be adopted for integrating the regional planning requirements for  
34 the regional plans of each regional entity into a comprehensive  
35 regional plan.

36 (b) When preparing the regional reorganization plan, the  
37 executive director shall include a plan for consolidating the  
38 functions that are common to the regional entities, including, but  
39 not limited to, personnel and human resources, budget and  
40 financial services, electronic data and communications systems,

1 *legal services, contracting and procurement of goods and services,*  
2 *public information and outreach services, intergovernmental*  
3 *relations, transportation, land use, economic, and related*  
4 *forecasting models, and other related activities. Consideration*  
5 *shall be given to ensuring that there are common personnel*  
6 *classifications where appropriate among the regional entities, and*  
7 *the consolidation of other functions or activities, as deemed*  
8 *feasible, that will further the mission of the commission and will*  
9 *reduce redundancy. The plan shall be updated as determined by*  
10 *the commission.*

11 *(c) On or before December 31, 2015, the executive director*  
12 *shall submit to the commission a draft regional reorganization*  
13 *plan. The commission shall hold at least one public hearing in*  
14 *each county of the region to receive public comment. A final plan*  
15 *shall thereafter be adopted for implementation on or before June*  
16 *30, 2016.*

17 *66538.5. The commission shall be the fiscal agent for the*  
18 *regional entities, responsible for preparing the annual budget and*  
19 *managing the financial resources for each entity.*

20 *66538.6. (a) In consultation with the regional entities, the*  
21 *executive director shall, on or before April 1, 2015, and on or*  
22 *before April 1 of each year thereafter, prepare and submit to the*  
23 *governing board of each regional entity a recommended integrated*  
24 *budget for the commission and for the regional entities for the*  
25 *subsequent fiscal year. The commission shall adopt the integrated*  
26 *budget for the 2015–16 fiscal year by June 30, 2015, and by June*  
27 *30 of each fiscal year thereafter.*

28 *(b) Prior to developing the integrated budget, the executive*  
29 *director shall submit to the commission, for adoption, proposed*  
30 *performance criteria to govern budgetary priorities. After the*  
31 *adoption of the initial integrated budget, the executive director*  
32 *shall report in subsequent annual budgets the extent to which the*  
33 *performance criteria for the previous fiscal year were met. A new*  
34 *set of performance criteria may be proposed and adopted for*  
35 *subsequent fiscal years.*

36 *66538.7. To integrate the management of the commission with*  
37 *that of the regional entities, the commission's executive director*  
38 *shall do both of the following:*

39 *(a) Organize the regional entities as divisions of the*  
40 *commission, with each regional entity to continue to be governed*

1 *by any applicable statute pertaining to that entity, except for*  
2 *resource allocation, which shall be governed by Section 66538.5,*  
3 *and except as otherwise provided in this title.*

4 *(b) Recommend a candidate for the executive director of each*  
5 *regional entity as positions become vacant.*

6 *66538.8. The commission shall develop and adopt public and*  
7 *community outreach policies to govern the scheduling of*  
8 *commission meetings, the meetings of regional entities, the*  
9 *meetings of standing committees, and meetings of ad hoc or other*  
10 *temporary committees. In developing the policies, the commission*  
11 *shall ensure that outreach programs will utilize all available*  
12 *communication technologies, including webcasting and social*  
13 *media, print, radio, and television. The commission shall also*  
14 *establish policies for the holding workshops of the commission*  
15 *and the regional entities in the cities and counties of the region.*  
16 *The commission shall provide an opportunity for the public to*  
17 *comment on the draft and the final recommended policies. The*  
18 *policies shall be adopted on or before October 31, 2015.*

19 *66538.9. The commission shall maintain an Internet Web site*  
20 *containing relevant information pertaining to the commission's*  
21 *activities.*

22 *66538.10. The commission shall be subject to the Ralph M.*  
23 *Brown Act (Chapter 9 (commencing with Section 54950) of Part*  
24 *1 of Division 2 of Title 5).*

