



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## BOARD OF DIRECTORS REGULAR MEETING

October 15, 2014

A meeting of the Bay Area Air Quality Management District Board of Directors will be held in the 7<sup>th</sup> Floor Board Room at the Air District Headquarters, 939 Ellis Street, San Francisco, California.

### Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff Person to contact for additional information or to resolve concerns is listed for each agenda item.

### Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

This meeting will be webcast. To see the webcast, please visit <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx> at the time of the meeting.

## Public Comment Procedures

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

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

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

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

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

# BOARD OF DIRECTORS REGULAR MEETING AGENDA

WEDNESDAY  
OCTOBER 15, 2014  
9:45 A.M.

BOARD ROOM  
7TH FLOOR

## CALL TO ORDER

Chairperson, Nate Miley

1. **Opening Comments**  
**Roll Call**  
**Pledge of Allegiance**

*The Chair shall call the meeting to order and make opening comments. The Clerk of the Boards shall take roll of the Board members. The Chair shall lead the Pledge of Allegiance.*

## PUBLIC COMMENT ON NON-AGENDA MATTERS

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

*For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.*

## CLOSED SESSION

3. **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):*

- a. **Communities for a Better Environment, et al. v. Bay Area AQMD, Kinder Morgan Material Services, LLC, et al., Real Parties in Interest**, San Francisco County Superior Court, Case No. CPF-14-513557
- b. **Communities for a Better Environment v. Bay Area AQMD, Chevron Products Company, et al., Real Parties in Interest**, San Francisco County Superior Court, Case No. CPF-14-513704

4. **THREAT OF LITIGATION: CONFERENCE WITH LEGAL COUNSEL--  
ANTICIPATED LITIGATION**

*Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: one potential case.*

## OPEN SESSION

**CONSENT CALENDAR (ITEMS 5-10)**

Staff/Phone (415) 749-

5. Minutes of the Regular Board of Directors Meeting of September 3, 2014  
Clerk of the Boards/5073  
*The Board of Directors will consider approving the draft minutes of the Regular Board of Directors Meeting of September 3, 2014.*
6. Board Communications Received from September 3, 2014 through October 14, 2014  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)  
*A copy of communications directed to the Board of Directors received by the Air District from September 3, 2014 through October 14, 2014, if any, will be at each Board Member's place.*
7. Air District Personnel on Out-of-State Business Travel  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)  
*In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business in the preceding months.*
8. Notice of Violations Issued and Settlements in Excess of \$10,000 for the months of August and September 2014  
B. Bunger/4920  
[bbunger@baaqmd.gov](mailto:bbunger@baaqmd.gov)  
*In accordance with Resolution No. 2012-08, the Board of Directors will receive a list of all Notices of Violation issued, and all settlements for amounts in excess of \$10,000 for the months of August and September 2014.*
9. Consider Recommendation of Salary Increase for the Classification of Human Resources Officer  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)  
*The Board of Directors will consider amending the salary range for the position of Human Resources Officer.*
10. Selection of a Website Editor and Extension of Development and Integration Contracts for the My Air Online Program  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)  
*The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract for web editing services with Sonoma Technologies Incorporated, based on the results of an RFP, for an amount not to exceed \$120,000; and extensions to two contracts for web integration services with Cylogy in the amount of \$70,000 and website design services with Agency Oasis in the amount of \$35,000.*

## **COMMITTEE REPORT(S)**

11. Report of the **Personnel Committee** Meeting of September 22, 2014  
CHAIR: B. Wagenknecht

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

*The Committee received the following reports:*

- A) **Appeal of Air Pollution Control Officer/Executive Officer Decision on Douglas W. Hall's Complaint of Violation of the Air District's Equal Employment Opportunity Policy**

12. Report of the **Mobile Source Committee** Meeting of September 25, 2014  
CHAIR: S. Haggerty

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

*The Committee received the following reports and recommends that the Board of Directors approve the following items as indicated below:*

- A) **Projects and Contracts with Proposed Awards over \$100,000:**

1. *Approve Carl Moyer Program (CMP) and Transportation Fund for Clean Air (TFCA) projects with proposed grant awards over \$100,000;*
2. *Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into agreements for the recommended projects; and*
3. *Approve policy waivers to allow Santa Clara Valley Transportation Authority and Alameda County Transportation Commission (ACTC) to use Fiscal Year Ending (FYE) 2015 TFCA County Program Manager (CPM) Funds for bicycle sharing projects and to allow ACTC to use FYE 2014 TFCA CPM Funds to fund a shuttle project for the second year at a cost-effectiveness that aligns with the TFCA Regional Fund.*

- B) **Update on Hydrogen Fueling Stations and Vehicles**

*None; receive and file.*

- C) **Update on Plug-In Electric Vehicles (PEV) Programs**

*None; receive and file.*

13. Report of the **Climate Protection Committee** Meeting of September 29, 2014

CHAIR: J. Avalos

J. Broadbent/5052

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

*The Committee received the following reports:*

- A) **Regional Climate Protection Strategy Update**

*None; receive and file.*

- B) **Climate Readiness Institute**

*None; receive and file.*

14. Report of the **Stationary Source Committee** Meeting of October 1, 2014

CHAIR: J. Gioia

J. Broadbent/5052

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

*The Committee received the following reports and recommends that the Board of Directors approve the following item as indicated below:*

- A) **Update on Bay Area Air Quality Trends and Refinery Emissions**

*None; receive and file.*

- B) **Update on the Development of Regulation 12, Rule 15: Petroleum Refining Emissions Tracking and the Development of Options to Limit Emissions at Bay Area Refineries**

*None; receive and file.*

15. Resolution Regarding Tracking and Reducing Refinery Emissions

J. Broadbent/5052

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

*The Board of Directors will consider approval of a resolution directing staff to develop a strategy to track and reduce emissions from Bay Area refineries.*

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

### **16. 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**

17. *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**

18. Report of the Executive Officer/APCO

19. Chairperson's Report

20. Time and Place of Next Meeting:

*Wednesday, November 5, 2014, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.*

21. Adjournment

*The Board meeting shall be adjourned by the Board Chair.*

**CONTACT THE CLERK OF THE BOARDS  
939 ELLIS STREET SF, CA 94109**

**(415) 749-5073  
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.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109**  
**FOR QUESTIONS PLEASE CALL (415) 749-5016 or (415) 749-4941**

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

**OCTOBER 2014**

<b><u>TYPE OF MEETING</u></b>	<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>ROOM</u></b>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	15	9:45 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	20	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month) - CANCELLED</i>	Wednesday	22	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	23	9:30 a.m.	Board Room
<b>Board of Directors Public Outreach Committee</b> <i>(At the Call of the Chair)</i>	Thursday	30	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

**NOVEMBER 2014**

<b><u>TYPE OF MEETING</u></b>	<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>ROOM</u></b>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	12	9:00 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	17	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Nominating Committee</b> <i>(At the Call of the Chair)</i>	Wednesday	19	9:30 a.m.	Room 716
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
<b>Board of Directors Climate Protection Committee</b> – <i>(Meets 3<sup>rd</sup> Thursday every other Month)</i>	Thursday	20	9:30 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Monday	24	9:30 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i> - CANCELLED AND RESCHEDULED TO MONDAY, NOVEMBER 24, 2014 DUE TO THANKSGIVING HOLIDAY	Thursday	27	9:30 a.m.	Board Room



## DECEMBER 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	3	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	10	9:00 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	15	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	17	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	24	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	25	9:30 a.m.	Board Room

HL – 10/8/14 (9:25 a.m.)

P/Library/Forms/Calendar/Calendar/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: October 1, 2014

Re: Minutes of the Regular Board of Directors Meeting of September 3, 2014

RECOMMENDED ACTION

Approve the attached draft minutes of the Regular Board of Directors Meeting of September 3, 2014.

DISCUSSION

Attached for your review and approval are the draft minutes of the Regular Board of Directors Meeting of September 3, 2014.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez

Attachment: Draft Minutes of the Regular Board of Directors Meeting of September 3, 2014

## AGENDA 5 - ATTACHMENT

Draft Minutes - Board of Directors Regular Meeting of September 3, 2014

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

Board of Directors Regular Meeting  
Wednesday, September 3, 2014

### **DRAFT MINUTES**

1. **CALL TO ORDER:** Vice-Chairperson Carole Groom called the meeting to order at 9:46 a.m.

**Opening Comments:** None.

**Pledge of Allegiance:** Vice-Chairperson Groom led the Pledge of Allegiance.

#### **Roll Call:**

Present: Chairperson Nate Miley; Vice-Chairperson Carole Groom; and Directors Susan Adams, John Avalos, Teresa Barrett, Tom Bates, Cindy Chavez, John Gioia, Scott Haggerty, Roger Kim (on behalf of Edwin Lee), Carol L. Klatt, Liz Kniss, Jan Pepper, Mark Ross and Shirlee Zane.

Absent: Secretary Eric Mar; and Directors Margaret Fujioka, David Hudson, Ash Kalra, Mary Piepho, Jim Spering and Brad Wagenknecht.

2. **PUBLIC COMMENT ON NON-AGENDA MATTERS:**

Sylvia Gray-White, Communities for a Better Environment (CBE), addressed the Board of Directors (Board) to ask why the Chevron Richmond refinery is allowed to operate on Spare the Air Days and why a Spare the Air Day was not announced the day in August 2012 when the Chevron Richmond Refinery event occurred.

Andrés Soto, CBE and Benicians for a Safe and Healthy Community (BSHC), addressed the Board to suggest that the recent discovery regarding the collusion of leadership at Pacific Gas & Electric and the California Public Utilities Commission could be a story retold about Chevron and the Air District and to ask the Board to act to prevent this from happening.

Bill Pinkham, 350 Bay Area and Sunflower Alliance, addressed the Board regarding the absence of time remaining to avoid hitting a climate point-of-no-return and asked for an immediate limit on pollutants.

NOTED PRESENT: Director Chavez was noted present at 9:53 a.m.

Greg Karras, CBE, addressed the Board regarding negotiations between the City of Richmond, Chevron and community groups to resolve the outstanding issues relative to the recent approval of the Chevron Richmond Refinery project.

NOTED PRESENT: Director Haggerty was noted present at 9:55 a.m.

**CONSENT CALENDAR (ITEMS 3 – 13)**

- 3. Minutes of the Special Board Meeting of July 31, 2014;**
- 4. Board Communications Received from July 31, 2014 through September 2, 2014;**
- 5. Quarterly Report of the Executive Office and Division Activities;**
- 6. Quarterly Report of California Air Resources Board (ARB) Representative – Honorable John Gioia;**
- 7. Air District Personnel on Out-of-State Business Travel;**
- 8. Notice of Violations Issued and Settlements in Excess of \$10,000 in July 2014;**
- 9. Consider Authorizing the Executive Officer/Air Pollution Control Officer (APCO) to Execute a Contract Extension to Technical and Business Systems and Execute a Purchase Order 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;**
- 10. Consider Authorizing the Executive Officer/APCO to Execute a Contract Amendment with Peelle Technologies;**
- 11. California Air Monitoring Network Assessment: Consider Acceptance of Environmental Protection Agency Grant Money and Extension of Contract;**
- 12. Consider Approval of Employee Contract Amendments for the Executive Officer/APCO and District Counsel; and**
- 13. Set Public Hearing for November 5, 2014, to Consider Adoption of Proposed Regulation 12, Rule 15: Petroleum Refining Emissions Tracking; and Approval of a California Environmental Quality Act (CEQA) Negative Declaration.**

Board Comments:

Agenda Items #12, Consider Approval of Employee Contract Amendments for the Executive Officer/APCO and District Counsel, and #13, Set Public Hearing for November 5, 2014, to Consider Adoption of Proposed Regulation 12, Rule 15: Petroleum Refining Emissions Tracking; and Approval of a CEQA Negative Declaration, were removed from the consent calendar for consideration.

Public Comments: No requests received.

Board Action:

Director Haggerty made a motion, seconded by Director Klatt, to approve Consent Calendar Items 3 through 11, inclusive; and the motion carried by the following vote of the Board:

AYES: Adams, Avalos, Barrett, Bates, Chavez, Gioia, Groom, Haggerty, Kim, Klatt, Ross and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Fujioka, Hudson, Kalra, Kniss, Mar, Miley, Pepper, Piepho, Spring and Wagenknecht.

**12. Consider Approval of Employee Contract Amendments for the Executive Officer/APCO and District Counsel**

Board Comments: None.

Public Comments:

Mr. Soto addressed the Board in opposition to approval of the employee contract amendments based on staff testimony on the Chevron permit at the Richmond City Council hearing.

NOTED PRESENT: Director Pepper was noted present at 9:59 a.m.

Board Action:

Director Chavez made a motion, seconded by Director Haggerty, to approve employee contract amendments for the Executive Officer/APCO and District Counsel; and the motion carried by the following vote of the Board:

AYES: Adams, Avalos, Barrett, Bates, Chavez, Gioia, Groom, Haggerty, Kim, Klatt, Ross and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Fujioka, Hudson, Kalra, Kniss, Mar, Miley, Pepper, Piepho, Spring and Wagenknecht.

NOTED PRESENT: Director Kniss was noted present at 10:01 a.m.

**13. Set Public Hearing for November 5, 2014, to Consider Adoption of Proposed Regulation 12, Rule 15: Petroleum Refining Emissions Tracking; and Approval of a CEQA Negative Declaration**

Jack Broadbent, Executive Officer/APCO, introduced the topic and Jean Roggenkamp, Deputy APCO, who gave the staff presentation *Set Public Hearing: Petroleum Refining Emissions Tracking Rule*, including a map of Bay Area refineries, stationary source emission trends 1980 – 2010, factors affecting Bay Area refineries, proposed rule elements, next steps and recommendation.

Mr. Broadbent provided additional comments regarding staff commitments, the goal of the rule, the state of operations at the refineries, community interest in rulemaking, staff's commitment to work

with all parties to see what elements make sense for incorporation, and the possibility of the public hearing being reset for a later date.

Board Comments:

The Board and staff discussed the difficult history of this rule making; the possibility of including provisions addressing emission decreases; the likelihood of this item being discussed further at the Stationary Source Committee (SSC) meeting in October; the ongoing outreach plan before the public hearing to consider adoption; expectations regarding the rulemaking as being proposed comprehensively or sequentially; the benefits of resetting the public hearing for a later than anticipated date in order to hear all comments and consider all proposals; which groups were involved in the rule development process to date; the adequacy of health risk assessments (HRAs); whether HRAs have led to any refinery emissions mitigations and the details of the same; and the importance of sharing with the Board any additional information available to staff when they are asked to consider the proposed rule.

Director Adams requested a copy of the proposed rule as soon as possible after it is available to allow an opportunity for its comprehensive review.

NOTED PRESENT: Chairperson Miley was noted present at 10:14 a.m.

Director Zane requested that a comprehensive list of all those groups involved in the rulemaking to date be provided at the next Board meeting.

Public Comments:

David McCoard, Sierra Club, addressed the Board to advocate for strong regulations that protect the community.

Jeff Kilbreth addressed the Board regarding the seeming abandonment of the concept of continual emissions improvement to be replaced by a concept of avoiding worsening of emissions and to suggest that industry has no incentive for improvement other than regulation.

Director Gioia noted that slide 7, *Next Steps*, includes “Seek Additional Emission Reductions” as a stated goal of the Air District and staff.

Ethan Bucker, Forest Ethics, addressed the Board to suggest that residents of Contra Costa County endure emissions like no other region in the U.S. and that a rule that does not include emissions reductions is unacceptable.

John Ribeiro-Broomhead, Sierra Club, addressed the Board in gratitude for the urgency expressed in Air District messaging and by the parties in their engagement of climate-related matters.

Jess-Dervin Ackerman, Sierra Club San Francisco Bay Chapter, addressed the Board in follow up to the 800 pieces of correspondence provided directly to the individual members of the Board and to request Board action instead of endless studies.

Reverend Earl W. Koteen, Sunflower Alliance, addressed the Board to request that this matter be considered within, and with an understanding of how critical this is to, the larger context.

Diane Bailey, Natural Resources Defense Council (NRDC), addressed the Board regarding the existence of deaths attributed to air quality in the U.S. each year and to support a rule that includes emissions reductions and is presented as a single, comprehensive proposal instead of a sequential one.

Ben Keller, Sunflower Alliance, addressed the Board in support of a strong rule.

Greg Karras addressed the Board to request the inclusion in the proposed rule of a provision requiring all refineries either achieve a 20% reduction in pollutants known to cause harm or utilize best available control technology; in support of a postponed rule adoption hearing if necessary for the inclusion of reductions provisions; to suggest that it is economically feasible for all of the refineries to modify operations to reduce emissions with current technology; and to propose that recent permitting applications provide an opportunity for the Air District to impose stricter emissions standards or, to the extent there is disagreement on that point, to suggest the Board become involved in the discussion.

Claire Broome addressed the Board to state that studies are important but when a situation is dire, an interim action must be taken to avoid the public health consequences of inaction, and in support of a rule with an emissions reduction provision.

Ann Puntch addressed the Board to read correspondence to the Board from Marilyn Bardet regarding a Board vote to protect the air and public health, a copy of which was purportedly provided via email directly to the individual members of the Board.

Tom Griffith, Martinez Environmental Group (MEG), addressed the Board to commend the comments made by Director Zane, to encourage the other members of the Board to follow suit and to suggest that the comments by Chairperson Miley tend to end, instead of encourage, discussion.

Chairperson Miley stated that his comments were made to clarify what is on the agenda today and the resulting limitations imposed on the discussion under the Brown Act.

Denny Larson, Global Community Monitor (GCM), addressed the Board to suggest that the event at the Chevron Richmond Refinery in August 2012 is an example of the result of inadequate regulations and any limitations imposed on the dialogue today will control the outcome of the rulemaking process.

Chairperson Miley clarified that the SSC will meet in October to allow for public input on the substance of the rulemaking; said staff has been directed to consider input received; and explained the rulemaking process again.

Director Gioia noted that the Board is hearing the public comments regarding the need for the provisions requiring reductions as well as staff and Board comments that support the same.

Jed Holtzman, 350 Bay Area, addressed the Board to commend the comments by those before him, as well as the monitoring work and data provided, and in support of a stronger rule.

Alejandro Soto-Vigil, Rent Stabilization Board Berkeley, addressed the Board regarding the lack of diversity among Air District staff; to suggest staff do not reside near the refineries; and in support of an emissions reductions provision in the rule.

Siengther Lathanasouk, Asian Pacific Environmental Network (APEN), (with translation service provided by an unnamed individual) addressed the Board regarding the long-term personal health impact of the Chevron Richmond Refinery event in August 2012; the disproportionate burden the refinery places on the residents of the neighboring community; and to express his concern about continued contact with the refinery.

Lipo Chanthanasuk, APEN, addressed the Board regarding his personal history and the various refinery events he and his family have endured since moving to the Bay Area in 1991, along with the long-term health consequences of the same.

Torm Uompraseurt, APEN, addressed the Board regarding his air quality experiences during his 39-year residency in the Richmond area and to encourage strong and swift action to avoid further unnecessary deaths and illnesses in his community.

Megan Zapanta, APEN, addressed the Board to suggest that refugees deserve better from the U.S. and to call upon the Air District to impose rigorous environmental protections.

Nile Malloy, CBE, addressed the Board regarding the troubling absence of “emissions reductions” in the meeting agenda; to ask if “emissions reductions” should be included in the agenda if it is an Air District priority; to suggest that HRAs regarding refineries involve a number of grandfathering provisions; and to say that local communities are being successfully intimidated and bought off by industry.

Marie Harrison, Greenaction, addressed the Board regarding her support for the communities neighboring the refineries who are expressing their concerns; to demand action to stop the pollution of the air; and to suggest it is the same message you will receive from the public anywhere in the Bay Area on any air quality topic.

Guy Bjerke, Western States Petroleum Association, addressed the Board regarding the absence of many interested constituencies at today’s meeting because of the narrow subject of the item, not a lack of interest; to suggest that a number of other rules are in place that regulate refinery emissions; and to propose that more refinery emissions-related rules are likely in the future as a result of other planning efforts already in motion.

Nancy Rieser, Crockett-Rodeo United to Defend the Environment (CRUDE), addressed the Board regarding industry’s ability to reduce emissions but decision not to do so; the Board’s duty to protect the public; the inability of HRAs to clean up anything; the Board’s accountability to the public and their only job as cleaning up pollution.

Chairperson Miley stated that the Board is aware of and understands its responsibilities.



Board Action:

Director Gioia made a motion, seconded by Director Adams, to set a public hearing for November 5, 2014 to consider adoption of proposed Regulation 12, Rule 15: Petroleum Refining Emissions Tracking; and approval of a CEQA Negative Declaration.

Board Comments (continued):

The Board and staff discussed the seeming alignment of the staff recommendation, Board commitment and public comments; Chairperson Miley's record of and the Board's commitment to defending public health in the face of strong opposition; interest in emissions reductions proposals; the lack of clarity regarding the agenda item today; the proposed rulemaking as a cause for concern in its currently proposed form; the Board and staff's gratitude for the public's input; and the possibility that the public hearing will be after November 5 to provide adequate time to review and consider various concepts and mechanisms to achieve reductions.

Director Pepper requested an informational presentation regarding HRAs.

Director Zane requested that clear enforcement timeline provisions be included in the rule and material that goes to the SSC and Board, along with information that explains why refineries have been asked to perform their own HRAs instead of utilizing independent assessments.

Board Action (continued):

The motion carried by the following vote of the Board:

AYES: Adams, Barrett, Bates, Chavez, Gioia, Groom, Kim, Klatt, Kniss, Miley, Pepper, Ross and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Avalos, Fujioka, Haggerty, Hudson, Kalra, Mar, Piepho, Spring and Wagenknecht.

