

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5073

Board of Directors Regular Meeting
Wednesday, December 18, 2013

APPROVED MINUTES

CALL TO ORDER: Chairperson Ash Kalra called the meeting to order at 9:58 a.m.

ROLL CALL:

Present: Chairperson Ash Kalra; Vice-Chairperson Nate Miley; Secretary Carole Groom; and Directors Susan Adams, John Avalos, Teresa Barrett, Tom Bates, Cindy Chavez, John Gioia, Scott Haggerty, David Hudson, Carol L. Klatt, Liz Kniss, Eric Mar, Jan Pepper, Mary Piepho, Mark Ross, Jim Spering and Brad Wagenknecht.

Absent: Directors Roger Kim (on behalf of Edwin Lee), Tim Sbranti and Shirlee Zane.

PLEDGE OF ALLEGIANCE: Chairperson Kalra led the Pledge of Allegiance.

OPENING COMMENTS: None.

PUBLIC COMMENT ON NON-AGENDA MATTERS:

Gary Latshaw, Sierra Club, submitted written material and addressed the Board of Directors (Board) regarding an update on cement manufacturing regulations and the air quality in the Cupertino area.

Barry Chang, Bay Area for Clean Environment (BACE), addressed the Board regarding Regulation 13, Rule 9.

Tim Brand, BACE, addressed the Board regarding the need for stricter regulations pertaining to the operations of Lehigh cement manufacturing and enhanced enforcement of existing regulations.

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), said the Stationary Source Committee will receive an update regarding the Lehigh cement manufacturing facility during the first quarter of 2014.

CONSENT CALENDAR (ITEMS 1 – 5)

- 1. Minutes of the Board Regular Meeting of December 4, 2013;**
- 2. Board Communications Received from December 4, 2013 through December 17, 2013;**
- 3. Air District Personnel on Out-of-State Business Travel;**
- 4. Notice of Violations Issued and Settlements in Excess of \$10,000 in November 2013; and**
- 5. Approval of Contract for Development of Near Roadway Monitoring Site and Laney College in Oakland.**

Public Comments: None.

Board Comments: None.

Board Action:

Director Hudson made a motion to approve Consent Calendar Items 1, 2, 3, 4 and 5; Director Wagenknecht seconded; and the motion carried unanimously.

COMMITTEE REPORTS AND RECOMMENDATIONS

6. Report of the Mobile Source Committee (MSC) Meeting of December 5, 2013 Committee Chairperson Haggerty

The MSC met on Thursday, December 5, 2013 and postponed approval of the minutes for lack of a quorum.

The MSC reviewed Projects with Proposed Grant Awards Over \$100,000 and a consensus of the members present supported the staff recommendation that the Board approve a total of seven projects for the replacement of two diesel marine engines, three agricultural pump engines, three off-road diesel-powered tractors, and two off-road loaders, including two marine engines in San Francisco County, three pump engines in Napa County, one tractor in Contra Costa County, and two tractors and loaders in Sonoma County.

The MSC then received an informational update on the California Air Resources Board (ARB) Trucks and School Bus Regulations, including overviews of the regulatory history and Air District actions relative to port trucks, on-road trucks and buses.

The MSC then reviewed Transportation Fund for Clean Air (TFCA) County Program Manager Fund Policies for Fiscal Year Ending (FYE) 2015 including a clarification for Policy #28 that pilot projects located outside of Community Air Risk Evaluation areas must not exceed a cost-effectiveness of \$125,000/ton for the first two years of operation. A consensus of the members present supported the staff recommendation that the Board approve the recommended policies.

The MSC then received the TFCA Audit and Cost Effectiveness Reports, including background on and summaries of the results of the TFCA Audit #14 and the FYE 2013 TFCA Report on Regional Fund Expenditures and Effectiveness.

The MSC also received an informational update on the Regional Bicycle Share Pilot Project, including background, a three month report card, next steps to pursue sponsorship funding and system expansion.

The next meeting of the MSC is on Thursday, January 23, 2014, at 9:30 a.m.

Board Action:

Director Haggerty made a motion to approve the report and recommendations of the MSC; and Director Piepho seconded.

Public Comments:

Marcella Rensi, Valley Transportation Authority, addressed the Board to request the TFCA County Program Manager Fund Policies for FYE 2015 not be amended to limit shuttle support to peak hours only.

Board Comments:

The Board and staff discussed the TFCA County Program Manager Fund Policies for FYE 2015, including possible exemptions, the focus on program launches instead of appearing to be a perpetual funding source, how best to help organizations understand that Air District support is launch-focused, and if private sponsors will be involved in the expansion of the bike share program.

Board Action (continued): The motion carried unanimously.

7. Report of the Climate Protection Committee (CPC) Meeting of December 9, 2013
Committee Chairperson Avalos

The CPC met on Monday, December 9, 2013, and approved the minutes of October 23, 2013.