25 *66538.11. (a) Beginning on January 1, 2017, the commission*  
26 *shall review the policies and plans, and associated regulations,*  
27 *of each regional entity as provided in this section. The review shall*  
28 *include an assessment of the consistency of the policies, plans,*  
29 *and regulations among the regional entities with the requirements*  
30 *of Senate Bill 375 of the 2007–08 Regular Session. The commission*  
31 *shall issue a consistency report describing the findings of this*  
32 *review. The commission shall hold public and community hearings*  
33 *in accordance with its public outreach policies regarding the draft*  
34 *consistency findings. The findings of the consistency review shall*  
35 *be used in fulfilling the commission's regional planning*  
36 *responsibilities.*

37 *(b) The commission shall establish a process to develop and*  
38 *implement its own policies, goals, and regulations, including*  
39 *performance measures, governing the preparation and adoption*  
40 *of the plans prepared by the regional entities, provided they are*



1 consistent with the relevant state and federal laws governing  
2 transportation planning and programming, the management of  
3 regional air resources, bay shoreline planning, toll bridges, and  
4 regional land use and housing policies. The commission shall  
5 develop a schedule for implementing this subdivision.

6 (c) Consistent with the policies adopted pursuant to subdivision  
7 (b), the governing board of each regional entity shall submit its  
8 functional regional plan to the commission for adoption. The  
9 commission shall adopt the functional regional plans, except as  
10 provided in this subdivision. Should the commission determine not  
11 to adopt a recommended function regional plan, it shall submit to  
12 the applicable regional entity its findings underlying its decision,  
13 including referencing policies, goals, and performance measures  
14 adopted pursuant to subdivision (b), the goals of the economic  
15 development strategy, and any inconsistency with Senate Bill 375  
16 of the 2007–08 Regular Session. The regional entity shall redraft  
17 its functional regional plan in response to the findings of the  
18 commission and resubmit the plan.

19 (d) The commission shall be responsible for ensuring that the  
20 sustainable communities strategy for the region integrates  
21 transportation, land use, and air quality management consistent  
22 with the requirements of Senate Bill 375 of the 2007–08 Regular  
23 Session.

24 66538.12. (a) The commission shall prepare a 20-year regional  
25 economic development strategy for the region. The goal of the  
26 economic development strategy shall be to ensure that the regional  
27 economy is capable of adapting to changes in technology, market  
28 demand, and direction of the national and international economy.  
29 The strategy shall include, but not be limited to, all of the  
30 following:

31 (1) A socioeconomic profile of each county shall be developed.

32 (2) Identification of the types and location of major clusters of  
33 firms that are both competitive and complementary enterprises  
34 for each county.

35 (3) Identification of the sectors of the economy where there is  
36 underinvestment and a workforce with high unemployment or  
37 underemployment.

38 (4) Identification of sectors where investment in specific sectors  
39 of the economy would enhance the probability of increasing the  
40 employment opportunities for the unemployed or underemployed.

1 (5) Identification of the public and private investments that are  
2 needed to facilitate the development of new or enhancement of  
3 existing sectors of the regional economy.

4 (6) Identification of the social equity issues within the region  
5 and the extent these issues may be addressed by the economic  
6 development strategy. The strategy may identify institutional issues  
7 that are barriers to addressing social equity.

8 (7) A profile of the unique regional environmental amenities as  
9 well as the social and cultural amenities that are found to  
10 contribute to employers being attracted to and remaining in the  
11 region.

12 (b) In consultation with the regional entities, the commission  
13 shall adopt goals and policies related to the inclusion of economic  
14 development opportunities in the plans of the regional entities and  
15 in its own plans. The goals and policies shall also promote  
16 amenities that are special to the region and contribute to the  
17 region's quality of life.

18 (c) The commission shall appoint an advisory committee with  
19 members from the business community, including representatives  
20 of small businesses, technology and manufacturing sectors,  
21 community colleges, public and private universities, labor, local  
22 governments, and other organizations involved with the private  
23 economy. The commission shall coordinate the preparation of the  
24 strategy with the advisory committee and with the regional entities.

25 (d) Consistent with its public outreach plan, the commission  
26 shall hold public and community outreach as it deems appropriate  
27 for both draft and final economic development strategies. The  
28 commission may hold other public outreach sessions as appropriate  
29 during the course of preparing the economic development strategy.

30 (e) The commission shall adopt the first economic development  
31 strategy plan by December 31, 2015, and an updated strategy  
32 every four years thereafter.