**PRESENTATIONS**

**14. Health Risk Assessment (HRA) Guidelines Revisions (Out of Order Agenda Item #15)**

The Board postponed this item to a future meeting date.

**15. Report on CalEnviroScreen, California Environmental Protection Agency's (CalEPA) Method for Identifying Disadvantaged Communities (Agenda Item #14)**

Mr. Broadbent introduced the topic and Phil Martien, Air Quality Engineering Manager of Planning, Rules and Research, who gave the staff presentation *Report on CalEnviroScreen: CalEPA's Method for Identifying Disadvantaged Communities*, including cap-and-trade auction proceeds; Senate Bill

(SB) 535 requirements and definition of disadvantaged communities; examples of projects; State agency roles to implement SB 535; CalEnviroScreen explanation; Air District example; CalEnviroScreen scoring method and impact for Bay Area; ARB interim guidance; concerns about scoring method, indicator weighting and missing data; recommended changes to CalEnviroScreen and potential impact; outreach by Air District staff; and opportunities to comment.

Board Comments:

The Board and staff discussed the importance of this issue for the Bay Area; the possible divergence between the presumed legislative intent and implementation; others who agree with the Air District's objection to the current implementation plan; the absence of population density as a variable and the questionable math given the actual variables; staff discussions with the author of SB 535 regarding the alignment of legislative intent and implementation; the support of the City and County of San Francisco for the intent of SB 535 but with a concern about its implementation and its offer of support to the Air District; the percentage of funds allocated in various project categories; cost of living as an important, but unrecognized, factor in allocations; the history of Air District support for SB 535; the number of disadvantaged communities in Contra Costa County as a clear example that the current CalEPA method is inadequate; the importance of a real nexus relative to satisfying the provision "benefit disadvantaged communities"; whether high speed rail is an eligible project for this category of funding; and the actual existence of disadvantaged communities in the San Joaquin Valley that should not be deprived a source of funding.

Director Gioia asked that an altered version of slide 15, *CalEnviroScreen Method / Air District Recommended Method*, that highlights those communities that fit the description in slide 11, *ARB Interim Guidance*, bullet 2, be provided to the Board.

Director Adams requested a chart that breaks down the various project categories and revenue commitments under SB 535.

Public Comments:

Dennis Dalton addressed the Board to suggest the agenda be improved for future meetings and the Chairperson provide an overview of proceedings at the beginning of each meeting.

Mr. Soto addressed the Board in support of Air District efforts to amend the method used to identify disadvantaged communities.

Shasa Curl, City of Richmond, addressed the Board to read a prepared statement regarding the support of the City of Richmond for Air District efforts to modify the method used to identify disadvantaged communities and to suggest additional amendments.

Ms. Harrison addressed the Board regarding of her community, Bayview-Hunters Point, being ignored as a disadvantaged community based on the current CalEnviroScreen methodology; to warn that implementation based on this current methodology will create a deep divide between the community and its leaders; and in support of Air District efforts to modify the method used to identify disadvantaged communities.

Leotis Martin, Huntersview Mothers Fathers Committee, addressed the Board in support of Air District efforts to modify the method used to identify disadvantaged communities and to suggest that community representatives will continue to attend meetings until this is fixed.

Board Comments (continued):

The Board and staff discussed the erroneous exclusion of population density from the calculations; the possibility for improvements to the map through advocacy; and the need to work to change the definitions in SB 535 and the CalEnviroScreen itself.

Board Action: None; receive and file.

**16. Testing Evaluation Methodology for Fluid Catalytic Cracking Units (FCCUs)**

Ms. Roggenkamp introduced Eric Stevenson, Director of Technical Services, who gave the staff presentation *Testing Method Evaluations for FCCUs*, including background, particulate matter (PM) components, source testing issues for condensable PM (CPM), PM component emission limits, current actions and next steps.

Board Comments:

The Board and staff discussed the applicability of testing standards for CPM and the extent of CPM testing done outside of regulatory standards; information relative to Method 202 issues in other regions; whether externalities are affecting PM outside the stack and making monitoring methodology challenging to establish; if monitoring methodologies utilized for ozone could be applied to CPM; the end point on this topic and the likely timeline for a rulemaking if and when an effective test method is established; how South Coast Air Quality Management District (SCAQMD) deals with this issue, if the Air District is following suit and whether SCAQMD's method has been challenged in the courts.

Public Comments:

Greg Karras, on behalf of representatives of CBE, Sunflower Alliance, 350 Bay Area, Sierra Club, Greenaction, BSHC, APEN, GCM and NRDC who yielded their time, addressed the Board regarding the policy nature of this decision and the admission by Chevron of the presence of harmful pollutants that can be mitigated with the proper technology and processes.

Board Action: None; receive and file. The Board directed staff to take all reasonable measures to reduce and prevent harmful air pollution, including fine PM, which should be implemented without unnecessary delay and that there be a report back to the Board on what actions may be appropriate to achieve that objective.

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

Jed Holtzman addressed the Board regarding the seemingly mixed position taken by the Air District on Assembly Bill 2145 (Bradford) and to encourage the launch of community choice aggregates by Bay Area communities as soon as possible before the bill likely returns during the next legislative session.

**BOARD MEMBERS' COMMENTS:** None.

**OTHER BUSINESS**

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

Mr. Broadbent gave the staff presentation *Summary of Ozone Seasons*.

**18. Chairperson's Report:** None.

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

Wednesday, September 17, 2014, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

**20. Adjournment:** The Board meeting adjourned at 12:56 p.m.

Sean Gallagher  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: October 10, 2014

Re: Board Communications Received from September 3, 2014 through October 14, 2014

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from September 3, 2014 through October 14, 2014, if any, will be at each Board Member's place at the October 15, 2014 Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Vanessa Johnson  
Reviewed by: Maricela Martinez

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 2, 2014

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

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

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

The report covers the out-of-state business travel for the months of August and September 2014. The monthly out-of-state business travel report is presented in the month following travel completion.

DISCUSSION

The following out-of-state business travel activities occurred in the months of August and September 2014:

- Steve Randall, Air Monitoring Manager, attended the National Ambient Air Monitoring Conference in Atlanta, GA August 10, 2014 – August 14, 2014
- Mairi Beacon, Senior AQ Chemist, attended the National Ambient Air Monitoring Conference in Atlanta, GA August 10, 2014 – August 15, 2014
- Mark Stoelting, Principal Air / Meteorology Monitoring Specialist, attended the National Ambient Air Monitoring Conference in Atlanta, GA August 10, 2014 – August 14, 2014
- Eric Stevenson, Technical Services Division Director, attended NACAA /EPA National Air Monitoring Conference in Atlanta, GA August 10, 2014 – August 15, 2014
- Jaime Williams, Information Technology Officer, attended Website Code Review with Oasis Technology Partners, Inc. in Boston, Massachusetts August 20, 2014 – August 22, 2014
- Anja Page, Webmaster, attended Website Code Review with Oasis Technology Partners, Inc. in Boston, Massachusetts August 20, 2014 – August 22, 2014

- David Fairley, Research & Modeling Statistician, attended the International Aerosol Conference in Busan, South Korea August 27, 2014 – September 3, 2014 (conference registration only)
- Jack Broadbent, Executive Officer/APCO, attended BIT's 4<sup>th</sup> Low Carbon Earth Summit 2014 in Qingdao, China September 15, 2014 – September 23, 2014
- Jackie Winkel, Environmental Planner, attended the Pro Walk/Pro Bike Conference in Pittsburgh, PA September 8, 2014 – September 11, 2014
- Patrick Wenzinger, SID Administrative Analyst, attended North American Bike Share Association Annual Meeting 2014 in Pittsburgh, PA September 6, 2014 – September 9, 2014

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Stephanie Osaze

Reviewed by: Jeff McKay

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: October 7, 2014

Re: Notices of Violation Issued and Settlements in Excess of \$10,000 for the months of  
August and September 2014

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RECOMMENDED ACTION:

None; receive and file.

DISCUSSION

In accordance with Resolution No. 2012-08, attached to this Memorandum is a listing of all Notices of Violation issued, and all settlements for amounts in excess of \$10,000 during the calendar month prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties collected are included in the Air District's general fund budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Brian C. Bunger

Attachments



**NOTICES OF VIOLATION ISSUED**

The following Notice(s) of Violation were issued in August 2014:

<b>Alameda</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Discovery Foods LLC	B6663	Hayward	A50213A	8/4/14	2-1-307	>Ringleman 1.0 >4 min PC 21948

<b>Contra Costa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Department of Water Resources	B9214	Byron	A53172A	8/13/14	2-1-307	Standby generator went over permitted hours
Department of Water Resources	B9214	Byron	A53952A	8/13/14	2-1-307	Exceeded 50 hours of reliability testing
Environmental Abrasive Blasting & Coating	B6774	Martinez	A53954A	8/25/14	8-19-313	Non-Compliant Spray gun
Telfer Oil Company	A7979	Martinez	A53953A	8/25/14	2-1-302	Unpermitted Wipe Cleaning Operation; >20g per year
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53878A	8/6/14	9-2-301	>60 ppb/3min @ Waterfront GLM
United Spiral Pipe LLC Manufacturing Plan	B8478	Pittsburg	A53173A	8/27/14	2-6-307	S #8 baghouse pressure over permit limit
West Contra Costa County Landfill	A1840	Richmond	A53977A	8/19/14	2-6-307	CO >309 ppm @ 15% O2 / Failed Source test #15007
Olde World Mill & Cabinet	E1592	Martinez	A53092A	8/7/14	2-1-302	No P/O, no daily records

Olde World Mill & Cabinet	E1592	Martinez	A53092B	8/7/14	8-32-501.2	No P/O, no daily records
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<b>Marin</b>						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Novato Sanitary District	A1275	Novato	A52688A	8/14/14	2-1-307	Permit Condition #24392(3.1) associated with excess # 06N31, 06N32, 06N33, 06N34

<b>San Francisco</b>						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Simple Pleasures Coffee Roasting Co	B9286	San Francisco	A54027A	8/4/14	2-1-307	No continuous temperature recording device
Superior Furniture Stripping & Refinishing	B3056	San Francisco	A52146A	8/19/14	2-1-302	Operating permitted source with an expired permit to operate

<b>Santa Clara</b>						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Dickinson Cabinetry	B1680	San Jose	A54003A	8/4/14	8-32-303	Non compliant stains, VOC more than 350 g/l
Lehigh Southwest Cement Company	A0017	Cupertino	A52616A	8/13/14	9-13-501.2	Non compliance of rule due to breach of enforcement agreement
Lehigh Southwest Cement Company	A0017	Cupertino	A52617A	8/13/14	9-13-301.6	Greater than 55 lbs Hg/million tons of clinker limit
Lehigh Southwest Cement Company	A0017	Cupertino	A54028A	8/13/14	2-6-307	Visible emission greater than 10% opacity

Regional Medical Center of San Jose	A2457	San Jose	A54004A	8/12/14	9-7-506	Failed to conduct Annual Source Test
The Terraces at Los Altos	A8583	Los Altos	A52618A	8/14/14	2-1-307	Reliability usage greater than 20 hours per year PC #22820

<b>Solano</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
ALCO Iron & Metal Company	B7932	Vallejo	A52753A	8/29/14	5-301	Burning insulation on copper wire
All-Points Petroleum	W7608	Benicia	A53564A	8/15/14	8-33-304	8-33-304.7 CT#204101, failure to meet year round decay rate
Henner Tank Lines	W7609	Vacaville	A53565A	8/15/14	8-33-304	8-33-304.7 CT#207825, failure to meet year round decay rate

<b>Sonoma</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
City of Petaluma, Dept of Water Resources & Convs	A1071	Petaluma	A52687A	8/12/14	2-1-307	Permit Condition #22134 (4d) for associated excesses # 06K79, 06K80, 06K85, 06L07

<b>District Wide</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
KAG West, LLC	N1032	West Sacramento	A53563A	8/15/14	8-33-304	8-33-304.7 CT#106490, failure to meet year round decay rate

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

There was 1 settlement for \$10,000 or more completed in August 2014.

On August 28, 2014, the District reached a settlement with Valero Refining Company - California for \$99,000, regarding the allegations contained in the following 14 Notices of Violation:

NOV	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A51773A	2/22/12	11/22/11	8-5-306	8-5-306.2 P/V value(s) leaking > 500ppm. (SV-2078A & SV-2078C) Valero Dev. Ref. #757
A51774A	2/28/12	11/28/11	8-5-306	8-5-306.2 P/V valve leaking > 500ppm. (tag #83038)
A51775A	2/22/12	11/28/11	8-5-306	8-5-306.2 P/V valve(s) leaking > 500ppm (sv-1705A & 1705B)
A51868A	1/25/12	9/30/10	2-6-307	Excess NMHC lb/hr limit, 15 lb/day (05V88)
A51870A	2/8/12	4/21/11	8-18-306	8-18-306.1 Failure to complete DOR pump repair during 1Q-2011 T/A
A52327A	4/11/12	11/7/11	10	Exceeded the 3hr ave H2S limit at LPFG (06C15)
A52328A	4/11/12	11/6/11	2-6-307	Failure to meet P/C#19177pt19 for H2S 3hr ave (06C16)
A52330A	4/24/12	11/22/11	9-1-307	Excess SO2 at main stack (06C41)
A52331A	4/24/12	11/12/11	10	Excess H2S in LPFG (06C30)
A52332A	4/24/12	11/12/11	2-6-307	Excess H2S in fuel gas per P/C19177 19 (06C31)
A52335A	5/3/12	1/31/11	8/8/2000	8-8-314 Failure to report NSP inspections, perform FGS drain inspections, FGS S/U notification.
A52335B	5/3/12	1/31/11	10	Failure to report NSP inspections, perform FGS drain inspections, FGS S/U notification.
A52336A	5/3/12	9/27/11	2-6-307	Excess H2S concentrations in LP FG (06B67)
A52337A	5/21/12	11/13/11	1-523.1	Late reporting of in-operative flow monitor at WWT.
A52350A	12/12/12	1/17/11	8-33-309	8-33-309.15 incorrect placement of sample lines
A52350B	12/12/12	1/17/11	8-33-309	8-33-309.8 no inspection

**NOTICES OF VIOLATION ISSUED**

The following Notice(s) of Violation were issued in September 2014:

<b>Alameda</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Hayward Waste Water Treatment Plant	A1009	Hayward	A54005A	9/29/14	2-1-307	No annual source test

<b>Contra Costa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Criterion Catalysts Company LP	A0227	Pittsburg	A53174A	9/4/14	2-6-307	Afterburner dropped below 1400F temp limit
Criterion Catalysts Company LP	A0227	Pittsburg	A53175A	9/4/14	2-6-307	Afterburner dropped below 1400F temp limit
Pacific Gas & Electric Co	A0541	Concord	A53093A	9/11/14	2-6-311	Operated below 1500 degrees F temp limit
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53879A	9/10/14	8-5-320.5.3	gap in pipe well
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53880A	9/10/14	2-1-301	No authority to construct
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A53881A	9/10/14	9-1-307	>250 ppm sulfur dioxide

<b>San Francisco</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
San Francisco, City & County, PUC	A4116	San Francisco	A54030A	9/18/14	2-1-307	Release of digester gas to atmosphere

<b>San Mateo</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Ameresco Half Moon Bay LLC	B7040	Half Moon Bay	A53955A	9/30/14	8-34-501.6	No records of leak monitoring or repairs. No quarterly leak monitoring.
Ameresco Half Moon Bay LLC	B7040	Half Moon Bay	A53955B	9/30/14	8-34-503	No records of leak monitoring or repairs. No quarterly leak monitoring.
Atlantic Richfield Company c/o Stantec	E0271	San Bruno	A53904A	9/25/14	2-1-307	Permit condition #24686, benzene >0.01 lb/day
Atlantic Richfield Company c/o Stantec	E0271	San Bruno	A53905A	9/25/14	2-1-307	Missing temperature records Aug 2013 through March 2014
SFPP, LP	A4021	Brisbane	A53906A	9/29/14	8-33-308	RCA#06R39. HC concentration >3000ppm as methane in headspace of vapor tank
SFPP, LP	A4021	Brisbane	A53907A	9/29/14	8-5-305.5	RCA#06R61. Gauge float stuck below product surface

<b>Santa Clara</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Ameresco Santa Clara LLC	B9158	Santa Clara	A51384A	9/25/14	8-34-501.6	Includes S#2, 3 in this violation
Ameresco Santa Clara LLC	B9158	Santa Clara	A51384B	9/25/14	8-34-503	Includes S#2, 3 in this violation
Babbitt Bearing Co Inc	A4019	San Jose	A26690A	9/9/14	2-1-307	ID #06471-2c / 17CCR-93102.9d2, Lab #13-008 Sfc Tension 51 > 45 dynes/cm
City of Sunnyvale Water Pollution Control	A0733	Sunnyvale	A51097A	9/26/14	2-6-307	S-16, S-17,S-18, plant did not complete periodic engine oil changes within the 1440 hr. of runtime as required under NESHAP rules/ permit condition

O L S Energy- Agnews	A6044	San Jose	A52019A	9/18/14	2-6-307	Late reporting of semi- annual report
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<b>Solano</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Valero Benicia Asphalt Plant	A0901	Benicia	A53814A	9/3/14	8-18-402.1	(2 quarters) Total of 22 valves not identified
Valero Benicia Asphalt Plant	A0901	Benicia	A53815A	9/17/14	2-6-307	(Excess ID-06P91) Temperature <1400 degrees F
Valero Refining Company - California	B2626	Benicia	A53811A	9/2/14	2-6-307	(Excess ID-06N81) CO >100 ppm & 4402 lbs/calendar day
Valero Refining Company - California	B2626	Benicia	A53812A	9/2/14	2-6-307	(Excess ID-06P21) CO >100 ppm & 4402 lbs/calendar day
Valero Refining Company - California	B2626	Benicia	A53813A	9/2/14	8-18-402.1	(4 quarters) Total 499 valves not identified & 48 open-ended lines
Valero Refining Company - California	B2626	Benicia	A53813B	9/2/14	10	(4 quarters) Total 499 valves not identified & 48 open-ended lines
Valero Refining Company - California	B2626	Benicia	A53816A	9/22/14	8-18-301	Two open-ended sample lines leaking >100 ppm

<b>Sonoma</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
City of Santa Rosa Wastewater Treatment	A1403	Santa Rosa	A53728A	9/16/14	2-6-307	Source test - Excess NOx emissions

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

There were 2 settlement(s) for \$10,000 or more completed in September 2014.

