



BOARD OF DIRECTORS
EXECUTIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

JOHN GIOIA – CHAIR
NATE MILEY – SECRETARY
TOM BATES
SCOTT HAGGERTY

ASH KALRA – VICE-CHAIR
JOHN AVALOS
CAROLE GROOM
MARK ROSS
BRAD WAGENKNECHT

MONDAY
OCTOBER 22, 2012
9:30 A.M.

4TH FLOOR CONFERENCE ROOM
939 ELLIS STREET
SAN FRANCISCO, CA 94109

AGENDA

1. **CALL TO ORDER – ROLL CALL**
2. **PUBLIC COMMENT PERIOD** (*Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3*) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at Air District headquarters, 939 Ellis Street, San Francisco, CA, and at the Air District's website www.baaqmd.gov at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.
3. **APPROVAL OF THE MINUTES OF MARCH 19, 2012 AND JULY 11, 2012**
4. **QUARTERLY REPORT OF THE HEARING BOARD: JANUARY – MARCH 2012 AND APRIL – JUNE 2012**
T. Dailey/5073
Tom.Dailey@kp.org
5. **REPORT OF THE ADVISORY COUNCIL: JANUARY – OCTOBER 2012**
S. Hayes/5073
shayes@environcorp.com
6. **PARTICULATE MATTER (PM) PLANNING**
H. Hilken/4642
hhilken@baaqmd.gov

The Committee will receive an update on the Air District's Particulate Matter planning activities.

7. **SENATE BILL (SB) 1339 – COMMUTE BENEFITS LEGISLATION** T. Addison/5109
taddison@baaqmd.gov

The Committee will receive an update on Senate Bill (SB) 1339.

8. **COMMITTEE MEMBER COMMENTS/OTHER BUSINESS**

Any member of the Committee, 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).

9. **TIME AND PLACE OF NEXT MEETING** - Monday, November 19, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, California 94109 at 9:30 a.m.

10. **ADJOURNMENT**

CONTACT EXECUTIVE OFFICE- 939 ELLIS STREET SAN FRANCISCO, CA 94109

(415) 749-5130
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least three 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 District's offices 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 District's website (www.baaqmd.gov) at that time.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
(415) 771-4963

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

OCTOBER 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets 3rd Monday of each Month)</i> - CANCELLED AND RESCHEDULED TO 10/22/12	Monday	15	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	17	9:45 a.m.	Board Room
Board of Directors Public Outreach Committee <i>(At the Call of the Chair)</i> - CANCELLED	Thursday	18	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Executive Committee <i>(Meets 3rd Monday of each Month)</i>	Monday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets the 4th Wednesday of each Month)</i>	Wednesday	24	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday of each Month)</i>	Thursday	25	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Public Outreach Committee <i>(At the Call of the Chair)</i>	Wednesday	31	9:30 a.m.	4 th Floor Conf. Room

NOVEMBER 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Thursday	8	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting <i>(Meets 2nd Wednesday of each Month)</i>	Wednesday	14	9:00 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets 3rd Monday of each Month)</i>	Monday	19	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets the 3rd Monday of Every Other Month)</i>	Monday	19	10:30 a.m.	Board Room

November 2012 Calendar Continues on Next Page

NOVEMBER 2012

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

DECEMBER 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Special Meeting of the Board of Directors <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	<u>Meeting Location:</u> Hilton Garden Inn 1800 Powell Street Emeryville, CA 94608 <u>Tour Location:</u> Pacific Steel Casting 1333 2 nd Street Berkeley, CA 94710
Board of Directors Executive Committee <i>(Meets 3rd Monday of each Month)</i>	Monday	17	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets the 4th Wednesday of each Month)</i>	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday of each Month)</i>	Thursday	27	9:30 a.m.	4 th Floor Conf. Room

MM – 10/12/12 (9:43 a.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 31, 2012

Re: Approval of Minutes of March 19, 2012 and July 11, 2012

RECOMMENDED ACTION

Approve attached draft minutes of the Executive Committee meetings of March 19, 2012, and July 11, 2012.

DISCUSSION

Attached for your review and approval are the draft minutes of the Executive Committee meetings of March 19, 2012, and July 11, 2012.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 771-6000

DRAFT MINUTES

Summary of Board of Directors
Executive Committee Meeting
9:30 a.m., Monday, March 19, 2012

1. Call to Order – Roll Call

Chairperson John Gioia called the meeting to order at 9:38 a.m.