The CPC received the staff presentation Regional Climate Protection Work Program, including background, work program revisions, summaries of stakeholder meeting and input, Air District resource needs and next steps. The CPC provided feedback and direction to staff on the work program, including the need for robust engagement with stakeholders.

The CPC then received the staff presentation California Air Pollution Control Officers Association Greenhouse Gas (GHG) Reduction Exchange, including background, motivation, key components, an explanation of how the exchange operates and current status.

The next meeting of the CPC is Thursday, January 16, 2014, at 9:30 a.m.

Board Action:

Director Avalos made a motion to approve the report of the CPC.

Public Comments:

Bill Quinn, California Council for Environmental and Economic Balance (CCEEB), addressed the Board to express CCEEB's commitment to work with the Air District in support of reasonable policies and programs under the climate protection work program that do not conflict with those of the ARB and to request a fair and balanced approach.

Board Comments: None.

Board Action (continued): The motion carried unanimously.

8. Report of the Executive Committee (EC) Meeting of December 16, 2013
Chairperson Kalra

The EC met on Monday, December 16, 2013, and approved the minutes of October 21, 2013.

The EC received the staff presentation Bay Area Commuter Benefits Program (BACBP), which is being developed by the Air District and the Metropolitan Transportation Commission (MTC) in response to Senate Bill (SB) 1339 enacted in fall 2012. The BACBP would require employers with 50 or more full-time employees in the Bay Area to provide commuter benefits to their employees. The presentation described the purpose of the BACBP; the four commuter benefit options that employers could choose among; applicability of the BACBP; employer outreach and public workshops; input received; recent progress and preparations for implementation; and next steps.

The EC then received the staff presentation on the Regional Agency Headquarters Status Report 375 Beale Street, including new address, inter-agency shared services and furniture procurement process, various diagrams of the planned building and photographs of the demolition work.

The EC also received the staff report Joint Policy Committee (JPC) Update, including an introduction to Allison Brooks, the recently hired Director of JPC, and discussions of regional governance and the roles of the JPC and the Air District.

The next meeting of the EC is Monday, January 20, 2014, at 9:30 a.m.

Board Action:

Chairperson Kalra made a motion to approve the report of the EC; and Director Piepho seconded.

Public Comments: None.

Board Comments:

Mr. Broadbent said the Board retreat in January 2014 will include briefs on the BACBP and the Regional Agency Headquarters.

The Board and staff discussed the BACBP, including enhanced outreach through Board member support, the number of affected employers in each county, program applicability, employer desires for guidance on setting up their programs and the success of similar programs in the City of Berkeley and City and County of San Francisco.

Board Action (continued): The motion carried unanimously.

9. Report of the Nominating Committee (NC) Meeting of December 18, 2013
Chairperson Kalra

The NC met on Wednesday, December 18, 2013, and approved the minutes of November 7, 2012 and December 4, 2013.

The NC considered nomination of Board Officers for the 2014 Term of Office and recommends Nate Miley as Chairperson, Carole Groom as Vice-Chairperson and Eric Mar as Secretary.

The next meeting of the NC is at the call of the Chairperson.

Public Comments: None.

Board Comments: None.

Board Action:

Chairperson Kalra made a motion to approve the report and recommendations of the NC; Director Wagenknecht seconded; and the motion carried unanimously.

PRESENTATIONS

10. Advisory Council Report

Jean Roggenkamp, Deputy APCO (DAPCO), made introductory comments and introduced Advisory Council Chairperson Robert Bornstein, Ph.D., who made further introductory comments and introduced Advisory Council Members Sam L. Altshuler, P.E., Liza Lutzker, M.P.H., and Jessica Range, LEED A.P.

Advisory Council Chairperson Bornstein, Vice-Chairperson Altshuler, Secretary Lutzker and Member Range gave the presentation, *Black Carbon (BC): Adverse Impacts on Global Climate and Local Health*.

Board Comments:

The Board, Advisory Council representatives and staff discussed the Advisory Council Report, including the vulnerability of various populations, the inclusion of BC in the climate protection work program, the state of research regarding the correlation between BC in the human body and mental illness, the emissions contributions of interstate diesel trucks and the inadequacy of federal regulations in this regard, the abundance of co-benefits highlighted, the need to delve deeper into the possible viral and pathogenic consequences of climate change, the complications of co-locating housing and transit as infill development, the definition of “disadvantaged communities” and developing a better understanding of possible disproportionate impacts, and the varying health impacts of indoor versus heavily polluted outdoor air.

Director Haggerty requested that the MSC discuss the impact of interstate diesel truck emissions, including the state of Air District lobbying at the federal level, the applicability of California regulations, and an overview of concerns about claims of obstruction to interstate commerce that may result.