- 1) On September 2, 2014, the District reached a settlement with Chevron Products Company for \$278,000, regarding the allegations contained in the following 27 Notices of Violation:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A52171A	1/8/13	7/26/12	8-5-301	true vapor pressure in tank 397 exceeded 0.5psia
A52176A	3/21/13	11/29/12	8-10-502	deviation 3439, non-EPA method 21 monitor used
A52246A	7/10/12	3/9/12	8-2-301	dev.#3191 LPG leak >15lbs/day and 300ppm emissions
A52247A	9/5/12	5/21/12	8-2-301	dev.#3272 D&R flare valve open releasing >15lbs/day non-methane hydrocarbon
A52248A	9/5/12	4/10/12	8-2-301	Deviation #3234 K-1171A leak > 15 lbs/day
A52249A	7/19/13	6/19/13	8-18-304	8-18-304.2 Separator #2a blower casing leaks >100ppm
A52249B	7/19/13	6/19/13	8-18-401	8-18-401.6 Separator #2a blower casing leaks >100ppm
A52249C	7/19/13	6/19/13	8-18-402	Separator #2a blower casing leaks >100ppm
A52250A	9/9/13	4/25/13	12-11-502.3.1	Missed flare sample on 4/25/13
A52251A	9/9/13	4/28/13	2-1-301	T-1493 does not meet exemption per 2-1-123.3.3
A52251B	9/9/13	4/28/13	2-1-302	T-1493 does not meet exemption per 2-1-123.3.3
A52427A	6/7/12	6/6/12	2-6-307	number of valves in violation at FCC plant(s) does not match titleV deviation report
A52430A	6/12/12	11/11/11	2-6-307	violation of PC#23735
A52430B	6/12/12	11/11/11	10	violation of 40CFR60subpartJ(60.104)(a)(1)
A52431A	8/3/12	4/20/12	10	dev#3224, 40CFR60subpartJ (60.104(a)(1))
A52431B	8/3/12	4/20/12	2-6-307	failure to meet permit condition



A52437A	1/15/13	8/6/12	2-6-307	PC#23735, 40CFR60subpartJ(60.104(a)(1))
A52437B	1/15/13	8/6/12	10	PC#23735, 40CFR60subpartJ(60.104(a)(1))
A52438A	1/15/13	8/1/12	2-6-307	PC#23735, 40CFR60subpartJ(60.104(a)(1))
A52438B	1/15/13	8/1/12	10	PC#23735, 40CFR60subpartJ(60.104(a)(1))
A52439A	1/30/13	7/22/12	2-6-307	PC#1162,section6 - NOx excess @ cogen plant, gas turbine, 2000 train
A52439B	1/30/13	7/22/12	9-9-301.2	PC#1162,section6 - NOx excess @ cogen plant, gas turbine, 2000 train
A52444A	5/8/13	8/28/12	2-6-307	pc#23735, dev.#3375
A52444B	5/8/13	8/28/12	10	40CFR60subpartJ(60.104(a)(1)), dev.#3375
A52445A	5/8/13	4/11/12	8-2-301	dev#3236, LPG release >300ppm & 15lbs/day
A52446A	5/15/13	6/24/12	2-6-307	PC#23735, 40CFR60subpartJ(60.104(a)(1)) dev#3301
A52446B	5/15/13	6/24/12	10	PC#23735, 40CFR60subpartJ(60.104(a)(1)) dev#3301
A52447A	7/9/13	6/19/13	8-8-312	forebay covers not vapor tight during periods of non-active maintenance/inspection
A52448A	7/9/13	6/21/13	8-8-402.1	8-8-402.1 recovered oil drain not identified, tagged nor inspected
A52448B	7/9/13	6/21/13	8-8-402.4	8-8-402.4 recovered oil drain not identified, tagged nor inspected
A52450A	9/11/13	10/15/11	8-5-304	8-5-304.4 Stopped fill of T-3104 due to discovery of holes in fire suppression system
A52953A	4/15/13	2/1/10	8-5-404	15 tank inspections reported late. deviation#3388
A52955A	5/8/13	12/1/12	2-6-307	dev.3445 violation of p/c23735 and 40CFR60subpartJ(60.104(a)(1))
A52955B	5/8/13	12/1/12	10	dev.3445 violation of p/c23735 and 40CFR60subpartJ(60.104(a)(1))
A52956A	5/15/13	12/11/12	2-6-307	pc#23735, 40CFR60subpartJ(60.104(a)(1)) dev.#3472
A52956B	5/15/13	12/11/12	10	pc#23735, 40CFR60subpartJ(60.104(a)(1)) dev.#3472

A53177A	10/2/13	3/7/13	8-2-301	Dev #3506, >15 lbs/day of hydrocarbon emitted to atmosphere from LPG Loading Racks
A53178A	10/2/13	12/23/12	2-6-307	Dev #3457, Flaring due to C-180 column overpressure, 40 CFR 60 subpart J (60.104(a)(1))
A53178B	10/2/13	12/23/12	10	Dev #3457, Flaring due to C-180 column overpressure, 40 CFR 60 subpart J (60.104(a)(1))

2) On September 12, 2014, the District reached a settlement with Shell Martinez Refinery for \$59,500, regarding the allegations contained in the following 8 Notices of Violation:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A51319A	3/22/12	1/6/12	9-2-301	>60ppb over 3min GLM excess (06C96)
A51322A	4/25/12	2/29/12	6-1-302	06D93 D3170
A51324A	9/14/12	8/14/12	1-301	PRV failure at debutanizer
A51324B	9/14/12	8/14/12	2-6-307	late reporting of deviation
A51325A	10/3/12	7/20/12	10	40CFR60.103 >500ppm CO on clock hr avg E06G11
A52627A	11/26/12	9/1/12	2-6-307	loss of all 3 pilots to flare cond#60
A52628A	11/29/12	7/10/12	9-1-307	<=250ppm SO2 excess E06F92 D#3307
A52629A	2/7/13	1/15/13	10	Internal LDAR voluntary Audit 4th QTR 2012
A52632A	4/12/13	7/2/12	2-6-307	Failure to sniff Benzene containers

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: October 1, 2014

Re: Consider Recommendation of Salary Increase for the Classification of Human  
Resources Officer

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RECOMMENDATION

Recommend that the Board of Directors approve the salary increase of the Human Resources Officer classification.

BACKGROUND

In October 2014, the Air District's Human Resources Officer job classification will be activated and report directly to the Executive Officer/APCO as part of a reorganization of the Administrative Services Division. Due to organizational changes including the upcoming headquarters move and the changes in technology and how the Air District conducts business, the Human Resources Officer will play a strategic role in the Executive Office advising the Executive Officer and executive management on Air District-wide organizational development matters and leading Air District-wide projects related to organizational development and training.

DISCUSSION

The position of Human Resources Officer has not been occupied since 2009. At that time, the salary for the position was frozen at pay range 154M (Since 2009, the Board has created several director-level positions with the title of Officer (i.e. Communications Officer, Health Officer, Information Technology Officer) which are all at salary level 156M, the same as division directors. The Officer classifications are all specialized in an area of proficiency and provide executive-level expertise and project management to the Executive Officer and executive management.

Accordingly, I recommend to the Board of Directors that the salary for the classification of Human Resources Officer be increased from pay range 154M (\$5268.40 to \$6403.77 biweekly) to pay range 156M (\$5545.68 to \$6740.81 biweekly), an increase of 5%. This will bring the salary for the classification of Human Resources Officer to that of other executive level directors and officers.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The costs associated with these changes are contemplated in the Fiscal Year Ending 2015 budget.

Respectfully Submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Rex Sanders

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/ Air Pollution Control Officer

Date: September 29, 2014

Re: Selection of a Website Editor and Extension of Development and Integration Contracts  
for the My Air Online Program

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**RECOMMENDED ACTION**

Recommend the Board of Directors:

- Authorize the Executive Officer/APCO to execute a one year contract with Sonoma Technology, Inc. (STI), not to exceed \$120,000 for content editing and staff training for the My Air Online website;
- Authorize the Executive Officer/APCO to increase the contract for Cylogy, Inc. (Cylogy) from \$110,000 to \$180,000 (\$70,000) for custom integrations and content migration to the My Air Online website; and
- Authorize the Executive Officer/APCO to increase the contract for Agency Oasis (Oasis) from \$585,000 to \$620,000 (\$35,000) for additional design work on the Air District's new website.

**BACKGROUND**

As part of the My Air Online Program the Air District is seeking to modernize its web presence to: 1) provide online services to the regulated community; and 2) to simplify and expand access to air quality information for members of the public. This modernization is a multi-faceted process that involves the redesign of the current website, integration of current website functionality, implementation of a visual mapping tool and editing of website content to ensure it is more accessible and easily understandable by members of the public.

In order to assist Air District staff with the editing of its current website content in preparation for the launch of the updated My Air Online Site and to provide for ongoing support and training of staff, a request for proposal (RFP) process was recently completed. The results of the RFP process are outlined below.

On August 5, 2013, the Air District entered into an ongoing contract for the support and maintenance of its current website with Cylogy. As part of this contract, Cylogy is responsible for the upkeep and programming of the backbone software for web operations (Sitecore and

ASP.NET) and for the development of any additional custom functionality necessary to enhance operations on the current website. Through the My Air Online website development process, the Air District and its contractor, Oasis, have determined that a large number of the custom functions on the current website should be integrated into the new site. As part of this agenda item, staff will request additional funding for Cylogy to integrate current custom website functions and to migrate edited content to the new website.

On April 16, 2014, the Air District entered into a contract for the build out of the “back end” programming and functionality for the new My Air Online website with Oasis. As part of this contract, the “front end” design and architecture for the site, developed by another Air District’s contractor, SymSoft Solutions, LLC (SymSoft), were handed off to Oasis. Since that handoff, the Air District and Oasis have determined that additional design work may be necessary to integrate all of the Air District’s current website pages that was not originally envisioned during the contract with SymSoft. As part of this agenda item, staff requests additional funding for Oasis to complete these additional designs.

**DISCUSSION**

**RFP for Web Editor**

The RFP for website content editor was released on August 25, 2014. Questions were due on the RFP by September 5, 2014 but none were received. The RFP closed on September 18, 2014, with the Air District receiving three proposals for website content editor services.

Air District staff performed a thorough evaluation of the submittals based on the following criteria and a review of submitted editing samples:

**Table 1 - RFP Evaluation Criteria**

Category Description	Percent
Organization Background Financial size and stability.	5
Expertise Organization and its proposed resources have proven success in editing content for: websites of similar size and scope and agencies/businesses similar to the Air District; and providing training to agencies/businesses similar to the Air District to maintain and edit web content.	20
Proposal addresses project requirements, reflects a clear understanding of meeting the project and agency objectives	30
Editing submittals demonstrate vendors understanding and skill in creating the new content required by the Air District.	30
Cost Proposal optimizes personnel cost effectiveness, expertise and allocation.	10
Firm’s Specialty Focus Area - Minority-owned, veteran-owned, women-owned, Certified Green, or local business designations. Experience working with government agencies.	5

Table 2 below shows the evaluation results for the RFP:

**Table 2 - RFP Evaluation Results**

Vendor	Organization/ Background	Prior Expertise	Project Approach	Edited samples	Cost	Specially Focus	Total
STI	5	18	27	28	4	4	<b>86</b>
Baston Kent	3	14	22	24	6	3	<b>72</b>
Artermia	4	11	17	12	7	4	<b>55</b>

Based on the evaluation above, staff recommends STI as the contractor for the website content editor contract.

**Custom Integrations**

The Air District’s current website has a number of complicated and custom integrations that are considered vital to its functionality. These include: custom search functionality, newsletter functionality, custom alerts for incidents and the Spare the Air Program, flare data, etc. In order to minimize the cost of the current website redesign and to ensure that these functions are integrated efficiently, staff is requesting an increase of \$70,000 to the Air District’s current contract with Cylogy. As the Air District’s web maintenance contractor and developer over the past 5 years, Cylogy has developed or integrated much of the custom functionality that needs to be transferred to the new website. Therefore, staff believes that Cylogy has the best knowledge base and is best positioned to assist the Air District in transitioning content and custom functionality to its new site.

**Additional Website Designs**

As part of the My Air Online website redesign project, the Air District retained contractor, SymSoft to provide designs and architecture for the new site. Following the completion of the design portion of the project, SymSoft transitioned the project to Oasis who are tasked with delivering back end programming and functionality. However, following the project handoff and during the subsequent review of the designs with the Air District, Oasis has determined that additional page and component designs are necessary to complete the project. In order to accomplish this task most efficiently, staff is requesting an increase of \$35,000 to the Oasis contract.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Funding for the STI contract is included in the fiscal year ending (FYE) 2015 budget in Program 309. Funds for both Cylogy and Oasis are included the FYE 2015 budget in Program 125.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Anja Page  
Reviewed by: Damian Breen



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: September 22, 2014

Re: Report of the Personnel Committee Meeting of September 22, 2014

RECOMMENDED ACTION

None; receive and file.

The Personnel Committee (Committee) denied the appeal and will take no further action because the allegations in Douglas W. Hall's complaint lack merit.

BACKGROUND

The Committee met on Monday, September 22, 2014 and received the staff report, Appeal of Air Pollution Control Officer/Executive Officer Decision on Douglas W. Hall's Complaint of Violation of the Air District's Equal Employment Opportunity Policy, and heard the appeal of Mr. Hall.

Chairperson Brad Wagenknecht will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez

## BAY AREA AIR QUALITY MANAGEMENT DISTRICT

### Memorandum

To: Chairperson Brad Wagenknecht and Members  
of the Personnel Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 10, 2014

Re: Appeal of Air Pollution Control Officer/Executive Officer Decision on Douglas W.  
Hall's Complaint of Violation of the Air District's Equal Employment Opportunity  
Policy

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### INTRODUCTION

This item is an appeal of a decision by the Air Pollution Control Officer/Executive Officer to deny an appeal of the decision made by the Air District's Equal Employment Opportunity Officer<sup>†</sup> that determined that no violations of the Air District's Equal Employment Opportunity Policy ("Policy") and Equal Opportunity Plan ("Plan")<sup>‡</sup> occurred, as alleged in a complaint filed by Air District employee Douglas Hall. (For the Committee's convenience, a copy of the Policy is attached as Attachment A; a copy of the Plan is attached as Attachment B; a copy of the Air Pollution Control Officer/Executive Officer's decision denying the appeal is attached as Attachment C, a copy of Mr. Hall's appeal of the Equal Employment Officer's decision is attached as Attachment D, a copy of the Equal Employment Officer's decision addressing Mr. Hall's complaint is attached as Attachment E, and Mr. Hall's Appeal is attached as Attachment F.)

Mr. Hall contends that the Air District has not properly implemented the Air District's Policy, because he was not selected in recent open recruitments for management positions in the Air District's Engineering Division. Mr. Hall contends that the failure to select him in these recruitments resulted from discrimination against him on the basis of both race and age. Mr. Hall does not contend that there was any deficit in the recruitment process for these two management positions. Rather, he contends that discrimination that had a "disparate impact" on him occurred in the selection of individuals to fill acting manager assignments in the Engineering Division prior to these recruitments. The Division Director's acting assignments were made on the basis of interviews, reviews of work product, and reviews of other aspects of job performance of interested candidates, rather than rotating the acting assignments among all

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<sup>†</sup> Pursuant to the Bay Area Air Quality Management District's Administrative Code, Division III, Personnel Policies & Procedures, Section 2.3 Discrimination Complaint Procedure, the Personnel Committee may consider an employee's appeal of the Air Pollution Control Officer/Executive Officer's decision regarding the District's Equal Employment Opportunity Policy.

<sup>‡</sup> The Plan generally implements the Policy. The Policy is set forth in Division III, Section 2 of the Air District's Administrative Code.

interested staff members. According to Mr. Hall, this resulted in his candidacy for the manager positions being disadvantaged because he was not selected to fill one of the acting manager roles. Mr. Hall further contends that the failure to appoint him to an acting manager position, “may appear neutral on its face, [but] is impacting the advancement of African Americans into management positions in the Engineering Division.”

At its March 24, 2014, Meeting, the Personnel Committee considered and denied Mr. Hall’s similar appeal of the issue of whether the same acting assignments in the Engineering Division constituted a violation of the Policy. Following that appeal, the Board of Directors directed staff to amend the Air District’s Administrative Code to remove the appeal of the Air Pollution Control Officer/Executive Officer’s decision on such complaints to the Personnel Committee. The Administrative Code was amended on May 21, 2014. Mr. Hall filed the present complaint before the Administrative Code was amended. Accordingly, at the Board of Directors’ direction, Mr. Hall was informed that he could choose whether or not to bring this matter before the Personnel Committee. Mr. Hall chose to do so.

Although Mr. Hall’s contentions may relate to particular recruitments, his claims can and do relate only to an alleged failure of the Air District to implement the Policy.<sup>§</sup> Therefore, neither Mr. Hall’s qualifications for the positions he sought, nor the qualifications of any other individuals, including the incumbents, are at issue in this matter. Moreover, because the issues raised by Mr. Hall cannot relate to the hiring, termination, or discipline of any employee, and particularly not an employee under the direct supervision of the Board of Directors, this matter must be considered in open session under the Brown Act.

#### RECOMMENDED ACTION:

Staff recommends that the Personnel Committee deny the appeal and take no further action, because the allegations in Mr. Hall’s complaint and subsequent appeals lack merit.

#### BACKGROUND

The Air District’s Policy and Plan have been in place since the late 1960’s. The Policy and the Plan ensure equal opportunity for all people to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, and otherwise treated within the workplace. As noted above, the Plan is designed to implement the Policy. The Policy and Plan have been revised several times over the years, with the latest revision occurring on September 12, 2011. The 2011 revision changed all references from “affirmative action” to “equal employment opportunity” and deleted items that referred to affirmative action plan activities, (i.e., those activities that would favor applicants or employees based on gender or ethnic status). The Policy and Plan place the responsibility for implementation with the Director of Administrative Services acting as the Equal Employment Opportunity Officer and the Air

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<sup>§</sup> Mr. Hall has styled his complaint as a “Race Discrimination and Age Discrimination” complaint referencing the Equal Employment Policy in the Air District’s Administrative Code. The Air District’s Administrative Code provides a complaint and appeal process only for alleged violations of the Policy, not for alleged acts of discrimination.

Pollution Control Officer/Executive Officer and provide that division directors are responsible for implementation within a division. Neither the Policy nor the Plan specifically addresses acting assignments.

In 2012, the Director of Engineering determined that there was a need to backfill two vacant positions with acting managers. Air District Division Directors have considerable flexibility to determine the procedures for making acting assignments. These determinations are based on the needs of the division to carry out the Air District's mission and are made in accordance with the Air District's Administrative Code and the Memorandum of Understanding between the Air District and the Air District Employee Association. Typically, the division director does not engage in any formal process and makes an acting assignment to an individual who the director believes can fill the role.

The Director of Engineering initially requested that senior staff in the Engineering Division apprise him of their interest in the acting assignments and indicated that the acting assignment might be rotated among interested staff. In many cases, Supervisor level staff members, who are immediately below managers, are considered for acting manager assignments. In this case, the Director of Engineering expanded the opportunity to undertake the acting manager assignments to Senior Engineers. After interviewing interested staff, including Mr. Hall, and considering their work performance and quality of work, the Director of Engineering determined the most qualified staff for the acting assignments. The Director of Engineering initially rotated four engineers in the acting assignments, but eventually chose to have only two engineers act on a longer-term basis, because the Director determined that those individuals were best handling the assignments and accomplishing the Engineering Division's work and the Air District's mission.

The Air District began recruitments to fill the two vacant Air Quality Engineering Manager positions in the Spring of 2013. Along with six other candidates, Mr. Hall applied for the open Engineering Manager positions. He was interviewed for the positions, including by the Division Director, and the Deputy Air Pollution Control Officer, but ultimately was not selected for the positions.

On October 6, 2013, Mr. Hall filed his first appeal contending that the process of making the acting manager assignments violated the Policy and Plan. Mr. Hall contended that the acting Engineering Assignments were not assigned in accordance with the Policy and Plan. According to Mr. Hall, the provision in the policy stating a commitment to "[p]rovide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities" mandates that acting assignments be distributed to all interested Air District staff, or at the least, to Mr. Hall.

As noted above, neither the Policy nor the Plan addresses acting assignments. Furthermore, nothing in the Air District Administrative Code or the Memorandum of Understanding requires that acting assignments be rotated or otherwise assigned to whomever is interested without regard to the need to accomplish the necessary work of the Air District.

Staff fully investigated Mr. Hall's allegations. Staff also retained a licensed investigator to assist with the investigation. Based on the findings of the investigation, there was no merit to Mr.

Hall's allegations. The investigation concluded that there was no evidence that the Director of Engineering violated any Air District policy based on the manner in which acting assignments were made as outlined above. The investigation further concluded that there was no evidence that acting assignments in the Engineering Division violated the Policy or the Plan. Furthermore, the investigation concluded that there is no evidence that race, ethnicity, or any other legally protected factor has played any role in acting assignments in the Engineering Division. In short, there was no evidence that the Air District violated the Policy or the Plan.

On the basis of the investigation, after following all appropriate procedures, on October 24, 2013, the Air District's Equal Employment Opportunity Officer responded to Mr. Hall's complaint and informed Mr. Hall that it had been determined by an independent investigator that there had been no violation of the Policy or Plan as alleged by Mr. Hall. On November 6, 2013, Mr. Hall appealed that decision to the Air Pollution Control Officer/Executive Officer. On November 26, 2013, the Air Pollution Control Officer/Executive Officer denied Mr. Hall's appeal and confirmed the findings of the Equal Employment Opportunity Officer. On December 18, 2013, Mr. Hall filed an appeal of the decision to the Personnel Committee. On March 24, 2014, the Personnel Committee heard a presentation by Mr. Hall, and considered and denied his appeal.

## DISCUSSION

On December 17, 2014, Mr. Hall filed a separate complaint alleging a violation of the Plan and the Policy in which he contends that the acting assignments in the Engineering Division have led to "disparate impacts" discrimination against him on the basis of race and age, because those assignments went to individuals who later were successful in the recruitments for the Engineering Manager positions filled in the Summer and Fall of 2014, and Mr. Hall was not. In Mr. Hall's words, "[t]hese discriminatory acts occurred on the 'practice field' before the 'game' or job announcement." According to Mr. Hall, the Director of Engineering had a plan to award the acting assignments to his favorites, provide tenure and training in those acting roles, and ultimately to hire those individuals into the permanent Engineering Manager positions. In Mr. Hall's words, the "appearance of a properly run recruitment process and employment selection procedure were only a disguise to cover up this subtle discrimination, as the hiring process was only perfunctory."

As with Mr. Hall's prior complaint, Air District staff fully investigated Mr. Hall's claims. Also, as with Mr. Hall's prior complaint, the Air District hired an independent outside attorney investigator to investigate Mr. Hall's claims. (The investigator hired to investigate Mr. Hall's December 17, 2014 complaint is different from the prior investigator to ensure independence of conclusions.) The investigation of Mr. Hall's claims concluded that there is no evidence of any violation of the Policy and Plan in the recruitment process for the Engineering Manager positions. The investigation further concluded that race, age, or any other protected factor did not play any role in the decisions to promote the incumbents to the Engineering Manager positions.