Present: Chairperson John Gioia; Secretary Nate Miley; and Directors John Avalos, Tom Bates, Carole Groom and Mark Ross.

Absent: Vice Chairperson Ash Kalra; and Directors Scott Haggerty and Brad Wagenknecht.

Also Present: None.

2. Public Comment Period: None.

3. Quarterly Report of the Hearing Board: Oct – Dec 2011

Thomas M. Dailey, M.D., Chairperson, Hearing Board of the Bay Area Air Quality Management District, gave the presentation of the Hearing Board Quarterly Report for October through December, 2011, including a detailed summary reflecting three hearings held, eight orders issued, approximately \$15,000 received in fees, and four matters withdrawn and/or dismissed.

Committee Comments: None.

Public Comments: None.

Committee Action: None; informational only.

4. Update on Production System Replacement of Databank

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), made introductory comments regarding the staff presentation, noting that the first phase of the system went live in early March and introduced Jeffrey McKay, Deputy APCO. Mr. McKay made further introductory comments regarding the staff presentation, noting that approximately 2,500 gas-dispensing facilities had migrated to the Production System as a result of an enormous amount of work by staff and introduced Jaime Williams, Acting Director of Information Systems Services.

Chairperson Gioia asked involved staff to introduce themselves and expressed gratitude on behalf of the Air District Board of Directors for their efforts.

Mr. Williams gave the staff presentation New BAAQMD Permitting and Compliance Systems Production System Project Update, including an overview of the District’s legacy systems; background on the development process; a status update on the phasing of the system; a project plan for its continued roll out in 2012; and provided set up for live demonstrations by both the permitting and inspection teams.

Mr. Williams noted, regarding slide 3, Existing Computer Systems, that the three main, existing computer systems have different primary functions, each of which are needed for users to accomplish their tasks, adding that the integration of the three has limited the Air District’s ability to efficiently adapt in the face of new regulations and rules.

Mr. Williams added, regarding slide 4, Legacy Systems, that Databank provides little in the way of engineering data analysis, leaving users to perform necessary analyses by pen-and-paper.

Mr. Williams clarified, regarding slide 5, Overview: What we did, that the analysis and re-design efforts were undertaken over the course of two years in advance of any search for the appropriate technology.

NOTED PRESENT: Director Miley was noted present at 9:53 a.m. and Director Bates was noted present at 9:55 a.m.

Chairperson Gioia asked, regarding slide 9, Facility Source-Type Breakdown, whether there was a specific facility category that is represented by “Other Facilities” to which Mr. Williams replied that there are a wide variety of facility types in that category. Jack Broadbent, Executive Officer/APCO, offered to provide a list.

Mr. Broadbent interjected, regarding slide 10, Project Plan for 2012, that this does not plot the course for the life of the transition and that more will be presented on the future of the project as progress is made.

Pamela Leong, Senior Air Quality Engineer, and Mark Tang, Air Quality Technician, both of the Engineering Division, gave a live demonstration of the permit submission, review and approval process in the Production System.

Chairperson Gioia asked if the equipment listed in the drop down list captures all possible equipment to which Ms. Leong and Mr. Broadbent replied in the affirmative, noting that only certain equipment has been approved and can be updated only when the approved equipment list is updated.

Chairperson Gioia asked if the Production System will be able to gather and analyze information from the system, such as what the permitted emissions are in a particular area, to which Mr. Broadbent replied in the affirmative, so much as they are stationary sources.

Director Bates asked if and how city and county permitting is integrated with the Production System. Brian Bunker, District Counsel, Mr. Broadbent, Chairperson Gioia and Director Bates

discussed the general requirements and process. Chairperson Gioia inquired whether there are opportunities for integration with city and county processes to which Mr. Broadbent and Mr. Bunger replied that it is technologically possible but with 101 cities and various unincorporated areas, each with their own permitting process, it would be a big job that is perfect for the Association of Bay Area Governments.

Director Bates commented on the complexity of the system, asking if it is up and running and whether it is experiencing any bugs. Mr. Broadbent replied that it has been up and running for just over 2,500 gas dispensing facilities since the beginning of March.

Magen Holloway, Supervising Air Quality Specialist, and Chris Berglund, Senior Air Quality Inspector, both of Compliance and Enforcement, gave a live demonstration of the inspector-side use of the Production System.