Public Comments: None.

Board Action: None; informational only.

11. Public Participation Plan (PPP)

Mr. Broadbent introduced the topic and Lisa Fasano, Director of Communications and Outreach, who gave the staff presentation *The Air District's PPP*, including background, project overview, the composition and purpose of the stakeholder advisory task force, range of public participation, regional workshops, outreach events and presentations, the constitution of the current PPP and next steps in the implementation phase.

Board Comments:

The Board and staff discussed the difference in how the Air District has done business in the past relative to public participation and the various ways the PPP will improve upon that model, the inclusion of comments by the Bay Area Environmental Health Collaborative (BAEHC) in the development of the PPP, and the need for a greater geographical spread of workshops in the future.

Public Comments:

Dr. Henry Clark addressed the Board regarding the inclusion of BAEHC and to thank the Air District for its work on the PPP.

Janet Whittick, CCEEB, addressed the Board regarding the inclusion of business interests and to congratulate staff on the development of the PPP and the successful workshops.

Board Action:

Director Adams made a motion to initiate implementation of the PPP; Director Piepho seconded; and the motion carried unanimously.

12. Update on the Regional Plug-In Electric Vehicle (PEV) Readiness Plan

Damian Breen, Director of Strategic Incentives, introduced the topic and Karen Schkolnick, Air Quality Manager of Strategic Incentives, who gave the staff presentation *PEV Readiness Plan Update*, including background, purpose of the plan, key findings relative to readiness, adoption rates and infrastructure, vehicle cost, actions for consideration by local governments and regional agencies, short-, medium- and long-term actions for consideration, Air District next steps in 2014, and PEV resources.

Board Comments:

The Board and staff discussed adoption rates in Contra Costa County, golf courses as possible frontrunners in solar PEV infrastructure development, a recent ordinance by the City of Palo Alto regarding charging stations, the existence of and possible technological solutions for charge- or range-anxiety, public charging station enforcement issues, the desirability of renewable energy-fueled charging stations, and the conversion rate of public parking spaces to charging stations in New York City.

Director Adams asked for information on how to help incentivize installation of charging stations in multi-family housing development.

Director Pepper noted the range of charge costs throughout the region and asked about the availability of pricing guidelines.

Chairperson Kalra suggested the data be shared with the public to see if software might be developed via the open source model to bridge some of the information gaps discussed.

Public Comments: None.

Board Action:

Director Piepho made a motion to accept the update; Director Kniss seconded; and the motion carried unanimously.

CLOSED SESSION

The Board adjourned to Closed Session at 12:00 p.m.

13. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

Pursuant to Government Code Section 54956.8, the Board met in closed session to confer with real property negotiators to discuss the disposition and leaseback of real property as follows:

Property:	939 Ellis Street, San Francisco, CA
Air District Negotiators:	Jack P. Broadbent, Executive Officer/APCO Jeffrey McKay, DAPCO Tom Christian, Cassidy Turley Ric Russell, Cassidy Turley
Negotiating Parties:	Columbia Pacific Real Estate Fund I, L.P.
Under Negotiation:	Price and Terms

OPEN SESSION

The Board resumed Open Session at 12:11 p.m. with Brian Bunger, District Counsel, reporting out the unanimous consent of those Board members present to move forward with an agreement to sell and now places that transaction in an escrow, the terms of which will be available should it consummate at the end of the process.

PUBLIC COMMENT ON NON-AGENDA MATTERS: None.

BOARD MEMBERS' COMMENTS:

Director Piepho wished everyone a Merry Christmas.

OTHER BUSINESS

14. Report of the Executive Officer/APCO:

Mr. Broadbent announced Mr. Breen as the newly appointed third DAPCO and introduced Eric Stevenson, Director of Technical Services, who presented a summary of the Winter Fine Particulate Matter Season.

The Board and staff discussed the recent fires at Sims Metal Management in Redwood City, the past Sims facility fire in Contra Costa County that resulted in a settlement agreement, the District's authority to respond to these incidents, and the Air District's involvement in criminal prosecutions for related events. Mr. Broadbent said the Board, at the request of Chairperson Kalra, will receive an update once the investigation has progressed.

The Board and staff discussed the applicability of Spare the Air Day regulations to gas-powered leaf blowers and related actions taken by local governments.

15. Chairperson's Report:

Chairperson Kalra announced the cancellation of the Board of Directors meeting on January 1, 2014.

16. Time and Place of Next Meeting:

Wednesday, January 15, 2014, Alameda County Transportation Commission Office, 1111 Broadway, Suite 800, Oakland, CA 94607 at 9:45 a.m.

17. Adjournment: The Board meeting adjourned at 12:27 p.m.

15/ Sean Gallagher

Sean Gallagher
Clerk of the Boards