On the basis of the investigation, on April 22, 2014, following applicable procedures, the Director of Administrative Services, acting as the Air District's Equal Employment Opportunity Officer, informed Mr. Hall that on the basis of the investigation into Mr. Hall's complaints the

Air District had concluded that there was no employment-related civil rights violated in the recruitment for and appointment of qualified individuals to the permanent Engineering Manager positions. On May 5, 2014, Mr. Hall appealed that determination to the Air Pollution Control Officer/Executive Officer. On May 22, 2014, the Air Pollution Control Officer/Executive Officer affirmed the decision of the Director of Administrative Services. On June 12, 2014, Mr. Hall appealed the Air Pollution Control Officer/Executive Officer's decision to the Personnel Committee. Mr. Hall was informed that the Administrative Code no longer provided for such appeals, but because his initial complaint was filed before the Administrative Code was amended, he could elect to proceed with his appeal. Mr. Hall decided to go forward with his appeal to the Personnel Committee.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Brian C. Bungler  
Reviewed by: Rex Sanders

Attachments: Attachment A - Air District's Equal Employment Opportunity Policy  
Attachment B - Air District's Equal Opportunity Plan  
Attachment C - The Air Pollution Control Officer's decision denying an Appeal  
Attachment D - Mr. Hall's Appeal of the Equal Employment Officer's Decision  
Attachment E - The Equal Employment Officer's decision addressing Mr. Hall's  
complaint  
Attachment F - Mr. Hall's Appeal

## SECTION 2      **EQUAL EMPLOYMENT OPPORTUNITY POLICY** (Revised 10/5/11)

The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

The District is committed to maintaining a meaningful Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

### 2.1      **OBJECTIVES. (Revised 10/5/11)**

- (a) The District will insure that each employee and applicant is afforded an equal opportunity in all aspects of the employment process without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (b) The District will analyze its work force and the population of the Bay Area.
- (c) The District will focus its equal opportunity efforts on enhanced outreach and training programs.
- (d) The District will establish and administer programs for employment, training and promotion of all employees without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (e) The District will be responsible for Equal Employment Opportunity Plan and designate an Equal Employment Opportunity Officer.
- (f) The District is committed to making a good faith effort to successfully achieve Equal Employment Opportunity.
- (g) Sexual harassment is contrary to basic standards of conduct between individuals and is prohibited by EEOC regulations. The District will therefore insure that the workplace is free from sexual harassment. Sexual harassment is defined in EEOC regulations, and includes, but is not limited to, the following: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment, is used as a basis for employment decisions, or has the purpose or effect of interfering with work performance or creating an otherwise offensive working environment.
- (h) The District will insure that no qualified person will be discriminated against on the basis of a disability. All qualified persons that can perform the essential functions of the job, with or without reasonable accommodation that does not create "undue hardship" for the District, shall be provided an equal opportunity for employment and promotion. All terms used in this section are defined in the regulations implementing the Federal Americans with Disabilities Act.

### 2.2      **RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY. (Revised 10/5/11)**

- (a) The Air Pollution Control Officer of the District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity Plan.

- (b) The responsibilities of the Equal Employment Opportunity Officer are listed in the Equal Employment Opportunity Plan.

2.3

**DISCRIMINATION COMPLAINT PROCEDURE (Revised 10/5/11)**

Unlawful discrimination refers to discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

An employee or group of employees who believes an incident involving a violation of the District's equal employment opportunity policy has arisen, may submit the complaint (in writing) to the Equal Employment Opportunity Officer.

- STEP 1 The written complaint must be received by the Equal Employment Opportunity Officer within 30 days of the alleged discrimination and must specify the particulars of the alleged discrimination, including specific acts and/or statements. Although the specific act must have occurred within 30 days, supplementary or background information supporting the complaint may be included. If a complaint is received in an incomplete form, the Equal Employment Opportunity Officer will advise the complainant that help in its preparation can be arranged. A group of employees filing at the same time must allege acts of similar nature to be considered for class action.
- STEP 2 The Equal Employment Opportunity Officer will evaluate the complaint and, if necessary, conduct an investigation.
- STEP 3 Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt. If the employee is not satisfied with the action of the APCO, the employee may request the complaint be heard by the Personnel Committee of the Board of Directors. The employee will submit the complaint to the Personnel Committee within fifteen (15) working days of the action of the APCO.



**EQUAL EMPLOYMENT OPPORTUNITY PLAN**

for

**Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109  
(415) 749-4980**

**EEO Contact:** Human Resources Officer  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
939 Ellis Street  
San Francisco, CA 94109  
(415) 749-4980

**EQUAL EMPLOYMENT OPPORTUNITY PLAN  
FOR BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

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## **BACKGROUND**

The Bay Area Air Quality Management District (Air District) is a regional government agency responsible for improving air quality in the San Francisco Bay Area. The Air District employs approximately 350 full-time employees in a variety of jobs ranging from Air Quality Engineers and Inspectors, to clerical and administrative support staff. Most of the Air District's employees work in the main office located in San Francisco, California.

The Air District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

To affect its policy of equal employment opportunity, the Board commits itself and the Air District to implementing an Equal Employment Opportunity Plan. The plan is designed to analyze the Air District's workforce and the population of the Bay Area and to set forth specific plans and procedures to ensure equal employment opportunity.

## APPLICABLE REGULATIONS

The Air District's Equal Employment Opportunity Plan has been prepared according to the Air District's Administrative Code Division 3, Section 2: Equal Employment Opportunity Policy.

Federal and State equal employment opportunity laws and regulations include Title VII of the Civil Rights Act, the Equal Pay Act, the Americans with Disabilities Act, the Genetic Information Non-Discrimination Act, the California Fair Employment and Housing Act.

For purposes of the Equal Employment Opportunity Plan, the Air District collects data on gender, race or ethnic groups.

## EQUAL EMPLOYMENT OPPORTUNITY PLAN

### CHAPTER 1: COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

The Bay Area Air Quality Management District reaffirms its commitment to a policy of equal employment opportunity. The Air District will continue to administer its personnel policies and conduct its employment practices in a manner that treats each employee and applicant for employment on the basis of merit, experience, and other work related criteria, without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

The Air District is committed to maintaining a meaningful, result-oriented Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

The Air District will designate the Human Resources Officer to also serve as the Equal Employment Opportunity Officer, and will focus its equal employment opportunity efforts on enhanced outreach and training programs. The Air District is committed to making a good faith effort to successfully achieve equal employment opportunity.

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(Signature)

Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

## EQUAL EMPLOYMENT OPPORTUNITY PLAN

### CHAPTER 2: ORGANIZATIONAL PROFILE

#### Workforce Analysis/Lines of Progression

The Air District conducts a workforce analysis to identify employees by gender and race/ethnicity in each job title. The data is collected from payroll records.

Job titles are listed by organizational unit. Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles.

For each job title, the lower threshold of the salary range is provided, as well as the EEO Category to which the title is assigned. For each job title, the Air District identifies the total number of employees, the number of male and female employees, the total number of White, Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native employees, and the male and female employees within each of these race/ethnic groups.

#### Lines of Progression

In conjunction with the workforce analysis, the Air District develops lines of progression. Lines of progression (career ladders/career paths) identify the job titles through which an employee can move to the top of a line. For each line of progression, applicable departments are identified. These are the departments that employ persons in the job titles in the specified line of progression. Some lines of progression are limited to only one department, while others are found throughout several departments.

The lines of progression provide useful information regarding patterns of vertical and horizontal movement throughout our workforce. These patterns are evaluated to ascertain whether they provide to our employees the optimum career mobility and opportunities for advancement.

## EQUAL EMPLOYMENT OPPORTUNITY PLAN

### CHAPTER 3: JOB GROUP ANALYSIS

The Air District conducts the workforce analysis individually for every job title. The job titles are grouped for the comparison of incumbency to availability. There are several reasons for grouping jobs.

Many job titles are similar in content such that handling them individually in the Equal Employment Opportunity Plan is not necessary. Grouping together these very similar titles is appropriate for the comparison of incumbency to availability.

For many job titles, there is limited data available and the same data must be used for several related jobs. Therefore, grouping these related titles together is logical.

Many job titles have few incumbents. A meaningful comparison is conducted by grouping several similar titles and increasing the number of employees involved.

The most critical guideline in creating job groups is that job titles discuss "similar" or "related" jobs. Above all, the job titles placed into a job group must be more similar or related to each other than the job titles in other job groups.

Listed below are the guidelines that are followed in developing the job groups.

#### Job Grouping Guidelines

1. The content of the jobs in a group must be similar. Similar content refers to job responsibilities and requisite skills required.
2. The wage or salary rate for the jobs in a group must be similar. Pay rates are considered in conjunction with job content. Large apparent differences in pay, when associated with differences in job title and/or location within an organization, suggest an unacceptable job grouping.
3. Job titles placed in a job group should be similar in opportunity. Opportunity refers to the ability to take advantage of training, transfers, promotions, mobility to desirable situations, and other employment benefits. Ideally, each job within a job group should have opportunities similar to other job titles within the same job group.
4. The groups should not include jobs with clearly different representation patterns. For example, jobs predominately filled with males should not be combined in the same group with jobs predominately filled with females.
5. Many job groups, if appropriately constructed, should cut across departmental or organizational units, but not across EEO Categories.

6. Employers with over 150 employees should not use EEO occupational categories as the only job groups in an Equal Employment Opportunity Plan. EEO categories are generally much too broad for proper availability analysis purposes. However, jobs placed in a group should generally belong to the same EEO Category.
7. Employers with less than 150 employers may use EEO categories as the only job groups.
8. The size of the employer's workforce is a major factor in determining how well the criteria above can be met in creating job groups.
  - A. Job groups must have enough incumbents to permit meaningful comparisons of incumbency to availability. No minimum size has been established for this purpose, however, since it is dependent not only on the size of the job group, but also on the size of the availability percentage.

Although the Air District recognizes that it is not possible to adhere to every guideline above when creating job groups, the Air District does not combine job titles with different content, wages, or opportunities.



## **EQUAL EMPLOYMENT OPPORTUNITY PLAN**

### **CHAPTER 4: PLACEMENT OF INCUMBENTS IN JOB GROUPS**

Each job group appears on a Job Group Report with a job group name and number. The report lists each job title in the job group. For each job title, the worksheet provides the following information: EEO reporting category, pay grade, job title, employee headcounts for each job title, and overall percentages by gender and race/ethnicity.

## EQUAL EMPLOYMENT OPPORTUNITY PLAN

### CHAPTER 5: DETERMINING AVAILABILITY

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at the Air District for a given job group in the relevant labor market during the life of the Equal Employment Opportunity Plan. Availability indicates the approximate level at which each race/ethnic and sex group could reasonably be expected to be represented in a job group if the Air District's employment decisions are being made without regard to gender, race, or ethnic origin. Correct comparisons of incumbency to availability depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis).

#### Steps in Comparison of Incumbency to Availability

##### Identify Availability Factors

The following availability factors are for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the most recent Census of Population.
  - a. Local labor area: An employee residence zip code analysis was conducted to identify the local labor areas.
  - b. Reasonable labor area: National: 100.0%
2. Internal Factor: The percentage of employees promotable, transferable, and trainable within the Air District.

Assign Internal and External Factor Weights: Weights are assigned to each factor for each job group. A combination of historical data and experience are used to determine the weights. Weights are never assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights are multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component are summed. This produces a final availability estimate for each sex and race/ethnic group.

## **EQUAL EMPLOYMENT OPPORTUNITY PLAN**

### **CHAPTER 6: COMPARING INCUMBENCY TO AVAILABILITY**

Availability estimates are made for each job group. The Air District compares the percentage of incumbents in each job group to their corresponding availability. A comparison is made between the percentage and that group's final availability.

## EQUAL EMPLOYMENT OPPORTUNITY PLAN

### CHAPTER 7: DESIGNATION OF RESPONSIBILITY

The Executive Officer/Air Pollution Control Officer of the Air District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity Plan. The Executive Officer/Air Pollution Control Officer or his designee reports to the Board of Directors on the progress and objectives of the plan.

The Executive Officer/Air Pollution Control Officer designates the Human Resources Officer to also serve in the role of Equal Employment Opportunity Officer and be responsible to ensure that the equal employment policies and programs are implemented.

Division Directors are responsible to implement the Equal Employment Opportunity Plan within a division, including informing all supervisory personnel of the Air District's Equal Employment Opportunity policy and ensuring hiring, promotion, and employee development are consistent with program objectives.

It is the responsibility of Management to ensure that the workplace is free of sexual harassment and that the Air District takes corrective action when an employee is determined to have violated the Equal Employment Opportunity Plan's objective regarding harassment.

#### **Equal Employment Opportunity Officer**

The responsibilities of the Equal Employment Opportunity Officer will include:

1. Reviewing the Air District's personnel policies to ensure they are consistent with the equal opportunity laws and the Air District's Equal Employment Opportunity Plan.
2. Reviewing, evaluating, and updating the Equal Employment Opportunity Plan as necessary, and with the approval of the Executive Officer/Air Pollution Control Officer.
3. Providing assistance to divisions in implementing the Equal Employment Opportunity Plan.
4. Reporting progress of equal employment opportunity programs to the Executive Officer/Air Pollution Control Officer.
5. Advising divisions on training needs and encouraging development of training programs.
6. Recommending revision of job description forms when necessary so forms accurately reflect duties, responsibilities, and qualifications required for each job.

## **Human Resources Officer**

The responsibilities of the Human Resources Officer will include:

1. Disseminating the Equal Employment Opportunity Plan to all employees and other interested parties.
2. Providing all recruiting and hiring data to aid in monitoring the equal employment opportunity program, including the number hired, the number of terminations, the number of promotions, the number of persons trained, the number of persons interviewed, and other relevant data.
3. Providing the liaison between the Air District and school, community, and professional organizations, both inside and outside the Air District.
4. Providing the liaison between the Air District and compliance agencies.
5. Developing and implementing training programs that support the Equal Employment Opportunity Plan.
6. Reviewing all recruiting procedures, to ensure that they conform to equal opportunity and employment practice guidelines.
7. Providing various training programs.
8. Advising employees on availability of training inside and outside the Air District with emphasis on individual career development and training.
9. Submitting employment pattern reports to the Executive Officer/Air Pollution Control Officer.
10. Reviewing hiring and promotion procedures to ensure equal employment opportunity-guidelines are followed.
11. Reviewing the desirable qualifications on job descriptions to ensure that job requirements are non-discriminatory.
12. Reviewing the effectiveness of the Equal Employment Opportunity Plan from time to time and suggest changes as necessary.

## EQUAL EMPLOYMENT OPPORTUNITY PLAN

### CHAPTER 8: ACTION-ORIENTED PROGRAMS

The following programs have been developed to meet the Air District's Equal Employment Opportunity Plan:

#### A. SELECTION PROCESS

1. Review all class descriptions to ensure that they accurately reflect the position functions and contain the essential functions of the position in order to conform with the Americans With Disabilities Act.
2. Review the qualifications for each class to determine that the qualifications are job-related and nondiscriminatory.
3. Distribute class descriptions to management staff involved in recruiting, screening, selection, and promotion process.
4. Train all personnel involved in a selection process.
5. Evaluate selection tests to ensure that they are based on valid job-related criteria.

#### B. RECRUITMENT PROCEDURES

1. Maintain an extensive recruitment list of state and local community and professional organizations, state and local organizations representing persons with disabilities, state employment development departments, state vocational agencies, local sheltered workshops, college placement offices, and state and local educational institutions.
2. Actively encourage employees to refer applicants.
3. Make employees available for participation in Career Days, Job Fairs, and related activities in the community.
4. Maintain active interest file of applicants and distribute position announcements.
5. Contact community and professional organizations representing persons with disabilities for referrals.
6. Remain active in community organizations and encourage Air District employees to participate.
7. Advertise in various Bay Area newspapers and publications.
8. Continue recruitment efforts at colleges and schools. Provide brochures, conduct

informational presentations, and participate in career day activities.

9. Participate in career fairs.

#### PROMOTIONAL OPPORTUNITIES AND TRAINING

1. Post job announcements for promotional opportunities on bulletin boards, electronic bulletin boards, and distribute to all personnel.
2. Provide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities.
3. Inform employees about the Air District's Educational Reimbursement Program and Leave Policy for educational purposes.
4. Provide educational courses that will aid employees in obtaining mobility through promotions.
5. Provide career counseling to employees.
6. Continue to offer speech classes to employees who are non-native speakers of English.

## **EQUAL EMPLOYMENT OPPORTUNITY PLAN**

### **CHAPTER 9: INTERNAL AUDIT AND REPORTING**

To assure that the Air District's Equal Employment Opportunity Plan is fully implemented, the following internal audit system has been established.

1. The Human Resources Office will maintain and monitor accurate records of all employment activities, including, but not limited to, applicants, hires, promotions, transfers, and terminations.
2. The Executive Officer/Air Pollution Control Officer will review reports provided by the Equal Employment Opportunity Officer to ensure that the Air District's Equal Employment Opportunity program is being carried out.
3. The Human Resources Officer will file an EEO-4 Report as required by the federal guidelines.
4. The Executive Officer/Air Pollution Control Officer or his designee will present the Equal Employment Opportunity Plan to the Executive Committee of the Board of Directors.
5. The Equal Employment Opportunity Plan will be provided to interested parties upon request.
6. The reporting and auditing system will be utilized to measure the status and effectiveness of the Air District's Equal Employment Opportunity Plan.



**CONFIDENTIAL****OFFICE MEMORANDUM  
May 22, 2014**

TO: Douglas Hall, Supervising Air Quality Engineer

FROM: Jack Broadbent, Executive Officer/Air Pollution Control Officer

SUBJECT: Response to Race and Age Discrimination

This is in response to your memo of May 5, 2014 in which you appeal the determination of your claim of discrimination in the appointments for Air Quality Engineering Manager Positions in the Engineering Division. In your appeal you request that I refer your complaint back to the Equal Employment Opportunity (EEO) Officer, Mr. Colbourn for additional investigation.

First, I would like to point out, that, contrary to your assertion that no African American employees have been appointed to District management positions, in fact three of the current District managers are African American. The District has been and continues to be committed to promoting individuals of all racial and ethnic background and gender based on their demonstrated skills and potential for successful job performance.

I have reviewed the EEO Officer's response to you along with various investigation related materials. Much of the investigative material was produced by an outside attorney the District retained to conduct a thorough, professional, and objective investigation into the allegations you raised concerning acting manager assignments made by Engineering Division Director, Jim Karas, and the subsequent permanent appointments.

Based on the investigator's findings regarding acting assignments and your non selection for permanent appointment to an Air Quality Engineering Manager position in the Engineering Division, the investigator concluded that no employment related civil rights were violated and that these appointments were made in a manner that is consistent with sound management principles and practices.

For the reasons above, I decline to take any further action and affirm the response previously proved by the EEO Officer to your December 17, 2013 Age and Race Discrimination complaint.

However, we fully support continuing efforts by our staff to acquire the skills and knowledge to increase their potential for advancement. We would like to invite you to work with the Human Resources staff to explore training programs which may help you to achieve your career goals. I ask that you contact Mr. Colbourn to schedule a discussion regarding the types of programs which may be of value to you as you continue to pursue your career objectives.

Cc: Jack M. Colbourn, Director of Administrative Services Division/EEO Officer/HRO

May 5, 2014

To: Executive Officer/Air Pollution Control Officer

From: Douglas W. Hall, Supervising Air Quality Engineer

Subject: Age and Race Discrimination Complaint

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In the April 23, 2014 email, the Equal Employment Opportunity (EEO) Officer responded back to my filed complaint on December 17, 2013 where I asserted a complaint of age and race discrimination. I am troubled that discrimination is in America today. I thought growing up as a country boy in Louisiana that if I was highly educated and worked hard I could become a person that could make a difference in any organization. I thought management would applaud and acknowledge the overachievers. I have erred in my judgment as I have hit the proverbial glass ceiling. This ceiling means no matter how hard I work I will be locked out of the elite class of management. Even though this is apparently the case, I will continue to fully support the mission of the District, and give more than a 120 %.

Why file the appeal?

I am now appealing the decision of the EEO Officer to the Executive Officer. The impetus for appealing this complaint is fueled, primarily, by injuries that two Air Quality Engineering Managers in the Engineering Division suffered at the hands of the Director of Engineering. One was downgraded to a lower classification and the other transferred to another division because of injustices administered by the Director of Engineering. Many others in the Engineering Division have been unjustly harmed.

Why file an age and race discrimination complaint?

I have many reasons but here are a few. To my knowledge, there has been no Black professional in the history of the District ever promoted into management. When I was hired 27 years ago, I was the only Black professional in the Engineering Division. At this moment, I am the only Black professional in the Engineering Division. I am now noticeably being held back from entering into management and have been stripped of my challenging programs. I have been denied opportunities given freely to others. The two people I supervised in my tenure with the District have now been promoted. The two new managers are younger than me by a decade or more and did senior-level work. Something is not right here in this division. I hope the Executive Officer will take this matter seriously and take appropriate action to protect a person civil rights in the area of employment.

What do you want the Executive Officer to do?

I would like the Executive Officer to remand the case back to the EEO Officer for further review and look into the disturbing nature of the Director of Engineering.



**OFFICE MEMORANDUM****April 22, 2014**

**TO:** Douglas Hall, Supervising Air Quality Engineer

**FROM:** Jack M. Colbourn, Director of Administrative Services Division

**SUBJECT:** Age and Race Discrimination Complaint

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This memo is in response to your memo of December 17, 2013 in which you allege that the effects of recent appointments to the position of Air Quality Engineering Manager in the Engineering Division discriminate against you on the basis of age and race.

In response to your complaint the District retained an outside attorney to conduct a thorough investigation into the allegations you raised concerning acting manager assignments made by Engineering Division Director, Jim Karas. The investigator also explored Mr. Karas' recommendation that two other individuals be promoted to the vacant Engineering Manager position. We note that the investigator used in this instance was a different individual from the one used previously in order to assure you that the charges were impartially investigated without influence from prior investigations.

After interviewing numerous individuals and reviewing a voluminous amount of documentation relating to acting assignments, the Engineering Manager recruitment, and other recent recruitments in the Division, the investigator concluded that District policy grants Mr. Karas broad discretion in making acting assignments and there is no evidence to suggest that Mr. Karas has abused that discretion or that his decisions concerning acting manager assignments or that the permanent appointments violated your employment based civil rights.

The investigator concluded that Mr. Karas did not abuse his discretion in recommending other qualified employees for the permanent positions of Engineering Manager. According to the investigator, Mr. Karas credibly explained his reasons for appointing others to these positions. While Mr. Karas did consider tenure as acting manager in his recommendations for the promotion, that was not the only reason for his recommendations. Further, Mr. Karas' belief that other candidates were the most qualified for the positions is a sentiment which was corroborated by others who were involved in the recruitment process.

Based on the investigator's findings regarding acting assignments and your non selection for permanent appointment to the Air Quality Engineering Manager positions in the Engineering Division, we have concluded that no employment related civil rights were violated and that these appointments were consistent with management principles and practices.