Committee Comments:

Chairperson Gioia asked about the total cost of designing and implementing the Production System. Mr. Broadbent replied that the cost was roughly \$10 million over five years, not including the costs for the abandoned system, and suggested an abbreviated version of this presentation before the Board of Directors. Chairperson Gioia agreed.

Director Ross inquired about the copyright for the Production System. Mr. McKay replied that the Air District does not hold a copyright but does possess the code and other air quality management districts have already expressed an interest in the Production System. Director Ross urged the Air District to obtain a patent, copyright or other product protection to empower a resale to public and private industry, or alternately, explore the option of hosting its use on the Air District's server, as a way of recouping some of the development costs. Mr. McKay noted that the code is a public document but the use of the finished product may afford the Air District an opportunity in this regard and that it is already being explored.

Public Comments: None.

Committee Action: None; informational only.

5. Approval of Minutes of February 15, 2012

Committee Action: Director Groom made a motion to approve the Minutes of February 15, 2012; Director Avalos seconded; carried unanimously without objection.

6. Committee Member Comments/Other Business: None.

7. Time and Place of Next Meeting: Monday, April 16, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, CA 94109 at 9:30 a.m.

8. Adjournment: The meeting adjourned at 10:44 a.m.

Sean Gallagher
Clerk of the Boards

Bay Area Air Quality Management District
Regional Agency Headquarters
BAHA Conference Room
390 Main Street, 6th Floor
San Francisco, California 94105
(415) 771-6000

DRAFT MINUTES

Summary of
Special Joint Meeting of the Bay Area Headquarters Authority,
the Executive Committee of the Board of Directors of the Bay Area
Air Quality Management District and the Administrative Committee
of the Association of Bay Area Governments
9:00 a.m., Wednesday, July 11, 2012

1. Call to Order – Roll Call

Bay Area Headquarters Authority (BAHA) Chair Adrienne Tissier called the meeting to order at 9:08 a.m.

Present: Vice Chairperson Ash Kalra; Secretary Nate Miley; and Directors Tom Bates, Carole Groom, Scott Haggerty, Mark Ross and Brad Wagenknecht.

Absent: Chairperson John Gioia and Director John Avalos.

Also Present: BAHA and Administrative Committee of the Association of Bay Area Governments (ABAG) members as reflected in their respective meeting minutes.

2. Compensation Announcement

Maria Leon, Executive Office Assistant, Bay Area Toll Authority, made a compensation announcement on behalf of the BAHA members present.

Committee Comments: None.

Public Comments: None.

Committee Action: None; not before the Executive Committee of the Board of Directors of the Bay Area Air Quality Management District (Committee).

3. 390 Main Street Conceptual Design Presentation

Steve Heminger, Executive Director, Metropolitan Transportation Commission, made introductory comments regarding the presentation and introduced Andrew Wolfram, Perkins+Will, who gave the presentation 390 Main Design Overview, including a summary of the pre-design process and a review of the exterior design, interior floor plans, methods being

utilized to enhance interagency cooperation, the incorporation of sustainability-focused design concepts, and next steps.

NOTED PRESENT: Directors Bates and Kalra were noted present at 9:24 a.m.

Mr. Heminger interjected, regarding slides 30 through 35, that the San Francisco Bay Area Conservation and Development Commission is not anticipated to move into the building in the near term but parties remain hopeful for a later move and space will initially be held for that use.

Committee Comments:

BAHA Chair Tessier suggested an expansion of the atrium beyond floors six through eight may lead to higher tenant rents that will serve to offset the higher initial cost. Mr. Heminger responded that it was worth looking into, stated that some elements will not be included in the design due to budgetary constraints and choices made, and agreed the enlarged atrium may be beneficial both in terms of increased tenant rents and anticipating future growth of the agencies.

Public Comments:

Jim Chappell, MJM Management Group and Rincon Hill-Transbay Community Benefit District (Benefit District) Study, addressed the members of the Joint Meeting to invite their attendance at an upcoming meeting of the Benefit District as property owner representatives. BAHA Chair Tessier asked about the items of interest to the Benefit District. Mr. Chappell responded cleanliness and safety.

Michael Vlaming, Vlaming & Associates, addressed the members of the Joint Meeting to provide an update on the Project Stabilization Agreement, including that it has been fully executed.

Roland Lebrun addressed the members of the Joint Meeting to suggest that the conference room plan is inadequate and to request the building be moved to a location in San Jose or the East Bay.