33 66538.13. (a) Changes proposed by the commission in policies  
34 related to tolls and the management of the seven state-owned toll  
35 bridges within the jurisdiction of the Bay Area Toll Authority shall  
36 be consistent with and shall conform with the terms and conditions  
37 of any covenants and agreements related to the use of toll revenues  
38 and the financing and refinancing of any associated debt.

39 (b) Toll revenues managed by the Bay Area Toll Authority shall  
40 be used only to acquire, construct, manage, maintain, lease,

1 *operate, or construct facilities required for the management of the*  
 2 *state-owned toll bridges within its jurisdiction, for improvements*  
 3 *to the toll bridges, to provide access to the toll bridges within its*  
 4 *jurisdiction, or for associated transportation projects specifically*  
 5 *authorized to be undertaken with bridge toll revenues pursuant to*  
 6 *the relevant provisions of the Streets and Highways Code. Revenues*  
 7 *in any reserve funds established pursuant to bond covenants or*  
 8 *other related agreements shall not be invested in real property.*

9 *(c) No more than 5 percent of the toll revenues shall be used*  
 10 *for administration and planning of the transportation system that*  
 11 *serves the travel corridors that are served by the toll bridges.*

12 *66538.14. To the extent of any conflict between this title and*  
 13 *a statute governing any of the regional entities, this title shall*  
 14 *prevail.*

15 *SEC. 2. If the Commission on State Mandates determines that*  
 16 *this act contains costs mandated by the state, reimbursement to*  
 17 *local agencies and school districts for those costs shall be made*  
 18 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 19 *4 of Title 2 of the Government Code.*

20 ~~SECTION 1. Section 66508 of the Government Code is~~  
 21 ~~repealed.~~

AMENDED IN SENATE JUNE 9, 2011

**SENATE BILL**

**No. 878**

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**Introduced by Senator DeSaulnier**

February 18, 2011

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~~An act to amend Section 24409 of the Vehicle Code, relating to vehicles.~~ *An act to add Section 66536.3 to the Government Code, relating to regional planning.*

LEGISLATIVE COUNSEL'S DIGEST

SB 878, as amended, DeSaulnier. ~~Vehicles: headlights: use of multiple beams.~~ *Regional planning: Bay Area.*

*(1) The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a regional agency in the 9-county Bay Area with comprehensive regional transportation planning and other related responsibilities, including development of a regional transportation plan with a sustainable communities strategy. Existing law requires a joint policy committee of the commission, the Association of Bay Area Governments, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission to coordinate the development and drafting of major planning documents prepared by the 4 agencies.*

*This bill would require the joint policy committee to submit a report to the Legislature by January 31, 2013, on, among other things, methods and strategies for developing and implementing a multiagency set of policies and guidelines relative to the Bay Area region's sustainable communities strategy, including recommendations on organizational reforms for the regional agencies. The bill would require preparation of a work plan for a regional economic development strategy to be submitted to the Legislature on that date. The bill would also require*

*the member agencies to report on public outreach efforts that they individually or jointly perform. The bill would require public meetings in each of the region's 9 counties and creation of advisory committees, as specified. By imposing new duties on local agencies, the bill would impose a state-mandated local program.*

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~(1) Existing law requires, whenever a motor vehicle is being operated during darkness, a driver to use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the specified requirements and limitations. A violation of the Vehicle Code is a crime.~~

~~This bill would revise these specified requirements and limitations to prohibit the use of light of such an intensity that it poses a distraction to drivers of oncoming vehicles and to drivers of vehicles being followed. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *The Counties of Alameda, Contra Costa, Marin, Napa, San*
- 4     *Francisco, San Mateo, Santa Clara, Solano, and Sonoma share*
- 5     *the shoreline of the San Francisco Bay estuary system.*

1     **(b)** *The transportation technologies of the 19th and 20th*  
2 *centuries progressively integrated the movement of people and*  
3 *goods among the nine counties, beginning with ferryboats plying*  
4 *the San Francisco Bay and the rivers flowing into it; the passenger*  
5 *railroad service between San Jose and San Francisco beginning*  
6 *in 1864; the interurban rail networks linking the communities*  
7 *within the East Bay and the communities of the North Bay; the*  
8 *Golden Gate Bridge and the San Francisco-Oakland Bay Bridge,*  
9 *erected as public works projects during the Great Depression to*  
10 *facilitate the movement of motor vehicles throughout the region;*  
11 *the construction of the regional freeway network after World War*  
12 *II; and the creation of the Bay Area Rapid Transit District in 1957*  
13 *and the inauguration of BART transit service in 1972.*