June 12, 2014

To: Brad Wagenknecht – Chairperson and Personnel Committee Members

From: Douglas W. Hall, Supervising Air Quality Engineer

Subject: Appeal of Race and Age Discrimination Complaint to Personnel Committee

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I am filing an appeal of a race and age discrimination complaint to be heard before the Personnel Committee in accordance with the Administrative Code, Section 2.3, Step 3, which was in effect at the time of filing per the following:

STEP 3        Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt. **If the employee is not satisfied with the action of the APCO, the employee may request the complaint be heard by the Personnel Committee of the Board of Directors.** The employee will submit the complaint to the Personnel Committee within fifteen (15) working days of the action of the APCO.

I filed my complaint on December 17, 2013 and followed the complaint resolution process. I have attached to this appeal a copy of my correspondences detailing the complaint and the District's reply for your benefit. In addition, I have attached a copy of my job qualifications to let you know that this is not a frivolous matter but a serious matter of discrimination that deserves the attention of the Personnel Committee. I realize that the Personnel Committee is not a trier of fact, like a judge and jury, and the Committee's allegiance is to the Executive Officer; however, as it stood at the time of filing, the Personnel Committee has a right to know of these discriminatory complaints as part of the last step in the appeal process.

I will not belabor you with the details of this complaint on race and age discrimination beyond the facts already provided in the attachments. However, I would like to meet with you briefly for the Personnel Committee to hear the essence of my appeal of the race and age discrimination complaint.

December 17, 2013

To: Equal Employment Opportunity Officer

From: Douglas W. Hall, Supervising Air Quality Engineer

Subject: Race Discrimination and Age Discrimination

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I am filing a complaint as permitted under Section 2 of the Equal Employment Opportunity Policy:

“An employee or group of employees who believes an incident involving a violation of the District's equal employment opportunity policy has arisen, may submit the complaint (in writing) to the Equal Employment Opportunity Officer.”

I believe that the Director of Engineering has discriminated against me in the process of hiring two new Air Quality Engineering Managers in the Engineering Division in the area of race and age. These discriminatory acts did not originate during the recruitment process nor the selection process, which was overseen by the Human Resources Department. These discriminatory acts occurred on the “practice field” before the “game” or Job announcement. The Director of Engineering had a plan to: 1) select his two favorites for an acting managerial assignment, 2) give them tenure in that management role (aggregating close to a year in a 15 month window prior to hiring), 3) provide on-the-job training by the hiring manager (Director of Engineering) for their growth and development and 4) offer them finally the management position at the conclusion of the hiring process. The appearance of a properly run recruitment process and employment selection procedure were only a disguise to cover up this subtle discrimination, as the hiring process was only perfunctory.

**Race Discrimination [Disparate Impact]**

In United States employment law, the doctrine of disparate impact holds that employment practices may be considered discriminatory and illegal if they have a disproportionate "adverse impact" on members of a minority group. Under the doctrine, a violation of Title VII of the 1964 Civil Rights Act may be proven by showing that an employment practice or policy has a disproportionately adverse effect on members of the protected class as compared with non-members of the protected class. The doctrine prohibits employers "from using a facially neutral employment practice that has an unjustified adverse impact on members of a protected class. A facially neutral employment practice is one that does not appear to be discriminatory on its face; rather it is one that is discriminatory in its application or effect. The practice of allowing employees to hold acting managerial assignments for extended periods prior to the hiring process, in essence, hands the position over to them. For example, the hiring manager has stated the importance of this acting managerial assignment in the announcement of the two new hires.

### Pam

I have selected Pamela Leong for Air Quality Engineering Manager in the Engineering Division. Pam demonstrated that she has the most relevant experience and qualifications to perform the duties of this position... She also has been acting as Air Quality Engineering Manager for the past 6 months ...

### Sanjeev

I have selected Sanjeev Kamboj for Air Quality Engineering Manager in the Engineering Division... For the past eleven months, Sanjeev has been Acting Manager of the Permit Systems Section.

This process which may appear to be neutral on its face is impacting the advancement of African Americans into management positions in the Engineering Division. When the Director of Engineering justifies the promotion of Pam Leong by having **“the most relevant experience and qualifications”**, there is key evidence that the seemingly neutral practice of promoting employees with “acting manager” experience is in fact having a disparate impact. Also, when I was hired in 1987, I was the only Black professional ever hired, to my knowledge, in the Engineering Division (back then the Permit Services Division). Today, I am the only Black professional presently in the Engineering Division. This practice of giving the Director of Engineering full discretion to run his division unfettered is having an adverse impact on Black Professionals in the Division.

Also, I believe race discrimination occurred through disparate impact when the Director of Engineering manipulated the “temporary promotional” process by putting his favorites in the acting managerial positions and foregoing the rotational process he professed. The Director of Engineering put out an announcement to attract all interested engineers (senior level and higher) for the opportunity to hold an acting managerial assignment in the Engineering Division. See the Attachment I for the opportunity for an acting managerial assignment. Later, he held meetings to discuss this opportunity with each of the interested engineers. He never went through with his plan. He scrapped the planned rotational process, which would have provided fair and equitable treatment for all. Instead, for all intent and purposes, he appointed two of his favorites for the two acting managerial assignments.

The Director of Engineering exercised a bad management practice, which hurts Blacks in breaking the proverbial glass ceiling for attaining management positions. A good management practice, in sync with the Equal Employment Opportunity Policy, would be to identify all engineers having promotional potential and recognize those engineers with personal desires for advancement so that those individuals may be given full opportunities for training, transfers or mentoring to gain the skills needed for the promotion. The Division directors should encourage a balancing of the operational work demands of the District with employee development needs and be a champion for promoting employment equity practices.

### Age Discrimination

The Age Discrimination In Employment Act (ADEA) of 1967 states, "it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training." When individuals are 40 years old or older and the targets of harmful employment decisions, it could rise to the level of illegal age discrimination. Age discrimination in the workplace affects the Air District and the older worker. An agency that fails to value older workers is missing an opportunity to hire loyal



and dedicated people with years of experience. Younger workers do not have an opportunity to learn from older workers when discrimination eliminates experienced employees from the ranks.

I believe I have been discriminated against because of my age in being denied a promotion for the position of Air Quality Engineering Manager. Three of the primary reasons for this claim are presented as follows:

#### **Assignments**

Even though the Director of Engineering is older than me, he prefers younger engineers over older ones. In the engineering hierarchy, supervisors are ranked higher than seniors and are one notch below that of the manager. Supervisors are, on average older, than the seniors. In the Engineering Division, the statistics may show that supervisors are at least, on average, a decade older or more. The three supervisors in the Permit Evaluation Section are all in their sixties. I am one of those supervisors. The two engineers promoted to the management positions are probably in their mid-forties. When Barry Young appointed one of the supervisors around my age to be acting manager in his absence, the Director of Engineering objected and chose a younger engineer in the Section (Sanjeev Kamboj). Even though I was available and had served as acting manager for the manager when he was out, the Director of Engineering bypassed me for the younger person. Eventually, he was promoted into management.

#### **Hiring Younger Employees**

I was turn down for the two management positions in the Engineering Division. It was given to two less-qualified younger employees. Sanjeev Kamboj in his capacity as acting manager did not do the budget for his Section during his reign. It was prepared by acting manager Pam Leong. Sanjeev Kamboj did not write a policy during his time as acting manager nor did he work on any major lead project prior to his assignment or during his assignment. Sanjeev Kamboj had not supervised anyone prior to his "temporary promotion" to management. For all practical purposes, Pam Leong and Sanjeev Kamboj leapfrogged from the senior position directly into management bypassing the more qualified class of older supervisors.

#### **Favoritism**

Favoritism happens when managers dole out the benefits based on whom they like, rather than who is doing the best job for the company. It is very frustrating to work for an agency that allows favoritism to flourish as in the Engineering Division. Favoritism hurts morale, diminishes performance and productivity, and leads to lower retention rates, as employees whose good work goes unrecognized decide to move on to better opportunities. Favoritism is bad management, but is it illegal? The law doesn't prohibit poor management practices or general unfairness. However, favoritism crossed the line in my case because of the practice of age discrimination. Age discrimination or any discrimination is in total opposition to the District's policy on equal employment opportunity.

#### **Fact**

The younger employees were given the best assignments and job opportunities for advancement. This favoritism has been extended to Pam Leong and Sanjeev Kamboj. Another younger person being showered with favoritism and is on the rise is Fred Tanaka. Proposition 209 bans favoritism or preferential treatment. It stresses a purely merit-based system without preferential treatment. At my age and with my past accomplishments and achievements, I am well prepared and eager to compete with anyone purely on a merit-based system. However,

because I am well within my retirement age, I am out of favor by the Director of Engineering. However, I still have a lot to offer as a long-time loyal and dedicated employee of the District. The District should not allow for age discrimination to become the norm in the Engineering Division.

### **Recommendation**

I recommend that an investigation be launched to determine the severity of these alleged infractions, which denied an elderly Black employee an opportunity to join the elite management team at the Air District. If my charges of race and age discrimination are found to have merit and to be as I have declared, appropriate action should be taken immediately by the Equal Employment Opportunity Officer to eradicate race and age discrimination in employment practices in the Engineering Division. I have proposed a satisfactory remedy below.

### **Remedy**

To be intolerant to race and age discrimination at the District, and to compensate the aggrieved party for the harm that has befallen him, and to send a strong message to the Director of Engineering to provide fair and equitable treatment to all staff, I recommend that the fourth management position in the Engineering Division that was lost because of the 3<sup>rd</sup> DAPCO position be restored. The District has grown immensely in the number of management positions over the years. The Engineering Division is the only major division at the District which has not grown in the number of managers since I joined the Air District (more than 26 years ago). It is rich with minorities and females and is fertile ground to increase workplace diversity. Furthermore, to eliminate a management position in the Engineering Division would be regressive, in my opinion. It would stagnate opportunities for promotional advancement into the management field for minorities and females, which are already few and in between.

Also, once restored, I recommend that Juan Ortellado be reassigned his old position as Manager of Permit Operations where he excelled. Presently, Pam is managing that section along with Engineering Projects. Further, I recommend that I become the new manager of the Permit Evaluation Section filling the vacancy left by Juan. My entire time at the District has been in the Permit Evaluation Section and I am well qualified to perform the duties and responsibilities of that management class. My hiring selection can follow the same process as the promotion for Sanjeev Kamboj (chosen by the hiring manager from the list of finalist in the recent management recruitment for the division).



## ATTACHMENT

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**From:** Douglas Hall  
**Sent:** Monday, September 10, 2012 4:21 PM  
**To:** Sa Sa Kotovsky  
**Subject:** FW: Interest in Acting Manager

Sa Sa,

I am interested in the two vacant Manager positions. Please arrange an appointment for me to discuss this opportunity with Jim.

Thanks,

Doug

---

**From:** Jim Karas  
**Sent:** Tuesday, September 04, 2012 5:01 PM  
**To:** Juan Ortellado; Barry Young; Pamela Leong; Joseph Slamovich  
**Subject:** RE: Interest in Acting Manager

Clarification:

Senior staff includes senior engineers and above.

Please have interested staff contact SaSa by Friday, September 14<sup>th</sup>.

JimK

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**From:** Jim Karas  
**Sent:** Tuesday, September 04, 2012 4:54 PM  
**To:** Juan Ortellado; Barry Young; Pamela Leong; Joseph Slamovich  
**Subject:** Interest in Acting Manager

Managers,

As you know, we have two vacant Manager positions. Please have any interested senior staff make an appointment with SaSa to discuss this opportunity with me.

JimK

Jim Karas

Director of Engineering

Bay Area Air Quality Management District

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

[www.baaqmd.gov](http://www.baaqmd.gov)

# Douglas W. Hall

## Education, Experiences and Accomplishments

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### Summary of Qualifications

Supervising Air Quality Engineer with 24 years of supervisory and lead experience, a Bachelor's degree in Mechanical Engineering, Master's degree in Management and 12.5 years as a Research Engineer at Chevron Research Company.

- Extensive knowledge of Air Pollution and control equipment.
- Proven ability to supervise and train staff.
- Expertise in the Title V Program, refinery operations, engine program, NSR permitting program and much more.
- Proven ability to see the whole picture and do what needs to be done.

### Professional Experience

BAAQMD

March 1990 – Present

- Supervised 21 engineers, many new hires, over the past 23 years as a supervisor, in permitting routine and complex permit applications for which nearly ½ have become seniors or supervisors.
- Reviewed and edited more than 5000 engineering evaluations over 23 years as a supervisor for clarity, conciseness, soundness and accuracy.
- Managed the Title V program for 7 years and timely issued 41 of the 43 Title V renewals on the Our Children's Earth (OCE) list prior to the deadline.
- Interpreted and enforced for 27 years the District regulatory requirements on permitting existing, new and modified sources of air pollution.
- Led, as Project Leader, the Engineering Division in the interdivisional Flare Minimization Plan (FMP) efforts involving Engineering, Enforcement and Legal.
- Amended regulation and revised data forms to allow the permitting of portable equipment and pre-certified sources.
- Provided technical expertise as District representative on the CAPCOA and ARB portable equipment registration program.

- Represented Air District and reported directly to APCO on Locomotive Emissions Advisory Committee (LEAC).
- Taught and trained 19 Interns and 2 temporary employees to carry out the business of the Air District.
- Conducted many outside recruitments and hired two engineers into the Engineering Division.
- Acted as Acting Manager for an aggregate of 6 months when the Manager was away and was the Acting Director of the Permit Services Division for 3 days.
- Improved public speaking skills through numerous presentations before the District's Personnel Committee, Budget and Finance Committee and Board of Directors.
- Helped develop and write policies on Enhanced Enforceability of Permit Conditions Committee (Engineering, Enforcement and Technical).
- Spoke before the Hearing Board on plants in non-compliance.

BAAQMD

January 1987-February 1990

Reviewed and evaluated numerous permit applications for permitting stationary sources of air pollution. The evaluation process involved assessing the nature of the equipment, quantifying the source emissions, verifying compliance, and imposing enforceable permit conditions.

Chevron Research Company

August 1973 – September 1986

Planned, organized and managed projects related to fuel impacts on air quality in response to governmental regulations, such as gasoline RVP, vehicle evaporative emissions, diesel exhaust emissions and gasoline octane quality.

Developed Nationwide control measure for reducing NOx from diesel engines (retard injection timing by 4 degrees to reduce NOx by 40%), which became BACT for NOx at the District.

Demonstrated the deleterious effect of engine deposits on vehicle emissions and fuel consumption, which gave rise to a gasoline additive (TECHRON) which is now blended into the gasoline to help restore and maintain the original manufacturers' emission performance levels.

## Education

B.S. Mechanical Engineering, 1973  
Southern University, Baton Rouge, Louisiana  
M.B.A., Management, 1979  
Golden Gate University, San Francisco, CA

## Selected Publications

“Current Regulations Impacting Exhaust Emissions from Stationary Internal Combustion Engines”, D.W. Hall, BAAQMD, presented at the American Society of Mechanical Engineers Technical Conference in San Antonio, Texas, October 1988.

“Carburetor Deposits – Are Clean Throttle Bodies Enough?”, D. W. Hall and L. M. Gibbs, Society of Automotive Engineers, Paper #760752, Presented at F and L meeting, Dearborn, Michigan, October 1976.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: September 26, 2014

Re: Report of the Mobile Source Committee Meeting of September 25, 2014

RECOMMENDED ACTION

The Mobile Source Committee (Committee) recommends Board of Directors' approval of the following items:

- A) Projects and Contracts with Proposed Awards over \$100,000:
- 1) Approve Carl Moyer Program (CMP) and Transportation Fund for Clean Air (TFCA) projects with proposed grant awards over \$100,000;
  - 2) Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into agreements for the recommended projects; and
  - 3) Approve policy waivers to allow Santa Clara Valley Transportation Authority and Alameda County Transportation Commission (ACTC) to use Fiscal Year Ending (FYE) 2015 TFCA County Program Manager (CPM) Funds for bicycle sharing projects and to allow ACTC to use FYE 2014 TFCA CPM Funds to fund a shuttle project for the second year at a cost-effectiveness that aligns with the TFCA Regional Fund.
- B) None; receive and file.
- C) None; receive and file.

BACKGROUND

The Committee met on Thursday, September 25, 2014, and received the following reports and recommendations:

- A) Projects and Contracts with Proposed Awards over \$100,000;
- B) Update on Hydrogen Station Infrastructure and Vehicles; and

C) Update on Plug-in Electric Vehicle and Infrastructure Program.

Chairperson Scott Haggerty will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

A) None. Through the CMP, Mobile Source Incentive Fund and TFCA, the Air District distributes “pass-through” funds to public agencies and private entities on a reimbursement basis. Administrative costs for both programs are provided by each funding source.

B) None.

C) None. The Air District distributes program monies as “pass-through” funds on a reimbursement basis. Administrative costs for project staffing are provided by the Air District’s TFCA program.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez

Attachment A: 09/25/14 – Mobile Source Committee Meeting Agenda #4 with Attachments  
Attachment B: 09/25/14 – Mobile Source Committee Meeting Agenda #5  
Attachment C: 09/25/14 – Mobile Source Committee Meeting Agenda #6

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Scott Haggerty and  
Members of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 8, 2014

Re: Projects and Contracts with Proposed Awards over \$100,000

RECOMMENDATIONS:

Recommend Board of Directors:

1. Approve Carl Moyer Program (CMP) and Transportation Fund for Clean Air (TFCA) projects with proposed grant awards over \$100,000;
2. Authorize the Executive Officer/APCO to enter into agreements for the recommended projects; and
3. Approve policy waivers to allow Santa Clara Valley Transportation Authority and Alameda County Transportation Commission to use FYE 2015 TFCA County Program Manager (CPM) Funds for bicycle sharing projects, and to allow Alameda County Transportation Commission to use FYE 2014 TFCA CPM Funds to fund a shuttle project for the second year at a cost-effectiveness that aligns with the TFCA Regional Fund.

BACKGROUND

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (ARB), since the program began in fiscal year 1998-1999. The CMP provides grants to public and private entities to reduce emissions of oxides of nitrogen (NOx), reactive organic gases (ROG) and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible heavy-duty diesel engine applications include on-road trucks and buses, off-road equipment, marine vessels, locomotives, stationary agricultural pump engines, and forklifts.

Assembly Bill 923 (AB 923 - Firebaugh), enacted in 2004 (codified as Health and Safety Code Section 44225), authorized local air districts to increase their motor vehicle registration surcharge up to an additional \$2 per vehicle. The revenues from the additional \$2 surcharge are deposited into the Air District's Mobile Source Incentive Fund (MSIF). AB 923 stipulates that air districts may use the revenues generated by the additional \$2 surcharge for projects eligible for grants under the CMP.

Since 1992, the Transportation Fund for Clean Air (TFCA) program has funded projects that achieve surplus emission reductions from on-road motor vehicles. Funding for this program is provided by a \$4 surcharge on motor vehicles registered within the San Francisco Bay Area as authorized by the California State Legislature. The statutory authority for the TFCA and



requirements of the program are set forth in California Health and Safety Code (HSC) Sections 44241 and 44242. Sixty percent (60%) of TFCA funds are awarded directly by the Air District through a grant program known as the Regional Fund that is allocated on a competitive basis to eligible projects proposed by project sponsors.

On February 19, 2014, the Board of Directors authorized Air District's participation in Year 16 of the CMP, and authorized the Executive Officer/APCO to execute grant agreements and amendments for projects funded with CMP funds or MSIF revenues, with individual grant award amounts up to \$100,000. On November 18, 2009, the Air District Board of Directors authorized the Executive Officer/APCO to execute grant agreements and amendments for projects funded with TFCA funds, with individual grant award amounts up to \$100,000.

CMP and TFCA Regional Fund projects with grant award amounts over \$100,000 are brought to the Committee for consideration on a quarterly basis. Staff reviews and evaluates the grant applications based upon the respective governing policies and guidelines established by the ARB and/or the Air District's Board of Directors.

## DISCUSSION

### **Carl Moyer Program:**

The Air District started accepting applications for CMP Year 16 projects on July 14, 2014. The Air District has approximately \$12 million available for CMP projects from a combination of MSIF and CMP funds. Project applications are being accepted and evaluated on a first-come, first-served basis.

As of September 8, 2014, the Air District had received 154 project applications for the CMP Year 15 and 16 cycles. Of the applications that have been evaluated between May 6, 2014 and September 8, 2014, five (5) eligible projects have proposed individual grant awards over \$100,000. These projects will replace seven (7) off-road diesel-powered tractors, two (2) marine propulsion engines, and three (3) off-road diesel-powered loaders. These projects will reduce over 8.3 tons of NOx, ROG and PM per year. Staff recommends allocating \$998,145 to these projects from a combination of CMP funds and MSIF revenues. Attachment 1, Table 1, provides additional information on these projects.

Attachment 2, lists all of the eligible projects that have been received by the Air District as of September 8, 2014, and summarizes the allocation of funding by equipment category, and county. This list also includes the Voucher Incentive Program (VIP) on-road replacement projects awarded since the last committee update. Approximately 25% of the funds have been awarded to projects that reduce emissions in highly impacted Bay Area communities. Attachment 3, summarizes the cumulative allocation of CMP, MSIF, and VIP funding since the Year 11 funding cycle (more than \$66 million awarded to 596 projects).