Joyce Roy addressed the members of the Joint Meeting to inquire about the location of the atrium within the building and the availability of the PowerPoint of today's presentation on the internet. Mr. Wolfram responded that the atrium will be located to the side of the laboratory. Mr. Heminger responded that the PowerPoint will be posted on the MTC's website in the immediate future and that hardcopies were being printed during the meeting.

ABAG Member Cortese suggested a process be implemented for handling non-owner requests and various change orders, that value engineering reports be required with all change orders, and to establish a credit and debit system. Andrew Fremier, Deputy Executive Director, Operations, MTC, agreed and added that the value engineering process is currently being formulated.

BAHA Chair Tessier asked if tours of the building would be conducted today. Mr. Heminger responded this might be accommodated.

Committee Action: None; informational only.

4. **Public Comment Period:** None.
5. **Time and Place of Next Committee Meeting:** Monday, September 17, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, CA 94109 at 9:30 a.m.
6. **Adjournment:** The meeting adjourned at 9:56 a.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

TO: Chairperson John Gioia and Members of the Executive Committee
FROM: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board
DATE: October 9, 2012
RE: Hearing Board Quarterly Report – January through March 2012

RECOMMENDED ACTION:

None; receive and file.

DISCUSSION:

During the first quarter of 2012 (January through March), the Hearing Board:

- Held one (1) hearing consisting of zero (0) Accusations, one (1) Appeal (3624), zero (0) Variances, and zero (0) Emergency Variances;
- Processed a total of one (1) order consisting of zero (0) Accusations, zero (0) Appeals, zero (0) Variances, zero (0) Emergency Variances and one (1) Request for Withdrawal/Dismissal (3624); and
- Collected a total of \$5,607.45

Below is a detail of Hearing Board activity during the first quarter of 2012 (January through March):

Location: Contra Costa County; City of Martinez

Docket: 3624 – TESORO REFINING AND MARKETING COMPANY, GOLDEN EAGLE REFINERY (B2758) AND AMORCO TERMINAL (B2759) – *Appeal from Final Major Facility Review Permit issued June 28, 2011.*

Regulation(s): Final Major Facility Review Permit

Status: Appeal filed 07-27-2011; pro forma hearing scheduled for 09-22-2011 in conjunction with Docket 3532 Tesoro Refining and Marketing Company, et al; pro forma hearing rescheduled for 10-13-2011 and again for 11-10-2011; pro forma hearing held 11-10-2011 and continued for further pro forma hearing to 01-19-2012; pro forma hearing held 01-19-2012 wherein a briefing schedule was established and continued for further pro forma hearing to 07-12-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

Location: Contra Costa County; City of Rodeo

Docket: 3628 – CONOCOPHILLIPS COMPANY, SAN FRANCISCO REFINERY – *Appeal from Issuance of Final Major Facility Review Permit for Facility No. A0016, issued September 1, 2011.*

Regulation(s): Final Major Facility Review Permit

Status: Appeal filed 09-29-2011; pro forma hearing held 10-27-2011 wherein an evidentiary hearing was scheduled for 01-26-2012; hearing canceled pursuant to withdrawal of appeal filed on 01-19-2012; Order for Dismissal filed on 01-30-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

Location: Contra Costa County; City of Martinez

Docket: 3630 – AIR PRODUCTS AND CHEMICALS, INC. – *Appeal from Issuance of Final Major Facility Review Permit for Facility No. B0295, issued January 1, 2012*

Regulation(s): Final Major Facility Review Permit

Status: Appeal filed 02-17-2012; pro forma hearing scheduled for 03-08-2012

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$2,744.00 (Filing fee) and \$119.45 (Publication)

Location: Santa Clara County; City of San Jose

Docket: 3631 – JDS UNIPHASE CORPORATION – *Application for Variance (Interim and Regular)*

Regulation(s): 2-1-307; Permit Conditions A7 – A10 of Application for Permit # 23600

Status: Application filed 03-15-2012; interim variance hearing scheduled for 04-05-2012 and regular variance hearing scheduled for 05-03-2012

Period of Variance: Requested for 03-12-2012 through 05-03-2012

Estimated Excess Emissions: 31 lbs./day of non-methane hydrocarbon

Fees collected this quarter: \$2,744.00 (Filing fee)

Respectfully submitted,

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

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

TO: Chairperson John Gioia and Members of the Executive Committee
FROM: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board
DATE: October 9, 2012
RE: Hearing Board Quarterly Report – April through June 2012

RECOMMENDED ACTION:

None; receive and file.