14     **(c)** *The investments in a multimodal transportation network*  
15 *created an integrated regional manufacturing, financial, and*  
16 *technology economy as well as opportunities for housing a growing*  
17 *population. Regional business, governmental, and conservation*  
18 *interests recognized that the infrastructure investments and the*  
19 *dynamic economy they support created unintended consequences,*  
20 *including the degradation of the atmosphere, despoiling of the*  
21 *shoreline shared by the counties, land use decisions often*  
22 *inconsistent and at cross purposes with neighboring communities,*  
23 *and a continuing need to rationalize the transportation system and*  
24 *to marshal resources for its expansion, maintenance, and*  
25 *operations.*

26     **(d)** *Various institutional reforms were initiated during the*  
27 *mid-20th century to address the unintended consequences of*  
28 *economic development, including the formation of the Bay Area*  
29 *Air Quality Management District in 1955; the formation of a*  
30 *voluntary council of governments, the Association of Bay Area*  
31 *Governments, in 1961 to enhance the coordination of policy*  
32 *decision across municipal and county boundaries; the formation*  
33 *of the Bay Conservation and Development Commission in 1965*  
34 *with the mission of persevering in protection of San Francisco Bay*  
35 *and its estuary system from destructive and ill-planned*  
36 *encroachment; and the establishment of the Metropolitan*  
37 *Transportation Commission in 1970, California's first statutorily*  
38 *created regional transportation planning agency, to plan the*  
39 *region's transportation infrastructure, to prioritize transportation*

1 *investments, and to organize and manage the allocation of financial*  
2 *resources necessary to implement the regional transportation plan.*

3 *(e) The accomplishments of the above-referenced regional*  
4 *institutions are among the most significant in the state and nation*  
5 *and have been acknowledged by emulation or peer recognition.*  
6 *The Legislature recognized that the accomplishments of the special*  
7 *purpose regional institutions are noteworthy, but a new benchmark,*  
8 *the integration of regional planning and environmental regulations,*  
9 *is necessary to achieve the goals of sustainable communities as*  
10 *called for in SB 375 of the 2007–2008 Regular Session (Chapter*  
11 *728, Statutes of 2008). To this end, it is necessary to direct the*  
12 *imagination and talent of the San Francisco Bay Area’s most*  
13 *significant regional institutions to addressing the new benchmarks*  
14 *and expectations established by SB 375.*

15 *SEC. 2. Section 66536.3 is added to the Government Code, to*  
16 *read:*

17 *66536.3. (a) The joint policy committee shall prepare a report*  
18 *for submission to the Senate Committee on Transportation and*  
19 *Housing and the Assembly Committee on Transportation on or*  
20 *before January 31, 2013, addressing all of the following:*

21 *(1) Methods and strategies for developing and promulgating a*  
22 *multiagency set of policies and guidelines governing the*  
23 *sustainable communities strategy required pursuant to*  
24 *subparagraph (B) of paragraph (2) of subdivision (b) of Section*  
25 *65080.*

26 *(2) Methods and strategies for improving the efficiency and*  
27 *effectiveness of policy setting and managerial coordination among*  
28 *the regional agencies constituting the joint policy committee.*

29 *(3) Methods and strategies for ensuring that the public in the*  
30 *nine counties of the region has an opportunity to comment on the*  
31 *proposed polices and standards that will be promulgated by the*  
32 *joint policy committee for implementing the sustainable*  
33 *communities strategies. When preparing the strategies, there shall*  
34 *be included criteria to assess the transparency in regional*  
35 *decisionmaking.*

36 *(4) Recommendations on organizational reform to effectuate*  
37 *the above requirements, including recommendations as to whether*  
38 *such a regional organization shall be established by legislation,*  
39 *a joint exercise of power agreement, or some other institutional*  
40 *arrangement specifying the terms of interagency collaboration*