### **Transportation Fund for Clean Air:**

On June 5, 2013, the Board of Directors allocated \$22.75 million in FYE 2014 TFCA funds to Air District sponsored projects and programs and Regional Fund programs. Since then, the Air District has opened solicitations for the following TFCA-funded incentive programs: Shuttle and Ridesharing, Bicycle Rack Vouchers, Bicycle E-Lockers, Electric Vehicle Charging

Infrastructure, Plug-in Electric Vehicle Rebates for Public Agencies, and On-road Truck Replacements. In addition, on July 8, 2014, the Air District was awarded a \$500,000 grant from the California Energy Commission (CEC) to deploy 10 direct current (DC) fast chargers, and co-locate 12 level 2 chargers at six Bay Area locations.

As of September 8, 2014, the Air District had received 80 project applications for FYE 2014 TFCA funding. Of the applications that have been evaluated between May 6, 2014, and September 8, 2014, three (3) eligible projects have proposed individual grant awards over \$100,000. These projects will deploy eight (8) DC fast chargers and twelve (12) Level 2 chargers; and will reduce over 0.16 tons of NOx, ROG and PM per year. Staff recommends allocating \$578,396 to these projects from a combination of CEC and Air District TFCA fund revenues. Attachment 1, Table 2, provides additional information on these projects.

Attachment 4, lists all of the eligible projects that have been awarded FYE 2014 TFCA and CEC funding by the Air District as of March 31, 2014, and summarizes the allocation of FYE 2014 TFCA funds by program, and by county. To date, more than \$5.9 million in TFCA funds have been awarded to 62 projects.

#### *Policy Waiver Requests*

Attachment 5, lists four projects that require Board approval because they do not conform to the FYE 2015 and FYE 2014 TFCA CPM Fund Policies. TFCA CPM Fund Policy #3 allows CPM's to seek Air District Board of Directors' approval on a case-by-case basis for projects that are authorized by the HSC Section 44241 and achieve Board-adopted TFCA cost-effectiveness but do not meet all of the Board adopted policies. Santa Clara Valley Transportation Authority (VTA) and Alameda County Transportation Commission (Alameda CTC) are requesting to use FYE 2015 TFCA CPM Funds for bicycle sharing projects, and Alameda CTC is also requesting to use FYE 2014 TFCA CPM Funds to fund a shuttle project for the second year at a cost-effectiveness that aligns with the Regional Fund (since the Regional Fund and CPM Fund policies are not updated at the same time, projects seeking a second year of operations from the CPM Fund will not align with the current year Regional Fund policies).

Staff has reviewed VTA's and Alameda CTC's requests and determined that these projects conform to the provisions of HSC Section 44241 and Board-adopted TFCA cost-effectiveness. Therefore, staff is requesting that the Board approve VTA's and Alameda CTC's request, as allowed by Policy #3.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. Through the CMP, MSIF and TFCA, the Air District distributes “pass-through” funds to public agencies and private entities on a reimbursement basis. Administrative costs for both programs are provided by each funding source.

Respectfully submitted,

Jack P. Broadbent  
Executive Director/APCO

Prepared by: Karen Schkolnick and Linda Hui  
Reviewed by: Anthony Fournier

- Attachment 1: Projects with grant awards greater than \$100,000 (evaluated between 5/6/14 and 9/8/14)
- Attachment 2: Summary of all CMP/ MSIF and VIP approved and eligible projects (evaluated between 5/6/14 and 9/8/14)
- Attachment 3: Summary of program distribution by county and equipment category for CMP/ MSIF and VIP projects for Years 11-16
- Attachment 4: Summary of all TFCA approved and eligible projects (as of 9/8/14)
- Attachment 5: TFCA projects requiring case-by-case approvals

## AGENDA 4 - ATTACHMENT 1

**Table 1 - Summary of Carl Moyer Program/ Mobile Source Incentive Fund projects with grant awards greater than \$100k (Evaluated between 5/6/14 and 9/8/14)**

Project #	Applicant name	Equipment category	Project description	Proposed contract award	Emission Reductions (Tons per year)			County
					NOx	ROG	PM	
15MOY129	Colinas Farming Company	Ag/ off-road	Replacement of five diesel-powered tractors.	\$ 183,906.00	0.402	0.086	0.037	Napa
15MOY130	Evergreen Materials Inc. DBA Evergreen Supply	Off-road	Replacement of two diesel-powered loaders.	\$ 188,559.00	1.098	0.162	0.053	Santa Clara
16MOY2	Rankins AG, Inc.	Ag/ off-road	Replacement of two diesel-powered tractors.	\$ 289,836.00	2.947	0.298	0.111	Contra Costa
16MOY11	Dolcini Brothers	Ag/ off-road	Replacement of one diesel-powered loader.	\$ 147,264.00	1.244	0.180	0.064	Sonoma
15MOY126	C & W Diving Services, Inc.	Marine	Replacement of two propulsion engines on the Tug "Hero."	\$ 188,580.00	1.524	0.051	0.067	Alameda
<b>5 Projects</b>				<b>\$ 998,145.00</b>	<b>7.215</b>	<b>0.777</b>	<b>0.332</b>	

**Table 2 - Summary of TFCA projects with grant awards greater than \$100k (Evaluated between 5/6/14 and 9/8/14)**

Project #	Applicant name	Equipment category	Project description	Proposed total contract award*	Proposed TFCA award amount	Emission Reductions (Tons per year)			County
						NO <sub>x</sub>	ROG	PM	
15DCFC01*	Federated Indians of Graton Rancheria	EV Charging Equipment	2 DC fast and 8 L2 chargers in Rohnert Park	\$ 146,396.00	\$ 58,400.00	0.030	0.024	0.004	Sonoma
15DCFC02*	Resurgens Renewables, LLC	EV Charging Equipment	2 DC fast and 4 L2 chargers in Fremont and Sunol	\$ 160,000.00	\$ 47,200.00	0.020	0.016	0.003	Alameda
15DCFC04*	City and County of San Francisco, Airport Commission	EV Charging Equipment	4 DC fast chargers at SFO	\$ 272,000.00	\$ 72,000.00	0.033	0.026	0.004	San Mateo
<b>3 Projects</b>				<b>\$ 578,396.00</b>	<b>\$ 177,600.00</b>	<b>0.083</b>	<b>0.066</b>	<b>0.011</b>	

\*California Energy Commission is contributing \$400,796 of the Proposed Contract Award to these projects.

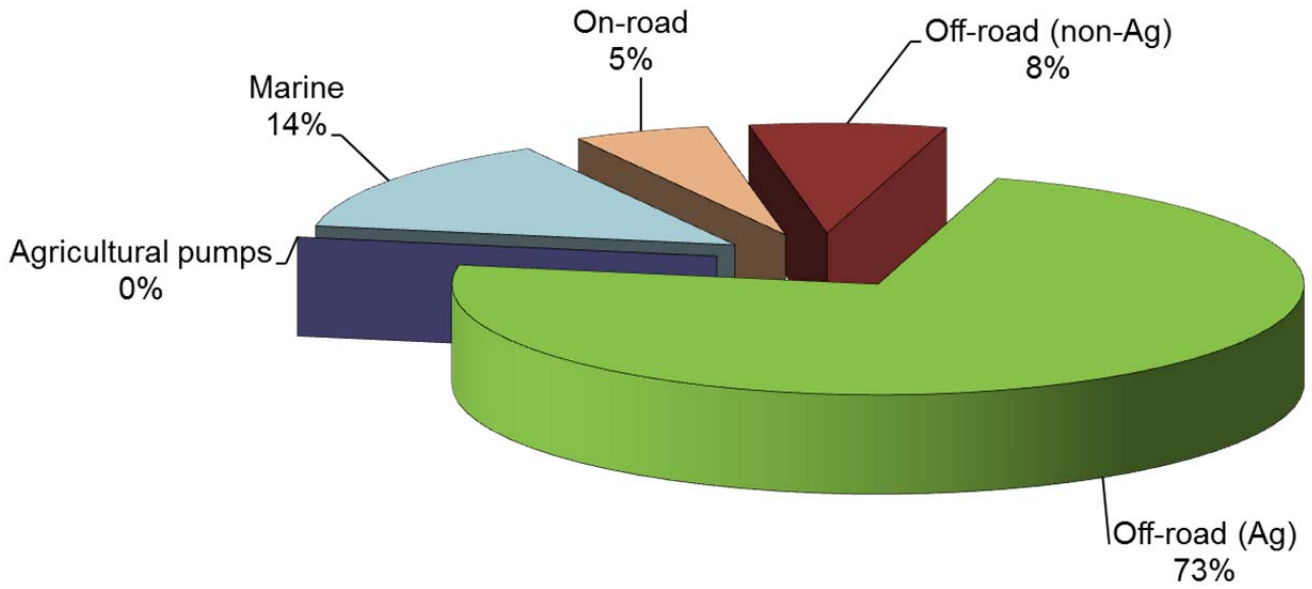
## AGENDA 4 - ATTACHMENT 2

*Summary of all CMP, MSIF and VIP approved/ eligible projects (between 5/6/14 and 9/8/14)*

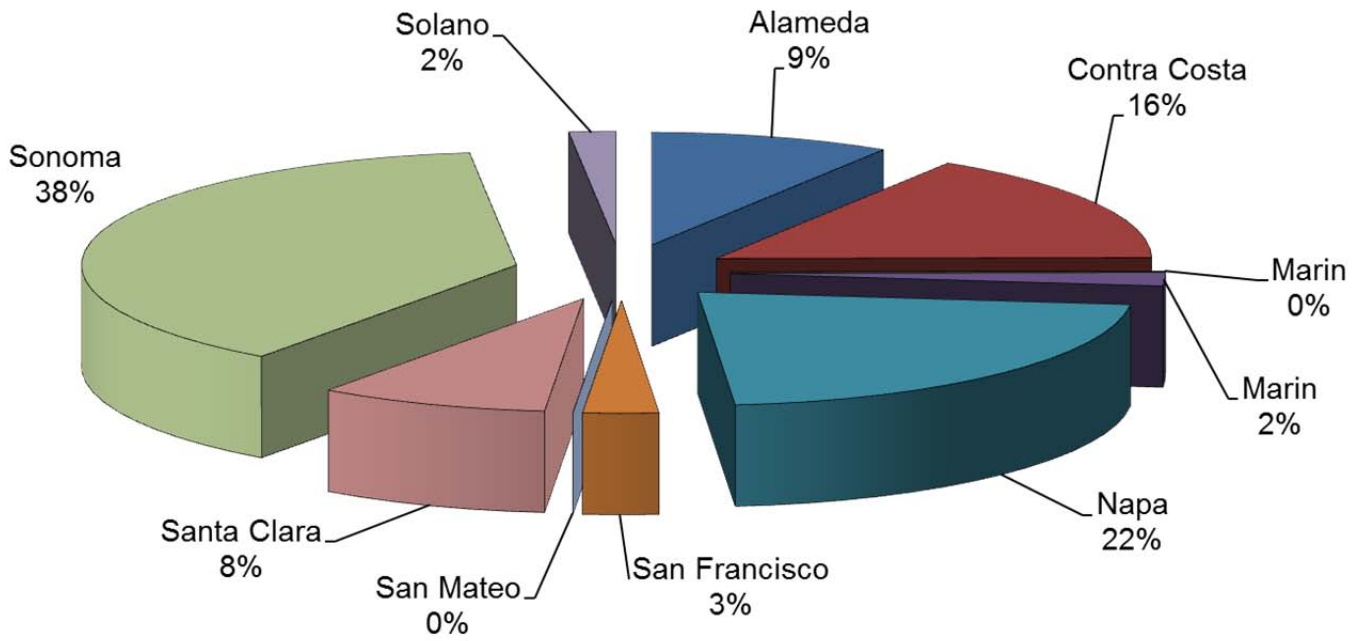
Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
15MOY89	Ag/ off-road	Tractor replacement	1	\$ 23,100.00	Tri-Valley Vineyard Management Inc.	0.061	0.013	0.003	APCO	Sonoma
15MOY120	Ag/ off-road	Tractor replacement	4	\$ 96,346.00	David Piriio Vineyard Management LLC	0.251	0.059	0.020	APCO	Napa
15MOY80	Ag/ off-road	Tractor replacement	2	\$ 59,791.00	Kenzo Estate, Inc.	0.186	0.033	0.015	APCO	Napa
15MOY94	Ag/ off-road	Tractor replacement	2	\$ 85,280.00	Garry Mahrt (Farmer)	0.319	0.060	0.024	APCO	Sonoma
15MOY104	Ag/ off-road	Tractor replacement	1	\$ 38,428.00	Capp Bros Vineyard Management	0.097	0.025	0.010	APCO	Napa
15MOY105	Ag/ off-road	Tractor replacement	1	\$ 40,801.00	Domenico J. Carinalli, Jr.	0.114	0.024	0.006	APCO	Sonoma
15MOY107	Ag/ off-road	Tractor replacement	1	\$ 42,232.00	M. German & Son (Farmer)	0.175	0.032	0.015	APCO	Solano
15MOY108	Ag/ off-road	Tractor replacement	1	\$ 28,704.00	Clementina Biale Vineyards	0.083	0.017	0.006	APCO	Napa
15MOY109	Ag/ off-road	Tractor replacement	1	\$ 47,910.00	Cunningham Dairy	0.243	0.015	0.013	APCO	Sonoma
15MOY97	Ag/ off-road	Tractor replacement	1	\$ 22,580.00	Bowland Vineyard Mgt, Inc.	0.059	0.013	0.003	APCO	Sonoma
15MOY100	Ag/ off-road	Tractor replacement	1	\$ 62,676.00	Custom Tractor Sevice	0.382	0.053	0.019	APCO	Sonoma
15MOY99	Ag/ off-road	Tractor replacement	1	\$ 39,757.00	Regusci Vineyard Management, Inc.	0.104	0.029	0.010	APCO	Napa
15MOY110	Ag/ off-road	Tractor replacement	1	\$ 33,860.00	Roche Winery, LLC.	0.067	0.014	0.006	APCO	Sonoma
15MOY115	Ag/ off-road	Tractor replacement	2	\$ 76,115.00	Nancy and Tony Lilly (Vineyard)	0.220	0.045	0.021	APCO	Sonoma
15MOY118	Ag/ off-road	Tractor replacement	1	\$ 28,898.00	Pina Vineyard Management , LLC.	0.129	0.026	0.009	APCO	Napa
15MOY119	Ag/ off-road	Tractor replacement	2	\$ 58,835.00	Chappellet Vineyard	0.152	0.022	0.009	APCO	Napa
15MOY122	Ag/ off-road	Tractor replacement	1	\$ 32,081.00	Cornerstone Certified Vineyard	0.074	0.016	0.006	APCO	Sonoma
15MOY123	Ag/ off-road	Tractor replacement	1	\$ 71,775.00	Glenn Yenni & Sons, Inc.	0.153	0.029	0.013	APCO	Sonoma
15MOY137	Marine	Engine replacement	2	\$ 99,550.00	Brian Collier (Charter fishing)	0.937	-0.010	0.037	APCO	Contra Costa
15MOY116	Ag/ off-road	Equipment replacement	1	\$ 63,622.00	Morrison Brother's Dairy	0.171	0.042	0.021	APCO	Sonoma
15MOY124	Ag/ off-road	Equipment replacement	1	\$ 46,040.00	Blakes Landing Farms, Inc.	0.116	0.020	0.007	APCO	Marin
15MOY127	Ag/ off-road	Equipment replacement	1	\$ 49,890.00	Hi Vista Vineyards, LLC	0.120	0.023	0.008	APCO	Sonoma
15MOY128	Ag/ off-road	Equipment replacement	1	\$ 42,232.00	Deniz Dairy	0.135	0.023	0.008	APCO	Sonoma
15MOY129	Ag/ off-road	Equipment replacement	5	\$ 183,906.00	Colinas Farming Company	0.402	0.086	0.037	TBD	Napa
15MOY136	Ag/ off-road	Equipment replacement	1	\$ 27,480.00	Dirt Farmer & Company	0.052	0.015	0.005	APCO	Sonoma
15MOY133	Ag/ off-road	Equipment replacement	1	\$ 41,017.00	Alta Vineyard Management, Inc.	0.164	0.032	0.009	APCO	Sonoma
15MOY132	Ag/ off-road	Equipment replacement	1	\$ 27,865.00	B Wise Vinyeards, LLC	0.053	0.016	0.005	APCO	Sonoma
15MOY135	Marine	Equipment replacement	2	\$ 68,500.00	San Francisco Bar Pilots	0.419	0.006	0.017	APCO	San Francisco
15MOY130	Off-road	Equipment replacement	2	\$ 188,559.00	Evergreen Materials Inc. DBA Evergreen Supply	1.098	0.162	0.053	TBD	Santa Clara
16MOY2	Ag/ off-road	Equipment replacement	2	\$ 289,836.00	Rankins AG, Inc.	2.947	0.298	0.111	TBD	Contra Costa
16MOY4	Ag/ off-road	Equipment replacement	1	\$ 41,017.00	John Camozzi (Farm/ ranch)	0.176	0.029	0.011	APCO	Sonoma

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
16MOY11	Ag/ off-road	Equipment replacement	1	\$ 147,264.00	Dolcini Brothers	1.244	0.180	0.064	TBD	Sonoma
15MOY126	Marine	Engine replacement	2	\$ 188,580.00	C & W Diving Services, Inc.	1.524	0.051	0.067	TBD	Alameda
VIP247	VIP	Truck Replacement	1	\$ 45,000.00	Everardo Espinosa	0.878	0.013	0.000	APCO	Tehama
VIP248	VIP	Truck Replacement	1	\$ 20,000.00	Lupe Laureano	0.400	0.007	0.000	APCO	Santa Clara
VIP249	VIP	Truck Replacement	1	\$ 35,000.00	James R. Egger Jr.	0.675	0.010	0.000	APCO	Shasta
VIP250	VIP	Truck Replacement	1	\$ 30,000.00	J/W Sanchez Trucking Co., Inc.	0.581	0.009	0.000	APCO	Alameda
<b>37 Projects</b>			<b>53</b>	<b>\$ 2,524,527.00</b>		<b>14.958</b>	<b>1.537</b>	<b>0.670</b>		