DISCUSSION:

During the second quarter of 2012 (April through May), the Hearing Board:

- Held three (3) hearings consisting of one (1) Accusation (3633), one (1) Appeal (3632), one (1) Variance (3631), and zero (0) Emergency Variances;
- Processed a total of five (5) orders consisting of one (1) Accusation (3633), zero (0) Appeals, zero (0) Variances, two (2) Emergency Variances (3634 and 3635) and two (2) Requests for Withdrawal/Dismissal (3631 and 3632); and
- Collected a total of \$6,058.20.

Below is a detail of Hearing Board activity during the second quarter of 2012 (April through June):

Location: Contra Costa County; City of Martinez

Docket: 3624 – TESORO REFINING AND MARKETING COMPANY, GOLDEN EAGLE REFINERY (B2758) AND AMORCO TERMINAL (B2759) – *Appeal from Final Major Facility Review Permit issued June 28, 2011.*

Regulation(s): Final Major Facility Review Permit

Status: Appeal filed 07-27-2011; pro forma hearing scheduled for 09-22-2011 in conjunction with Docket 3532 Tesoro Refining and Marketing Company, et al; pro forma hearing rescheduled for 10-13-2011 and again for 11-10-2011; pro forma hearing held 11-10-2011 and continued for further pro forma hearing to 01-19-2012; pro forma hearing held 01-19-2012 wherein a briefing schedule was established and continued for further pro forma hearing to 07-12-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

Location: Santa Clara County; City of San Jose

Docket: 3631 – JDS UNIPHASE CORPORATION – *Application for Variance (Interim and Regular)*

Regulation(s): 2-1-307; Permit Conditions A7 – A10 of Application for Permit # 23600; amended to Permit Condition A9 only on 04-12-12.

Status: Application filed 03-15-2012; interim variance hearing scheduled for 04-05-2012 and regular variance hearing scheduled for 05-03-2012; interim variance granted at hearing on 04-05-2012; Request for Withdrawal of Application filed on 04-27-2012; Order Granting Interim Variance filed 04-28-2012; Order for Dismissal filed 04-28-2012 and regular variance hearing canceled.

Period of Variance: Requested and interim granted for 03-12-2012 through 05-03-2012

Estimated Excess Emissions: 31 lbs./day of non-methane hydrocarbon

Fees collected this quarter: \$0

Location: Alameda County; City of Livermore

Docket: 3632 WASTE MANAGEMENT OF ALAMEDA COUNTY, INC. – *In the Matter of the Appeal of Permit to Operate Plant No. 2066*

Regulation(s): Permit to Operate

Status: Appeal filed 04-05-2012; pro forma hearing scheduled for 04-26-2012; pro forma hearing held 04-26-2012 and continued for further pro forma to 06-14-2012 at the request of Applicant; Request for Withdrawal of appeal filed 06-13-2012; Order for Dismissal filed 06-13-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$2,744.00 (Filing fee) and \$296.20 (Publication)

Location: Alameda County: City of Hayward

Docket: 3633 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. COLLISION TECHNOLOGIES, INC., A CALIFORNIA CORPORATION, D/B/A G & G ENTERPRISES and GERARDO MALDONADO, A/K/A GARY MALDONADO, INDIVIDUALLY AND D/B/A G & G ENTERPRISES - *Accusation*

Regulation(s): 2-1-302

Status: Accusation filed 04-11-2012; evidentiary hearing scheduled for 06-07-2012; conditional order for abatement granted at hearing on 06-07-2012; Conditional Order for Abatement filed 06-10-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the District)

Location: Solano County; City of Fairfield

Docket: 3634 REXAM BEVERAGE CAN COMPANY – *Application for Emergency Variance*

Regulation(s): 2-1-307; and Permit Condition #391, Parts 1 through 12

Status: Application filed on 05-18-2012; order granting emergency variance filed 06-06-2012

Period of Variance: May 18, 2012, through May 19, 2012

Estimated Excess Emissions: 1,292 pounds volatile organic compounds (VOC) and 54 pounds of toxic air contaminants (TAC)

Fees collected this quarter: \$685.00 (Filing fee)

Location: Santa Clara County; City of Gilroy

Docket: 3635 GILROY ENERGY CENTER, LLC – *Application for Emergency Variance*

Regulation(s): Permit Condition 18101 Part 19.2, ammonia slip limit 10.0 parts per million (PPM) at 15% O₂ 3-hour average

Status: Application filed on 06-06-2012; order granting emergency variance filed on 06-20-2012