1 *that address the sustainable communities requirements. The report*  
2 *should include the criteria for selecting the recommended*  
3 *institutional arrangement.*

4 *(b) The joint policy committee shall prepare a work plan for a*  
5 *nine-county economic development strategy to be submitted to the*  
6 *Senate Committee on Transportation and Housing and the*  
7 *Assembly Committee on Transportation on or before January 31,*  
8 *2013. The report shall include, but not be limited to, the following:*

9 *(1) Coordination of the regional sustainable communities*  
10 *strategy with local goals for the recruitment and retention of*  
11 *manufacturing, production facilities, business services, and other*  
12 *business enterprises providing high quality jobs that will*  
13 *remunerate employees sufficiently so that their household incomes*  
14 *will allow them to live in the Bay Area, educate their children, and*  
15 *enjoy the region's amenities.*

16 *(2) Regional strategies to ensure the coordination of*  
17 *infrastructure investments, including transportation facilities and*  
18 *services, for planned employment centers.*

19 *(3) Strategies for ensuring a common regulatory system for*  
20 *deployment and permitting of energy conservation facilities and*  
21 *improvements.*

22 *(4) Regional strategies for adaptation to climate change.*

23 *(c) The activities associated with development of the reports in*  
24 *subdivisions (a) and (b) shall include public meetings in each of*  
25 *the region's counties. In addition, communication with the public*  
26 *in that regard shall include the use of conventional media as well*  
27 *as social media. Advisory committees shall be formed that include*  
28 *representation from the regional business community, labor, and*  
29 *other interests.*

30 *(d) The member agencies of the joint policy committee shall*  
31 *also prepare a report identifying the public outreach and*  
32 *community outreach efforts that they individually or jointly perform*  
33 *under federal and state law when carrying out the respective*  
34 *missions of their agencies. The report shall identify the criteria*  
35 *they use to determine the communities and groups that will be the*  
36 *subject of outreach. The report shall identify the actions and*  
37 *methods that the agencies employ to ensure that policy decisions*  
38 *are made in a transparent and accessible fashion. The report*  
39 *prepared by each agency shall be submitted to the Senate*  
40 *Committee on Transportation and Housing and the Assembly*



1 *Committee on Transportation on or before January 31, 2013, and*  
2 *may be incorporated with the other reports required by*  
3 *subdivisions (a) and (b).*

4 *SEC. 3. If the Commission on State Mandates determines that*  
5 *this act contains costs mandated by the state, reimbursement to*  
6 *local agencies and school districts for those costs shall be made*  
7 *pursuant to Part 7 (commencing with Section 17500) of Division*  
8 *4 of Title 2 of the Government Code.*

9 ~~SECTION 1. Section 24409 of the Vehicle Code is amended~~  
10 ~~to read:~~

11 ~~24409. Whenever a motor vehicle is being operated during~~  
12 ~~darkness, the driver shall use a distribution of light, or composite~~  
13 ~~beam, directed high enough and of sufficient intensity to reveal~~  
14 ~~persons and vehicles at a safe distance in advance of the vehicle,~~  
15 ~~subject to the following requirements and limitations:~~

16 ~~(a) Whenever the driver of a vehicle approaches an oncoming~~  
17 ~~vehicle within 500 feet, the driver shall use a distribution of light~~  
18 ~~or composite beam so aimed that the glaring rays are not projected~~  
19 ~~into the eyes of the oncoming driver and shall not use a light of~~  
20 ~~such intensity that it poses a distraction to drivers of oncoming~~  
21 ~~vehicles. The lowermost distribution of light specified in this article~~  
22 ~~shall be deemed to avoid glare at all times regardless of road~~  
23 ~~contour.~~

24 ~~(b) Whenever the driver of a vehicle follows another vehicle~~  
25 ~~within 300 feet to the rear, he shall use the lowermost distribution~~  
26 ~~of light specified in this article and shall ensure that it is not of~~  
27 ~~such an intensity as to pose a distraction to the driver of the vehicle~~  
28 ~~being followed.~~

29 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
30 ~~Section 6 of Article XIII B of the California Constitution because~~  
31 ~~the only costs that may be incurred by a local agency or school~~  
32 ~~district will be incurred because this act creates a new crime or~~  
33 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
34 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
35 ~~the Government Code, or changes the definition of a crime within~~  
36 ~~the meaning of Section 6 of Article XIII B of the California~~  
37 ~~Constitution.~~

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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: May 1, 2012

Re: Gasoline Dispensing Facility Tour

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Chairperson Gioia has requested that the Air District host various meetings throughout the Air District's jurisdiction to provide an educational opportunity for Board Members, and to provide accessibility to the general public who may not be able to attend meetings at the Air District's office in San Francisco.