**Figure 1: CMP/ MSIF Funding Distribution by Equipment Category as of 9/8/14**

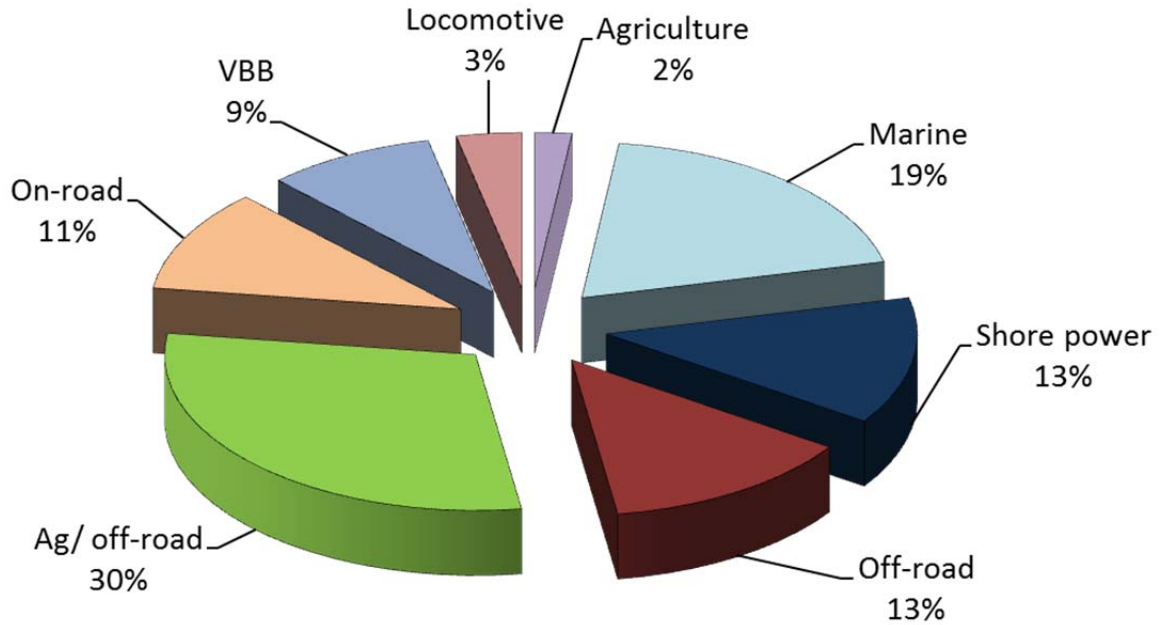


**Figure 2: CMP/ MSIF Funding Distribution by County as of 9/8/14**

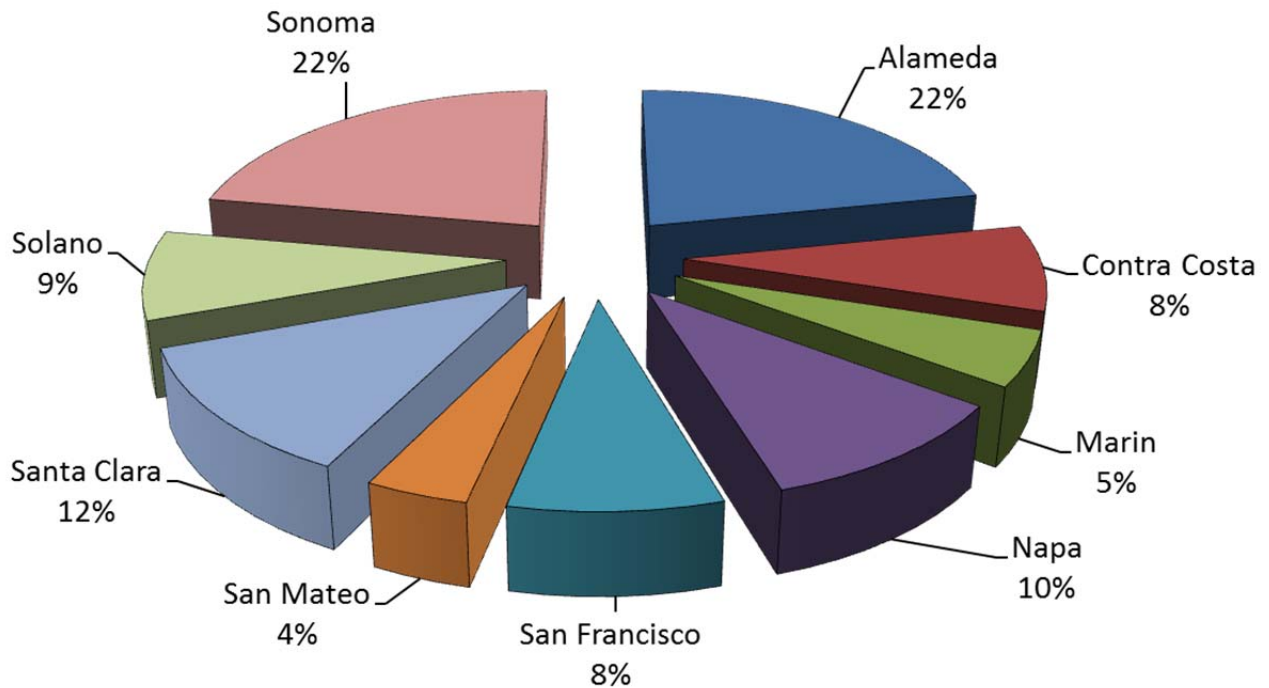


# AGENDA 4 - ATTACHMENT 3

**Figure 3: CMP, MSIF, and VIP funding for Years 11-16 by equipment category**



**Figure 4: CMP, MSIF, and VIP funding for Years 11-16 by county**





## AGENDA 4 - ATTACHMENT 4

*Summary of all TFCA projects (As of 9/8/14)*

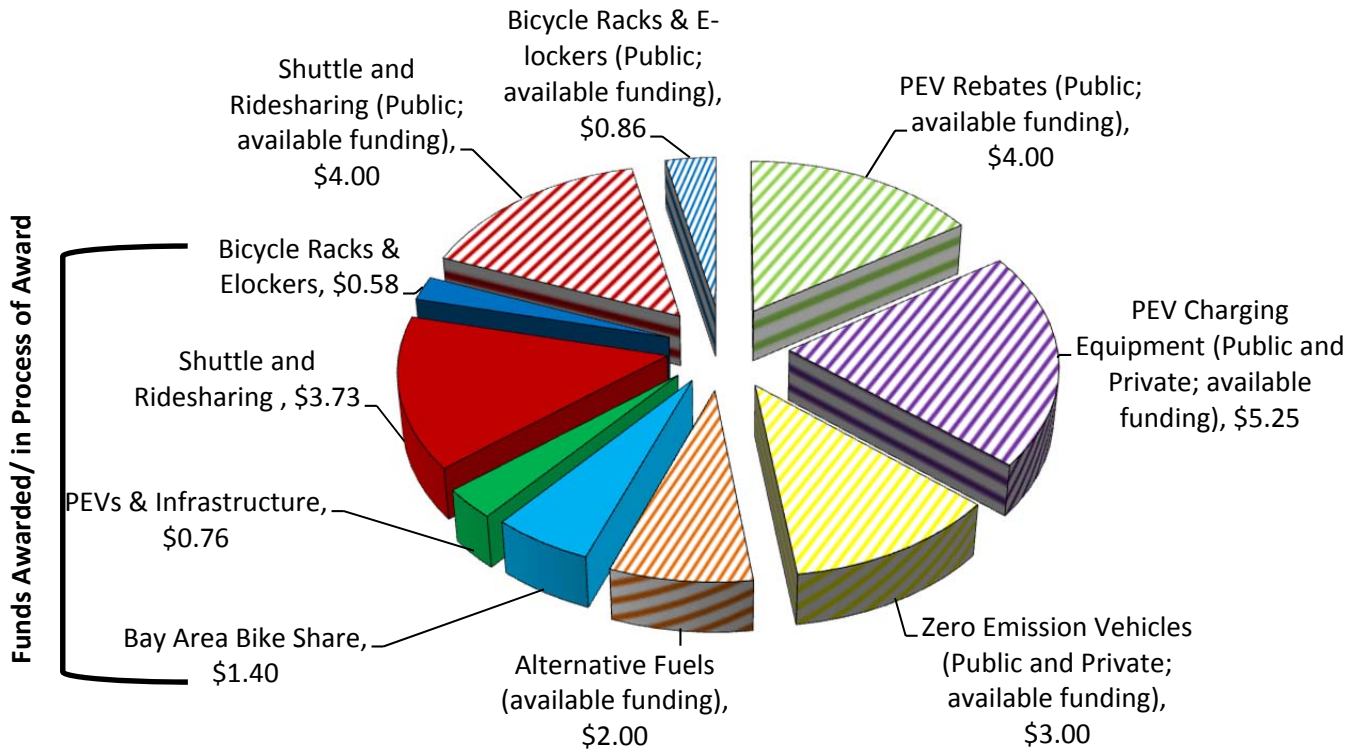
Project #	Equipment category	Project type	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
					NO <sub>x</sub>	ROG	PM		
14R07	Shuttle & Rideshare	City of Oakland Broadway Shuttle	\$ 219,518.00	City of Oakland	0.58	0.68	0.67	3/19/14	Alameda
14R08	Shuttle & Rideshare	PresidiGo Downtown Shuttle	\$ 100,000.00	Presidio Trust	0.22	0.35	0.32	3/19/14	San Francisco
14R09	Shuttle & Rideshare	Bay Fair BART Shuttle	\$ 16,400.00	Alameda County	0.02	0.04	0.04	3/19/14	Alameda
14R11	Shuttle & Rideshare	Commuter Shuttle	\$ 143,520.00	The City of Richmond	0.35	0.34	0.34	3/19/14	Contra Costa
14R12	Shuttle & Rideshare	Shuttle/Feeder Bus	\$ 50,600.00	Altamont Corridor Express	0.23	0.33	0.41	3/19/14	Alameda
14R13	Shuttle & Rideshare	82X Levi Express Shuttle	\$ 122,000.00	San Francisco Municipal Transportation Agency (SFMTA)	0.42	0.64	0.92	3/19/14	San Francisco
14R14	Shuttle & Rideshare	Caltrain Shuttle Program	\$ 1,000,000.00	Peninsula Corridor Joint Powers Board	4.95	4.87	5.33	3/19/14	San Mateo
14R16	Shuttle & Rideshare	ACE Shuttle Bus Program	\$ 960,000.00	Santa Clara Valley Transportation Authority	2.48	2.2	2.61	3/19/14	Santa Clara
14R17	Shuttle & Rideshare	511 Rideshare Program	\$ 1,000,000.00	Metropolitan Transportation Commission	9.48	10.42	11.33	3/19/14	REGIONAL
14R18	Shuttle & Rideshare	SJSU Ridesharing & Trip Reduction	\$ 120,000.00	Associated Students, San Jose State University	1.88	1.87	1.81	3/19/14	Santa Clara
14R19	Electronic-Bicycle Locker	WETA Electronic Bicycle Locker Program	\$ 50,000.00	San Francisco Bay Area Water Emergency Transportation Authority	N/A			5/21/14	REGIONAL
14R20	Electronic-Bicycle Locker	Fairfax Parkade E-lockers	\$ 20,000.00	Town of Fairfax	N/A			5/21/2014	Marin
14R21	Electronic-Bicycle Locker	City of San Jose Public Electronic Bicycle Locker Program	\$ 50,000.00	City of San Jose	N/A			5/21/2014	Santa Clara
14R22	Electronic-Bicycle Locker	Electronic Bicycle Lockers	\$ 70,000.00	San Francisco Municipal Transportation Agency	N/A			5/21/2014	San Francisco
14R23	Electronic-Bicycle Locker	Adding E-Lockers at San Leandro BART Station	\$ 70,000.00	City of San Leandro	N/A			5/21/2014	Alameda
14R24	Electronic-Bicycle Locker	Caltrain E-Lockers at Diridon Station	\$ 40,000.00	Peninsula Corridor Joint Powers Board	N/A			5/21/2014	Santa Clara
14R25	Electronic-Bicycle Locker	2014 Santa Clara County Electronic Bicycle Lockers	\$ 40,000.00	Santa Clara County	N/A			5/21/2014	Santa Clara
14R26	Electronic-Bicycle Locker	Three Quads at Ralph Appezzato Memorial Parkway/Webster Street	\$ 30,000.00	City of Alameda Public Works Department	N/A			5/21/14	Alameda
14R27	Electronic-Bicycle Locker	Emeryville Amtrak eLockers	\$ 30,000.00	City of Emeryville	N/A			5/21/2014	Alameda
14R28	Electronic-Bicycle Locker	20th Street Historic Buildings at Pier 70	\$ 40,000.00	Port of San Francisco	N/A			5/21/2014	San Francisco
13BR001	Bicycle Rack Voucher	Purchase of nine (9) bicycle racks	\$ 1,080.00	Dougherty Elementary School	N/A			APCO	Alameda

Project #	Equipment category	Project type	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
					NO <sub>x</sub>	ROG	PM		
13BR002	Bicycle Rack Voucher	Purchase of three (3) bicycle racks	\$ 720.00	Old Mill School	N/A			APCO	Marin
13BR003	Bicycle Rack Voucher	Purchase of six (6) bicycle racks	\$ 2,160.00	Reed Union School District	N/A			APCO	Marin
13BR004	Bicycle Rack Voucher	Purchase of thirty-five (35) bicycle racks	\$ 4,200.00	Sausalito Marin City School District	N/A			APCO	Marin
13BR005	Bicycle Rack Voucher	Purchase of ten (10) bicycle racks	\$ 2,400.00	Tamalpais Valley School	N/A			APCO	Marin
13BR006	Bicycle Rack Voucher	Purchase of sixty-eight (68) bicycle racks	\$ 7,812.57	City of Emeryville	N/A			APCO	Alameda
13BR007	Bicycle Rack Voucher	Purchase of ninety-nine (99) bicycle racks	\$ 11,880.00	Tamalpais High School	N/A			APCO	Marin
13BR008	Bicycle Rack Voucher	Purchase of thirty (30) bicycle racks	\$ 3,433.50	Town of Fairfax	N/A			APCO	Marin
13BR009	Bicycle Rack Voucher	Purchase of twenty-two (22) bicycle racks	\$ 2,640.00	Town of Yountville	N/A			APCO	Napa
13BR010	Bicycle Rack Voucher	Purchase of thirty-two (32) bicycle racks	\$ 3,840.00	City of Burlingame-Engineering Division	N/A			APCO	San Mateo
13BR011	Bicycle Rack Voucher	Purchase of twenty-nine (29) bicycle racks	\$ 3,283.62	City of Piedmont	N/A			APCO	Alameda
13BR012	Bicycle Rack Voucher	Purchase of nine (9) bicycle racks	\$ 1,080.00	Town of Corte Madera	N/A			APCO	Marin
13BR013	Bicycle Rack Voucher	Purchase of forty-nine (49) bicycle racks	\$ 11,760.00	Terman Middle School	N/A			APCO	Santa Clara
13BR014	Bicycle Rack Voucher	Purchase of hundred (100) bicycle racks	\$ 12,000.00	University of California San Francisco Medical Center	N/A			APCO	San Francisco
13BR015	Bicycle Rack Voucher	Purchase of fifty-six (56) bicycle racks	\$ 6,720.00	Larkspur-Corte Madera School District	N/A			APCO	Marin
13BR016	Bicycle Rack Voucher	Purchase of fifteen (15) bicycle racks	\$ 1,800.00	City of Petaluma	N/A			APCO	Sonoma
13BR017	Bicycle Rack Voucher	Purchase of seven (7) bicycle racks	\$ 1,680.00	Fremont Unified School District	N/A			APCO	Alameda
13BR018	Bicycle Rack Voucher	Purchase of five (5) bicycle racks	\$ 600.00	Walter T. Helms Middle School	N/A			APCO	Contra Costa
13BR019	Bicycle Rack Voucher	Purchase of eight (8) bicycle racks	\$ 960.00	Town of Corte Madera	N/A			APCO	Marin
13BR020	Bicycle Rack Voucher	Purchase of six (6) bicycle racks	\$ 2,760.00	Burlingame School District	N/A			APCO	San Mateo
13BR021	Bicycle Rack Voucher	Purchase of twenty-five (25) bicycle racks	\$ 2,929.38	Alameda County General Services Agency	N/A			APCO	Alameda

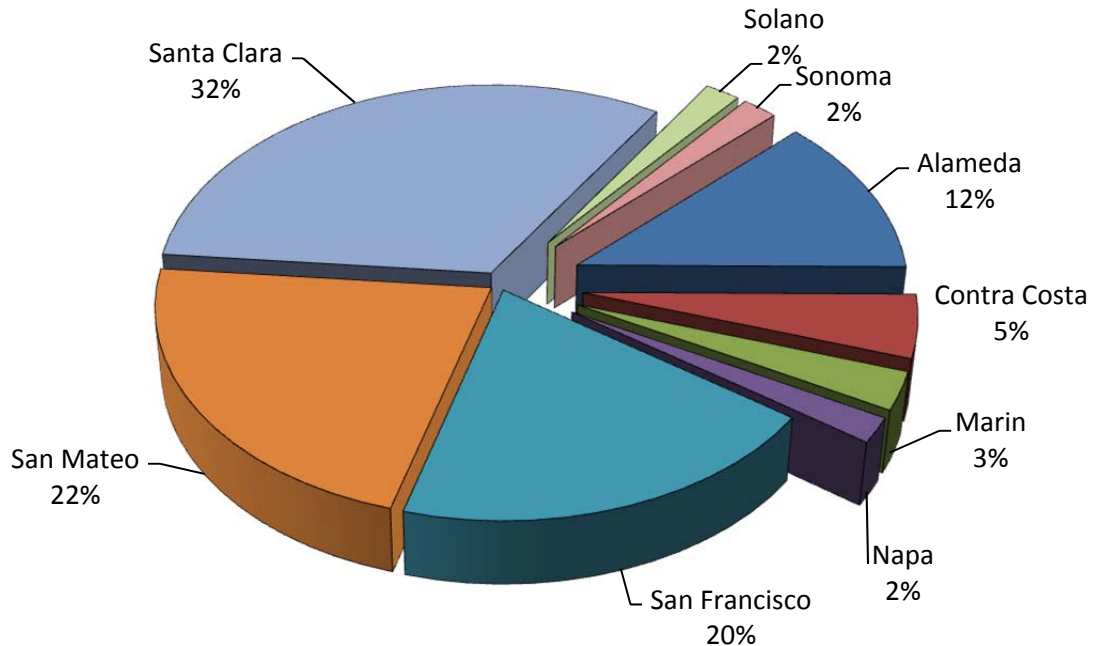
Project #	Equipment category	Project type	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
					NO <sub>x</sub>	ROG	PM		
13BR022	Bicycle Rack Voucher	Purchase of one (1) bicycle rack	\$ 360.00	City of Morgan Hill		N/A		APCO	Santa Clara
13BR023	Bicycle Rack Voucher	Purchase of sixty-five (65) bicycle racks	\$ 7,800.00	San Jose Community College		N/A		APCO	Santa Clara
13BR024	Bicycle Rack Voucher	Purchase of thirty-one (31) bicycle racks	\$ 3,720.00	City of Alameda Public Works Department		N/A		APCO	Alameda
13BR025	Bicycle Rack Voucher	Purchase of twenty-four (24) bicycle racks	\$ 3,360.00	City of Richmond		N/A		APCO	Contra Costa
13BR026	Bicycle Rack Voucher	Purchase of eight (8) bicycle racks	\$ 2,520.00	Livermore Valley Joint Unified School District		N/A		APCO	Alameda
13BR027	Bicycle Rack Voucher	Purchase of fourteen (14) bicycle racks	\$ 5,040.00	City of East Palo Alto		N/A		APCO	San Mateo
13BR028	Bicycle Rack Voucher	Purchase of sixty-four (64) bicycle racks	\$ 3,749.76	Alameda County General Services Agency		N/A		APCO	Alameda
13BR029	Bicycle Rack Voucher	Purchase of thirty (30) bicycle racks	\$ 7,200.00	Jordan Middle School		N/A		APCO	Santa Clara
13BR030	Bicycle Rack Voucher	Purchase of twenty-two (22) bicycle racks	\$ 10,320.00	Palo Alto High School		N/A		APCO	Santa Clara
13BR031	Bicycle Rack Voucher	Purchase of twenty-seven (27) bicycle racks	\$ 3,240.00	City of Novato		N/A		APCO	Marin
13BR032	Bicycle Rack Voucher	Purchase of four (4) bicycle racks	\$ 480.00	Marin County Free Library System, Corte Madera Library		N/A		APCO	Marin
13BR033	Bicycle Rack Voucher	Purchase of twelve(12) bicycle racks	\$ 1,440.00	City of Pittsburg		N/A		APCO	Contra Costa
13BR034	Bicycle Rack Voucher	Purchase of thirty (30) bicycle racks	\$ 3,169.50	City of Martinez		N/A		APCO	Contra Costa
13BR035	Bicycle Rack Voucher	Purchase of thirty (30) bicycle racks	\$ 3,600.00	City of Sausalito		N/A		APCO	Marin
13BR036	Bicycle Rack Voucher	Purchase of fifteen (15) bicycle racks	\$ 1,920.00	City of Richmond		N/A		APCO	Contra Costa
14PEV001	PEV Rebate	PEV Rebate for twenty four (24) vehicles	\$ 60,000.00	County of Alameda, General Services Agency		N/A		APCO	Alameda
14EVSE01	EV Charging Equipment	2 DC fast chargers in Redwood City	\$ 40,000.00	Green Charge Networks, LLC		N/A		6/19/2014	San Mateo
15DCFC03*	EV Charging Equipment	2 DC fast chargers in Alameda	\$ 84,911.60	Alameda Municipal Power		N/A		5/21/2014	Alameda
N/A	Bikeshare	3 stations and ~30 bicycles for Redwood City	\$ 140,000.00	Bay Area Bike Share		N/A		6/5/2013	San Mateo
N/A	Bikeshare	15 stations and ~150 bicycles for San Francisco	\$ 700,000.00	Bay Area Bike Share		N/A		6/5/2013	San Francisco
N/A	Bikeshare	12 stations and ~120 bicycles for San Jose, Mountain View, and Palo Alto	\$ 560,000.00	Bay Area Bike Share		N/A		6/5/13	Santa Clara
<b># of Projects:</b>			<b>62</b>	<b>\$ 5,900,607.93</b>	<b>20.61</b>	<b>21.74</b>	<b>23.78</b>		

**Figure 5: TFCA Grant Funding**

(Funds available, awarded, and in the process of award by Program)



**Figure 6: TFCA FYE 2015 Funding Awarded through 9/8/14 by County**



# AGENDA 4 - ATTACHMENT 5

## TFCA Projects Requiring Case-by-Case Approvals

Project Name	Description	TFCA Funds	Est. Total Project Cost	Requested Policy Exemption Proposal
Bay Area Bike Share (BABS) System Expansion to Oakland	Deploy 700 bicycles and 70 stations	\$900,616	\$18,758,121	<b>Policy 7.</b> Limits operating costs to two years. Alameda CTC proposes to fund five years of operating costs to meet the cost-effectiveness threshold of \$500,000/ton.
BABS System Expansion to Berkeley	Deploy 400 bicycles and 34 stations	\$317,000	\$10,485,106	<b>Policy 7.</b> Limits operating costs to two years. Alameda CTC proposes to fund five years of operating costs to meet the cost-effectiveness threshold of \$500,000/ton.
Mountain View BABS System Expansion	Deploy one station (13 bikes, 23 docks).	\$141,640	\$185,350	<b>Policy 7.</b> Limits operating costs to two years. VTA proposes to fund five years of operating costs to meet the cost-effectiveness threshold of \$500,000/ton.
LAVTA Route 54 Shuttle Operations	Operate LAVTA Route 54 shuttle between Pleasanton ACE Rail Station and West Dublin BART Station.	\$23,500	\$168,541	<b>Policy 2.</b> Requires cost-effectiveness at 90,000/ton of emissions reduced or less. Staff proposes to use FYE 2014 funds to fund the second year at a cost-effectiveness that aligns with the Regional Fund.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Scott Haggerty and  
Members of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 8, 2014

Re: Update on Hydrogen Station Infrastructure and Vehicles

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

In 1990, the California Air Resources Board (CARB) launched an initiative to introduce zero-emission vehicles (ZEV) to reduce pollution and improve public health. Today, it is part of a larger effort to improve air quality and to reduce greenhouse gases that contribute to climate change while minimizing petroleum dependence and increasing energy security.

Fuel Cell Electric Vehicles (FCEVs) are part of a portfolio of choices that include battery electric vehicles, low carbon fuels, and public transit that will reduce transportation's impact on the environment. FCEVs powered by hydrogen are zero-emission vehicles that reduce pollution, greenhouse gases, and dependence on petroleum. FCEVs run on electricity created on-board from chemically-reacting hydrogen and oxygen. Hydrogen is stored in the vehicle as a compressed gas; and FCEVs take 5 to 7 minutes to fill. Each full tank provides a range similar to a gasoline-powered vehicle (250-400 miles).