Period of Variance: June 6, 2012, through July 4, 2012

Estimated Excess Emissions: Ammonia – 11.63 PPM NH₃ @ 15% O₂ Unit S-3 and 17.81 PPM NH₃ @ 15% O₂ Unit S-4

Fees collected this quarter: \$685.00 (Filing fee)

Location: Napa County; City of American Canyon

Docket: 3636 THE COCA-COLA COMPANY, INC. – *Application for Short-Term Variance*

Regulation(s): 2-1-307; Permit Condition 25049, Parts 2, 3 and 5

Status: Application filed on 06-28-2012; Request for Withdrawal filed 06-13-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$1,648.00 (Filing fee)

Location: Contra Costa County; City of Rodeo

Docket: 3637 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. PINOLE RODEO AUTO WRECKER and JIM TAYLOR, INDIVIDUALLY AND D/B/A PINOLE RODEO AUTO WRECKER – *Accusation*

Regulation(s): 2-1-302

Status: Accusation filed on 06-28-2012; Evidentiary Hearing scheduled for 08-02-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the District)

Location: San Mateo County; City of La Honda

Docket: 3638 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. COSTA LOMA LIMITED CORPORATION, A CALIFORNIA CORPORATION and JAMES A. WILKINSON, A/K/A HIM WILKINSON, INDIVIDUALLY AND D/B/A COSTA LOMA LTD. CORPORATION

Regulation(s): 2-1-302

Status: Accusation filed 06-28-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the District)

Respectfully submitted,

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

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John Gioia and Members
of the Executive Committee

From: Chairperson Stan Hayes and Members
of the Advisory Council

Date: October 12, 2012

Re: Report of the Advisory Council: January – October 2012

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

The Advisory Council studies and makes recommendations on specific matters referred from the Board of Directors or the Air Pollution Control Officer. Matters can include technical, social, economic and environmental aspects of air quality issues. For example, in 2004 and 2005, the Advisory Council focused on Climate Change and influenced the Air District's direction in establishing its Climate Protection Program and Resolution in 2005. Over the last two years, the Advisory Council has focused on ultrafine particulate matter and provided recommendations that will be included in the Air District's forthcoming report, *Understanding Particulate Matter; Protecting Public Health in the San Francisco Bay Area*.

The Advisory Council consists of 20 members, skilled in air pollution and representing a variety fields and interests, including public health agencies, conservation organizations, colleges or universities, regional park districts, park and recreation commissions, public mass transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor. A roster of current Advisory Council members is attached for reference.

Council members serve for a term of two years, for a maximum of four terms. Members serve without compensation but are reimbursed for travel related to their duty on the Council.

In an effort to keep the Board of Directors apprised of the activities and progress of the Advisory Council, the Executive Committee will be briefed on the Advisory Council on a regular basis. The current report covers all Advisory Council activity from current calendar year.

DISCUSSION

This calendar year, the Advisory Council has focused on the issue of ultrafine particulate matter. Presented below are summaries the meetings of the Advisory Council thus far in 2012:

1. Advisory Council Regular Meeting and Retreat – January 11, 2012. The Council reviewed presentations and reports of 2011. The Council discussed the format for 2012 Advisory Council Meetings including format topics and dates. The Council received an overview of the Air District and staff reports on the status of ultrafine particle monitoring and modeling at the Air District.
2. Advisory Council Regular Meeting – February 8, 2012. The Council received and discussed the following presentations on Ultrafine Particles: Ambient Monitoring and Field Studies: *Atmospheric Monitoring of Ultrafine Particles*, by Philip M. Fine, Ph.D., of the South Coast Air Quality Management District and *Concentrations of Ultrafine Particles and Related Air Pollutants On and Near Roadways and in Other Urban Microenvironments*, by Eric Fujita, Ph.D., of the Desert Research Institute Reno.
3. Advisory Council Regular Meeting – March 14, 2012. The Council discussed their draft report summarizing the February 8, 2012 meeting on Ultrafine Particles: Ambient Monitoring and Field Studies.
4. Advisory Council Regular Meeting – April 11, 2012. The Council discussed their revised draft report summarizing the February 8, 2012 meeting on Ultrafine Particles: Ambient Monitoring and Field Studies and finalized the Council’s recommendations.
5. Advisory Council Regular Meeting – May 9, 2012. The Council received and discussed the following presentations on Ultrafine Particles: Exposure Assessment: *Indoor Exposure to Particles from Cooking, Cleaning and Smoking*, by Lynn M. Hildemann, Ph.D., of Stanford University and *Toward Understanding Ultrafine Exposures in Indoor Environments*, by William W. Nazaroff, Ph.D., of the University of California, Berkeley.
6. Advisory Council Regular Meeting – June 13, 2012. The Council discussed their draft report summarizing the May 9, 2012 meeting on Ultrafine Particles: Exposure Assessment.
7. Advisory Council Regular Meeting – July 11, 2012. The Council discussed their revised draft report summarizing the May 9, 2012 meeting on Ultrafine Particles: Exposure Assessment and finalized the Council’s recommendations.
8. Advisory Council Regular Meeting – September 12, 2012. The Council received and discussed the following presentations on Ultrafine Particles: Exposure Reduction: *Exposure to Ultrafine Particles On and Near Roadways*, by Yifang Zhu, Ph.D., of the UCLA School of Public Health and *Policy Strategies to Reduce Health Effects from Particulates*, by Rajiv Bhatia, MD, MPH, of the San Francisco Department of Public Health and the University of California, San Francisco.