On February 1, 2012, the Air District hosted a Special Meeting of the Board of Directors at the Port of Oakland, where a presentation on the Air District's emission reduction efforts related to the Port was followed by a boat tour highlighting projects from the discussion.

On April 18, 2012, the Board of Directors received a presentation about proposed fee amendments for Fiscal Year Ending (FYE) 2013, which are designed to be consistent with the Air District's recently adopted Cost Recovery Policy. Staff indicated that the proposed fee increases for most Gasoline Dispensing Facilities (GDFs) are higher than the fee increases proposed for other types of small businesses that the Air District regulates. This is primarily because the Air District's costs of regulating GDFs are considerably higher, and the existing fee revenue received from GDFs currently covers less than one-half of these costs.

Staff recommended, and the Board of Directors agreed, to tour a GDF.

DISCUSSION

GDFs are operations that dispense gasoline into the fuel tanks of motor vehicles, self-propelled mobile equipment, marine vessels and aircraft. There are about 2,600 GDFs in the Air District, including 1,600 retail stations selling gasoline to the general public. The gasoline vapors emitted from GDFs are a significant source of reactive organic gases (ROG) in the Bay Area, and the Air District's first regulation requiring the use of vapor recovery systems at GDFs dates back to 1973. Currently, approximately 8 million gallons of gasoline are dispensed per day from Bay

Area GDFs, resulting in average emissions of about 6 tons per day of ROG. If uncontrolled, the ROG emissions from GDFs would be nearly 100 tons per day. For reference, the entire inventory of ROG emissions from all mobile and stationary (non-biogenic) sources in the Bay Area is currently about 300 tons per day.

ROG are precursor air pollutants that react in the atmosphere to form ozone, which is the primary constituent of photochemical smog. Although ambient ozone concentrations have declined substantially in the Bay Area over the past four decades, ozone ambient air quality standards are still sometimes exceeded, and the Bay Area therefore has a “non-attainment” designation for these standards. ROG also are precursors to the formation of secondary particulate matter (PM). The Bay Area has a “nonattainment” designation for State PM<sub>10</sub> ambient air quality standards, and State and national PM<sub>2.5</sub> ambient air quality standards (except for the annual average national standard).

Direct exposures to gasoline vapors also contributes to increased health risks as these vapors contain benzene (for which exposure is linked to increased risk of leukemia and other cancers), and several other volatile organic compounds that are toxic air contaminants. Due to these health risks, vapor recovery systems were made a State-wide requirement at most GDFs by an Airborne Toxic Control Measure adopted by the California Air Resources Board (CARB) in 1985.

Emissions of gasoline vapors at GDFs occur during the filling of gasoline storage tanks, which at service stations are underground tanks. Emissions are generated when gasoline vapors in the storage tank are displaced by the gasoline being loaded into the tank. Emissions from underground tank filling operations at service stations are reduced by the use of a vapor balance system termed “Phase I” vapor recovery. Phase I vapor recovery includes a submerged fill pipe (which reduce emissions compared to splash loading), and a hose that returns gasoline vapors displaced from the storage tank to the tank truck cargo compartments being emptied. The vapors are subsequently collected and recovered at the gasoline distribution facility when the tank truck is refilled.

A second source of gasoline vapor emissions from GDFs is storage tank “breathing losses”. Breathing losses occur daily and are attributable to gasoline evaporation and barometric pressure changes. The frequency with which gasoline is withdrawn from the tank, allowing fresh air to enter to enhance evaporation, also has a major effect on the quantity of these emissions. These emissions are controlled by pressure-vacuum valves and processors designed to reduce tank pressures.

The final source of gasoline vapor emissions at GDFs is vehicle refueling activity. At service stations, vehicle refueling emissions come from vapors displaced from the vehicle tank by dispensed gasoline, and from spillage. Controls for vehicle refueling emissions are based on conveying the vapors displaced from the vehicle fuel tank to the storage tank vapor space through the use of a special hose and nozzle, termed “Phase II” vapor recovery. In "balance" vapor recovery systems, the vapors are conveyed by natural pressure differentials established during refueling. In "vacuum assist" systems, the conveyance of vapors from the auto fuel tank to the underground storage tank is assisted by a vacuum pump. Both types of nozzles are designed to minimize drips and spills.

The air districts and CARB share implementation of the vapor recovery program in California. CARB staff certifies prototype Phase I and Phase II vapor recovery systems installed at operating station test sites (certifications are issued through CARB Executive Orders). District rules and State law require that only CARB-certified systems be installed. District staff verifies that only certified vapor recovery systems are installed during the permitting process, and then conducts regular inspections and tests of the vapor recovery systems to check that systems are operating as certified.

In the 1990's, inspections by air district and CARB staff revealed a variety of defects in vapor recovery systems at GDFs that were resulting in significant excess emissions. Many of these problems were related to a lack of durability and reliability of nozzles and other system components. Another problem was the non-compatibility of vacuum assist Phase II vapor recovery systems with newer vehicles equipped with Onboard Refueling Vapor Recovery (ORVR). ORVR is a vehicle emission control system in which the gas tank and fill pipe are designed so that when the vehicle is refueled, fuel vapors in the gas tank travel to an activated carbon packed canister in the vehicle, which adsorbs the vapor. When the engine is in operation, it draws the gasoline vapors from the canister into the engine intake manifold to be used as fuel. ORVR is a national standard for newly manufactured passenger vehicles, light duty trucks, and medium duty vehicles, and ORVR requirements were phased-in from 1998 – 2006.

In order to address problems with vapor recovery systems at GDFs, in 2000 CARB adopted the Enhanced Vapor Recovery (EVR) program, a long-term comprehensive effort to improve the equipment and monitoring of vapor recovery systems at GDFs in California. For underground tanks, the EVR program was divided into six modules, each of which was given a compliance deadline and addresses a specific emission category as follows: (1) Phase I vapor recovery, (2) Phase II vapor recovery, (3) ORVR compatibility, (4) liquid retention, (5) spillage and dripless nozzles, and (6) in-station diagnostics (ISD). Three of these six modules were considered technology-forcing, and required the development of control equipment that did not exist at the time that the standards were established. Unlike prior amendments to vapor recovery certification and test procedures, EVR resulted in the modification of most existing system certifications. For most existing GDFs, this resulted in a series of required upgrades and replacements to vapor recovery system components over the time period 2005 – 2010. A second EVR program addressing aboveground storage tanks (ASTs) began in 2009, and is scheduled to be completely implemented by 2015.

The EVR program resulted in major changes in regulatory requirements for GDFs including more stringent standards and much more extensive and detailed compliance provisions (e.g., monitoring, source testing, recordkeeping, and reporting). The program has had (and continues to have) a major impact on Air District staff resources particularly in the Engineering, Compliance and Enforcement, Technical Services, and Legal Divisions. Extensive time has been (and continues to be) spent in providing input to CARB in the development of the new requirements, and in coordinating their implementation with CARB and other air districts. Permitting workloads have been dramatically impacted (for example, in both FYE 2005 and FYE 2009, approximately 1300 GDF permit applications were received, most of which were for

required EVR-upgrades). The Executive Orders issued for EVR certifications have also become substantially more detailed and complex than in the past, resulting in more time consuming permit reviews and inspection procedures. In addition, all GDFs are now required to conduct a series of annual source tests, and the test reports must be submitted to the Air District for review and approval. Finally, many GDFs have missed various compliance deadlines, necessitating enforcement actions that continue to consume significant staff resources.

It is estimated that the EVR program has had a major benefit in reducing emissions, with ROG emission reductions resulting from EVR in the Bay Area estimated to be about 5 tons per day. Due to the importance of sustaining these emission reductions, the Air District maintains a rigorous GDF enforcement program, including 12 full-time dedicated inspection staff members.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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