9. Advisory Council Regular Meeting – October 10, 2012. The Council discussed their draft report summarizing the September 12, 2012 meeting on Ultrafine Particles: Exposure Reduction.

Advisory Council Chair, Stan Hayes and Air District staff will provide an update of the Advisory Council's activities at the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Expenses associated with the administration of the Advisory Council are included in the FY 2012-2013 Budget under program 123.

Respectfully submitted,

Stan Hayes
Chairperson, Advisory Council

Prepared by: Ana Sandoval
Reviewed by: Eric Stevenson

Attachment A: 2012 Advisory Council Roster

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Gioia and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 10, 2012

Re: Particulate Matter (PM) Planning

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

The Bay Area has made substantial progress in reducing particulate matter (PM) levels in recent years. Monitoring data show that the Bay Area currently meets national standards for both PM_{2.5} and PM₁₀. Nonetheless, health studies indicate that there are still significant negative health effects due to population exposure to the PM levels typically experienced in the Bay Area. An analysis prepared for the Bay Area 2010 Clean Air Plan identified PM as the air pollutant most detrimental to the health of Bay Area residents, and found that exposure to PM_{2.5} accounts for more than 90% of premature mortality related to air pollution in the Bay Area. In addition, studies show that there are public health impacts related to exposure to PM_{2.5} even at levels below current state and national standards.

The Federal Clean Air Act requires the United States Environmental Protection Agency (EPA) to periodically review the National Ambient Air Quality Standards (NAAQS) for six “criteria” pollutants, including PM, to ensure that the standards protect public health with an adequate margin of safety, based upon the most recent health studies. In 2006, EPA took action to tighten the 24-hour NAAQS for PM_{2.5} (often referred to as “fine PM”) from 65 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 35 $\mu\text{g}/\text{m}^3$. Based on air quality monitoring data for the 2006-2008 period, EPA designated the Bay Area as non-attainment for the 24-hour PM_{2.5} NAAQS in December 2009. Non-attainment areas are required to prepare a State Implementation Plan (SIP) submittal to EPA by fall 2012 to demonstrate how they will attain the standard by December 2014.

When EPA issued the non-attainment designations, the Bay Area exceeded the 24-hour PM_{2.5} NAAQS by only a slight margin. The Bay Area’s *design value*, the metric that describes a region’s status relative to a NAAQS, was 36 $\mu\text{g}/\text{m}^3$. Since that time, Bay Area PM_{2.5} levels have declined. Monitoring data for 2008-2010 and 2009-2011 show that the Bay Area met the 24-hour PM_{2.5} NAAQS during both these periods. The current Bay Area design value is 30 $\mu\text{g}/\text{m}^3$, well below the 35 $\mu\text{g}/\text{m}^3$ standard.

The reduction in peak values of PM_{2.5} in the Bay Area can be attributed to emission reductions achieved by control programs, including the District's wood-burning rule and other regulations, as well as ARB regulations to reduce PM from mobile sources.

DISCUSSION

In December 2011, the California Air Resources Board (ARB) submitted a "clean data finding" request to EPA on behalf of the Bay Area. If EPA approves the "clean data finding", then in lieu of preparing a SIP submittal to demonstrate how the Bay Area will attain the PM_{2.5} NAAQS, the District will have the option to submit either 1) a re-designation request and maintenance plan, or 2) an abbreviated SIP submittal. Staff believes that it would be premature to submit a re-designation request and maintenance plan at this point in time. Instead, it would be more prudent to prepare an abbreviated PM_{2.5} SIP submittal, while continuing to monitor progress in reducing PM_{2.5} over the next several years. There are two required elements for an abbreviated PM_{2.5} SIP submittal:

- An emission inventory for primary PM_{2.5}, as well as precursors that contribute to secondary PM formation for the attainment year (2010), and
- Amendments to the District's New Source Review (NSR) regulation to address PM_{2.5} as a regulated pollutant. (The NSR amendments were presented at the September 13 Stationary Source Committee meeting.)

These two elements will be presented to the Board for adoption at a public hearing on November 7, 2012.

Despite progress in reducing Bay Area PM levels, there are compelling reasons to continue and enhance our efforts to reduce emissions, ambient concentrations, and population exposure to PM as mentioned above. For these reasons, staff has prepared a detailed report on PM in the Bay Area to complement the District's PM_{2.5} SIP submittal. This report, entitled *Understanding Particulate Matter: Protecting Public Health in the San Francisco Bay Area*, is intended to build on the foundation set by the 2010 CAP to continue reducing PM in the coming years.

At the October 22 Executive Committee meeting, staff present an overview of PM planning activities, including an overview of the PM_{2.5} emissions inventory and of the draft *Understanding Particulate Matter* report.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Resources to prepare the abbreviated PM2.5 SIP submittal and the *Understanding Particulate Matter* report were included in the FY 2011/12 budget and the FY 2012/13 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: David Burch
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Gioia and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 12, 2012

Re: Senate Bill (SB) 1339 - Commute Benefits Legislation

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

On September 30, 2012, the Governor signed into law SB 1339 (Yee), an act to add (and later, repeal) Section 65081 of the Government Code. This bill authorizes the District and MTC to jointly adopt and implement a region-wide commute benefits ordinance that would apply to employers with 50 or more full-time employees within the boundaries of the District.

Employers would have the flexibility to offer their employees one of three options:

1. The option to pay for employee transit, vanpooling, or bicycling expenses with pre-tax dollars, as allowed by federal law;
2. A transit or vanpool subsidy up to \$75 per month;
3. A free shuttle, vanpool, or private bus service operated by or for the employer.

In addition, an employer may seek approval for an alternative method that would be equally effective in reducing employee vehicle trips to work.

If the District and MTC adopt an ordinance pursuant to SB 1339, they will be required to submit a report to the transportation policy committees of both houses of the Legislature by July 1, 2016 documenting the impact of the ordinance in terms of reducing vehicle trips and vehicle miles of travel (VMT), and the reduction in emissions of greenhouse gases (GHGs) in relation to the regional GHG reduction targets established by the Air Resource Board pursuant to SB 375. The SB 1339 legislation has a sunset date of January 1, 2017.

DISCUSSION

District staff anticipates that most employers would choose to offer Option #1 above. The federal tax code allows employees to purchase transit passes, or to pay costs related to commuting by bicycle or in a vanpool, using pre-tax dollars, provided that the employer

elects to make this option available. The primary purpose of the legislation is to make sure that covered employers offer this benefit to their employees.

The concept embodied in SB 1339 provides benefits both for employers and employees, as well as air quality. Employers benefit because they do not have to pay payroll taxes on the portion of employee wages used to purchase the transit passes. Employees benefit because the pre-tax provision effectively lowers the cost of the environmentally-friendly commute modes. Employees thus save money and have additional motivation to leave their cars at home.

Several Bay Area cities have already adopted commute benefit ordinances, including San Francisco, Berkeley, and Richmond. Adopting a commute benefit ordinance on a region-wide basis offers an opportunity to extend the merits of this approach to commuters throughout the Bay Area, providing tangible environmental and economic benefits to the region. Adoption of a regional commute benefits ordinance would help to implement the transportation control measures in the Bay Area 2010 Clean Air Plan (see TCM C-1: Employer-Based Trip Reduction), and to achieve the GHG reduction targets established in the forthcoming *Plan Bay Area Sustainable Communities Strategy* (SCS).

District staff and MTC staff are meeting to discuss appropriate roles and responsibilities in implementing the bill's provisions and requirements.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funds are available in the current FY 2012/13 budget to cover the costs of adopting a commute benefits regulation. Funding needed to administer a regulation on an on-going basis can be considered in development of the FY 2013/14 budget and subsequent budget cycles.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: David Burch
Reviewed by: Henry Hilken