Hydrogen is nontoxic, noncorrosive, environmentally benign, and can be produced locally from a variety of sources including natural gas, biogas and electrolysis of water. Hydrogen is safe and widely used as an industrial gas. In a FCEV, hydrogen is at least 60% more energy efficient than gasoline in a conventional vehicle. Hydrogen is supplied at stations that are usually co-located with existing gas stations. The dispensers appear very similar to gasoline dispensers, but have a nozzle designed for a compressed gas. Also, some stations make hydrogen onsite and others have fuel delivered.

In 2012 the California Fuel Cell Partnership (CAFCP) published "*A California Road Map*<sup>1</sup>," which represents a collaborative and collective effort by stakeholders from industry, academia, non-governmental organizations and government to design a pragmatic road map for hydrogen

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<sup>1</sup> California Fuel Cell Partnership, "*A California Roadmap*", 2012, [http://cafcp.org/sites/files/A%20California%20Road%20Map%20June%202012%20%28CaFCP%20technical%20version%29\\_1.pdf](http://cafcp.org/sites/files/A%20California%20Road%20Map%20June%202012%20%28CaFCP%20technical%20version%29_1.pdf)

station placement in California. This station placement would enable the deployment of tens of thousands of fuel cell electric vehicles in California. *A California Road Map* outlines the necessary steps for the vehicle and infrastructure to progress through pre-commercialization (2012-2014) and early commercialization (2015-2017). It also incorporates the best available information from each of the stakeholders, including market-based assessments, models, and tools, as well as professional experience with launching advanced vehicles and new infrastructure. As the number of vehicles increases, stations must grow in number and capacity to keep up with the fuel demand. *A California Road Map* lays out the path to successfully launch early commercial deployment of vehicles and infrastructure, an early milestone towards long-term market success and prescribes a minimum network of hydrogen stations to establish the foundation for commercial FCEV volumes and broad consumer adoption.

On March 23, 2012, Governor Jerry Brown signed Executive Order B-16-2012 which directs state agencies to support and facilitate the rapid commercialization of ZEVs. The order directs CARB, California Energy Commission (CEC), Public Utilities Commission, and other relevant agencies to work with the Plug-in Electric Vehicle Collaborative and CAFCP in working towards three major milestones:

- **2015** – Communities will be ready for plug-in and hydrogen vehicles and infrastructure
- **2020** – California will have established adequate infrastructure to support 1 million ZEVs
- **2025** – More than 1.5 million ZEVs will be on the roads and the market is expanding

As part of this presentation the Committee will hear an update on hydrogen station infrastructure and vehicles from Tyson Eckerle, who serves as the Zero Emission Infrastructure Project Manager to support hydrogen infrastructure and PEV charging development in the Governor's office of Business and Economic Development.

## DISCUSSION

In *A California Road Map*, CAFCP staff, researchers from UC Irvine, and automaker stakeholders used the following approaches to identifying the locations of the initial hydrogen stations that will help launch the FCEV market. The state-wide network (68 total stations) consists of 45 stations in the 5 cluster regions, and 23 stations that are needed to expand the clusters into a regional network. The clusters regions identified state-wide are:

1. Berkeley
2. South San Francisco Bay Area
3. Santa Monica and West Los Angeles
4. Torrance and nearby coastal communities
5. Irvine and southern Orange County

A robust network of hydrogen stations within each cluster has been defined as the number and location of strategically located hydrogen stations that a driver can access in six minutes or less of driving, which equates to having hydrogen outlets at 5-7 percent of the existing gasoline stations in the cluster area. A six-minute maximum travel time is based on previous optimization research, driver behavior surveys and a need to balance network coverage with network cost.

Hydrogen stations that provide connectivity from a target region to typical destinations, including destinations which are expected to also serve as early-adopter markets, have been identified based on an understanding of where drivers in the target regions typically drive for vacations, excursions, or business. Additional stations will be added to the network as the FCEV market grows.

Attachment 1, contains maps of the planned California Hydrogen Station network, and the Bay Area network. Currently, the Emeryville – AC Transit station is the only active hydrogen station in the Bay Area, but 15 additional stations are in development. In July 2014 the CAFCP published an update to the Road Map, titled “2014 Update: Hydrogen Progress, Priorities and Opportunities (HyPPO) Report.”<sup>2</sup> Figure 1 shows the current hydrogen station network progress by cluster. The San Francisco/ South Bay Area cluster has several stations planned/ funded, but the Berkeley cluster is progressing slower than the other clusters.

**Figure 1:** Hydrogen station network progress by cluster (2014)

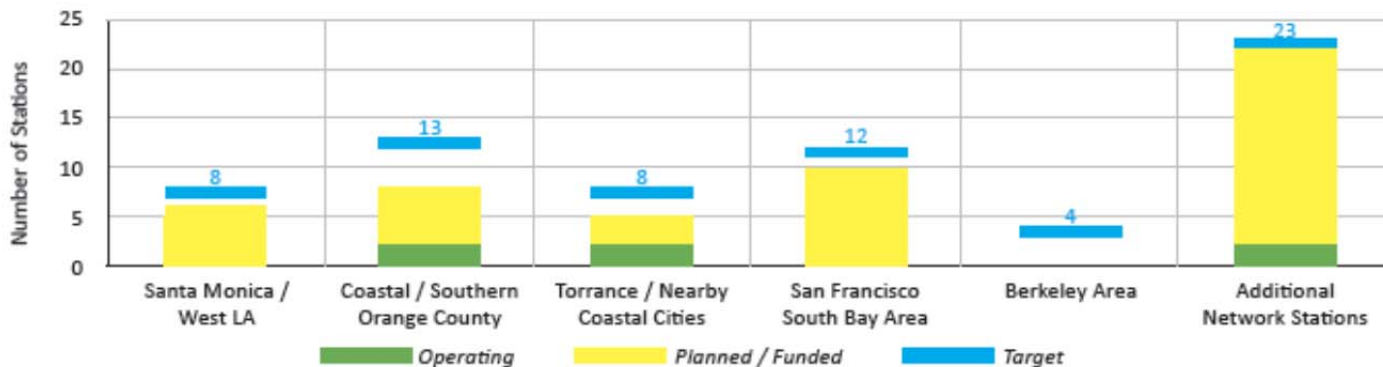


Figure 2, shows the current and estimated progress to plan with 23 stations operating in California in 2015 and reaching 68 stations in 2018-2019. From a capacity perspective, the projected 67 stations operating in 2018 would be able to support between 11,000-19,500 vehicles.

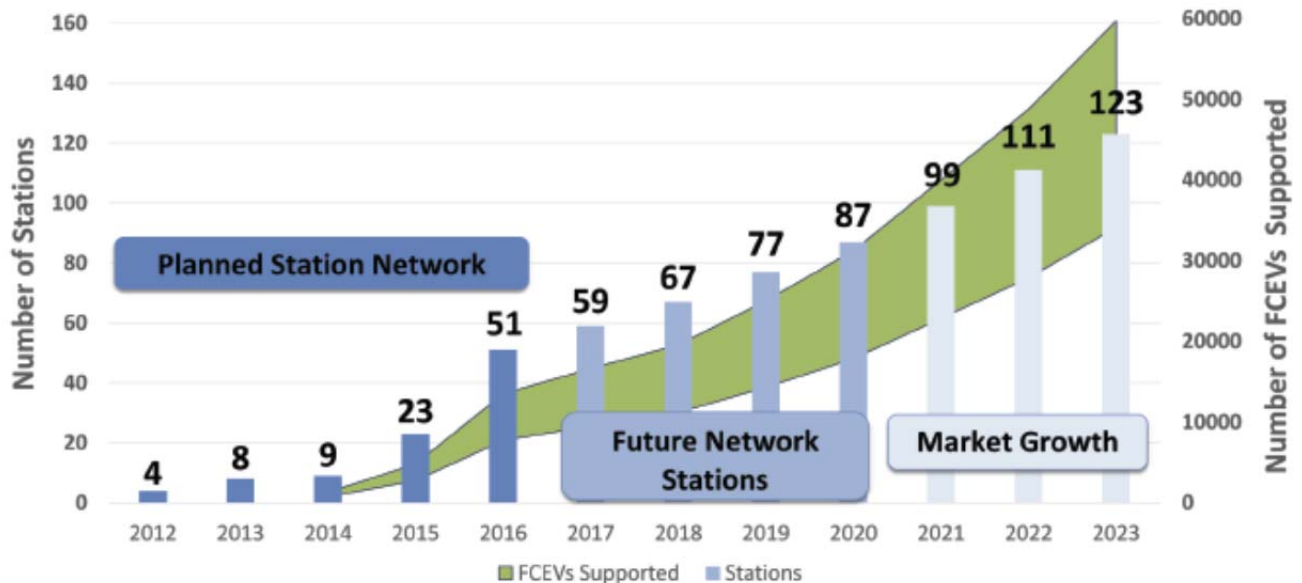
In June 2014, Hyundai became the first manufacturer to offer a mass-produced FCEV in the U.S. market (at Southern California dealers). Toyota and Honda have introduced FCEV concept vehicles and plan to launch vehicles in the U.S. in 2015. To further support the development of FCEV technology, automakers formed collaborations and partnerships to share technological expertise, leverage economies of scale, establish common-sourcing strategies and address challenges such as supplier development and infrastructure development.

<sup>2</sup> California Fuel Cell Partnership, “2014 Update: Hydrogen Progress, Priorities and Opportunities (HyPPO) Report.”, July 2014, <http://cafcp.org/sites/files/Roadmap-Progress-Report2014-FINAL.pdf>



From March 2006, through mid-2010, Alameda County Transit (AC Transit) operated three fuel cell buses, logging over 270,000 miles and carrying over 700,000 passengers, all while achieving significantly greater overall energy efficiency than diesel buses. AC Transit is currently operating twelve, third-generation fuel cell buses. The new buses feature a redesigned chassis that is 5,000 pounds lighter than the earlier buses. Each new bus is powered by a 120 kW fuel cell power system, and an advanced lithium ion energy storage system. Hydrogen tanks on the roof give the bus a range of 220 to 240 miles, and batteries recharged during braking can provide extra power for acceleration and climbing steep grades. AC Transit also participates in Zero Emission Bay Area (ZEBA) which is a group of regional transit agencies jointly operating twelve, zero-emission, fuel cell buses in real-world service throughout the Bay Area’s diverse communities and landscapes. It includes: AC Transit, Golden Gate Transit, MUNI, Samtrans, and VTA.

**Figure 2:** Hydrogen station network and estimated FCEVs supported



**State funding**

Since 2010, the CEC has provided approximately \$90 million for 48 stations (including a mobile refueler which will serve both northern and southern California). In the Bay Area, 14 stations are being constructed for light-duty vehicles. Additionally, a station for public transit buses is being constructed at the AC Transit location in Oakland (\$3 million in CEC funding). The CEC has contributed to a jointly funded program for a hydrogen quality tester for the stations, both in the Bay Area and Southern California. The CEC has also funded three demonstration fuel cell bus and trucks projects across the state totaling \$4 million (Ballard fuel cell bus, BAE – Sunline Transit, and CTE-EVI-Hydrogenics MD package delivery vans for UPS).

The passage of Assembly Bill 8 (Perea, 2013) re-authorized multiple statewide programs through 2023, including the CARB Air Quality Incentive Program (AQIP) and the CEC Alternative and Renewable Fuel & Vehicle Technology Program (ARFVTP). AB 8 addresses hydrogen by funding the initial network of stations identified in the roadmap. The bill includes a provision to

fund at least 100 hydrogen stations with a commitment of up to \$20 million a year through the CEC ARFVTP. Also, the ARB AQIP Clean Vehicle Rebate Project (CVRP) provides a \$5,000 rebate for customers purchasing or leasing a light-duty FCEV.

*District efforts*

The Air District received a \$1 million grant from the U.S. Department of Energy (DOE) for its California Fleets and Workplace Alternative Fuels Project in 2013, which will target and remedy obstacles to alternative fuel vehicle adoption in California's public and private fleets. The issues being addressed under this project to advance deployment of hydrogen vehicles are: policies, barrier reduction, safety and training, and market development/outreach. Under this grant the Air District has produced a Hydrogen Readiness Best Practices document and website, and conducted training to Clean Cities Coalitions and first responders on hydrogen fueling.

The Air District plans to open a solicitation in late 2014 (or early 2015) for alternative fuel vehicle and infrastructure projects. Hydrogen fuelling station infrastructure is expected to be an eligible project type under this program. Staff will update the committee in a future meeting on the program, and will request approval of amendments necessary to implement this program. This program will supplement CEC funding, which covers 65%-75% of the hydrogen fueling station costs. However, these stations can cost between \$2.5 and \$3 million and in many cases additional funding is necessary to supplement the CEC funds to ensure the stations are completed.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None.

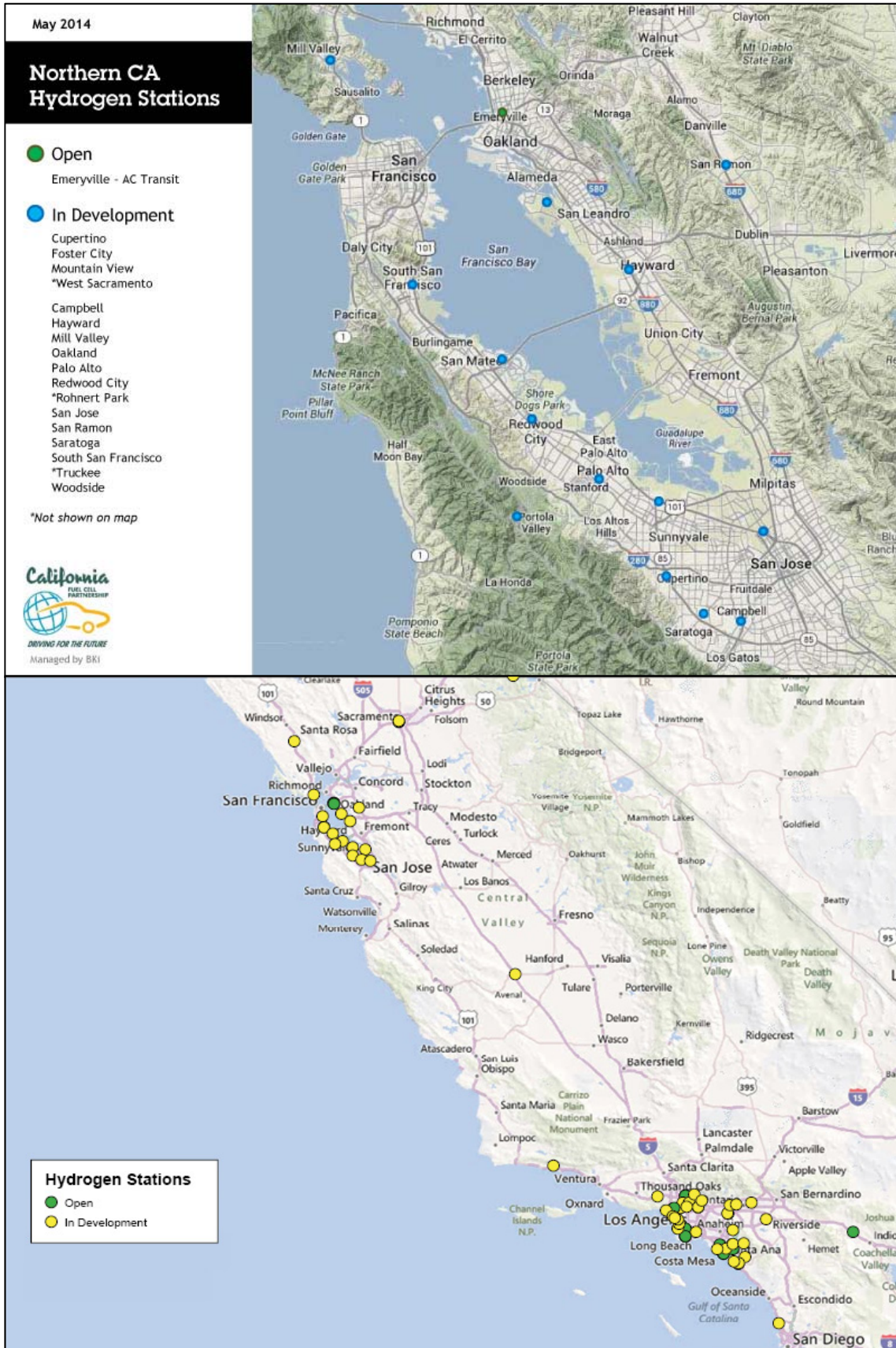
Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Anthony Fournier  
Reviewed by: Damian Breen

Attachment 1 - Hydrogen Fueling Stations: Existing, In Development

# Agenda 5 - Attachment 1 - Hydrogen Fueling Stations: Existing, In Development



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Scott Haggerty and  
Members of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 8, 2014

Re: Update on Plug-in Electric Vehicle (PEV) and Infrastructure Program

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

In the Bay Area, the transportation sector accounts for about half of the air pollution and greenhouse gases (GHGs) generated in the region. Since tailpipe emissions contribute significantly to criteria pollutants and GHGs, emission reductions from the on-road transportation sector are essential to helping the Bay Area attain State and Federal ambient air quality standards and meet our GHG reduction commitments. For this reason and given that there are more than 5.5 million on-road vehicles in the Bay Area, staff sees plug-in electric vehicles (PEVs) as a promising technology to meeting local, State, and Federal criteria pollutant and GHG emission reduction targets.

Since the 1990s, the Bay Area Air Quality Management District (Air District) has been a leader in the promotion of PEVs. Between 2013 and 2014, the Air District's Board of Directors authorized and committed \$12.75 million in funding for projects that will accelerate deployment of PEVs and charging infrastructure through 2016. This investment builds on the previous allocation of \$5 million authorized by the Board of Directors in August 2010 that resulted in the deployment of approximately 200 publicly available Level 2<sup>1</sup> charging stations and 1,500 residential home charging stations.

Funding for the PEV Program comes from the Transportation Fund for Clean Air (TFCA) which collects a \$4 surcharge on registered motor vehicles within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code (HSC) Sections 44241 and 44242. Sixty percent of TFCA funds are awarded by the Air District to eligible programs implemented directly by the Air District (e.g., the PEV Program, Spare the Air) and through a grant program known as the Regional Fund. The remaining forty percent of TFCA funds are forwarded to a designated agency within each Bay Area county to be distributed via the County Program Manager Fund.

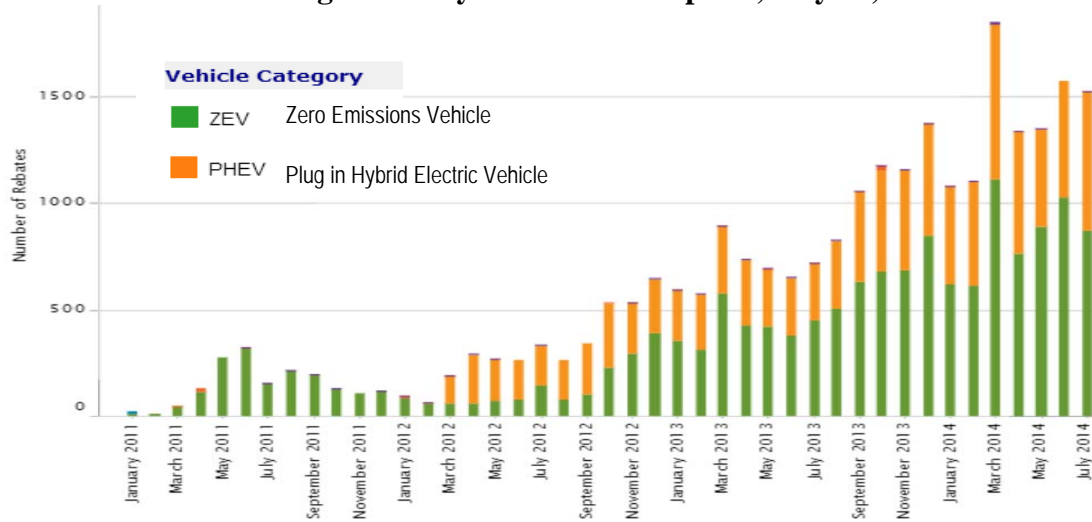
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<sup>1</sup> Level 2 electrical charging infrastructure is powered by a 240 Volt Alternating Current (AC) power supply, and can provide ~10-36 miles of range per hour of charging.

## DISCUSSION

As of July 31, 2014, the Bay Area is home to more than 33,000 PEVs.<sup>2</sup> While this represents 36% of the PEVs statewide, it is less than 1% of the Bay Area's total fleet. Figure 1 shows the PEVs purchased or leased within the Bay Area since 2011, based on data provided by the California Center for Sustainable Energy, administrators of the Air Resources Board's California Vehicle Rebate Project (CVRP).

**Figure 1. Bay Area PEV Adoption, July 31, 2014**



To help accelerate PEV adoption in the Bay Area, the Air District, in partnership with the Metropolitan Transportation Commission and the Association of Bay Area Governments, developed the *Bay Area Plug-In Electric Vehicle Readiness Plan*<sup>3</sup>. Co-sponsored by the Department of Energy and the California Energy Commission, this plan contains strategies, best practices, and readiness guidance to help the Bay Area achieve targets of 110,000 PEVs on Bay Area roads by 2020, and 247,000 PEVs by 2025.

In order to meet the 2020 and 2025 targets and to support the required exponential growth of PEV adoption, the 2013 Plan projects that the Bay Area will need at least 75-150 Direct Current (DC)<sup>4</sup> fast charging stations and 4,370 Level 1<sup>5</sup> and Level 2 publicly available charging stations by 2015 (Figure 2).

<sup>2</sup> Based on reported CVRP data as of August 21, 2014 and assumed 76% of PEV drivers obtained a rebate based on the CVRP Final Report FY 12/13 (CCSE 2013).

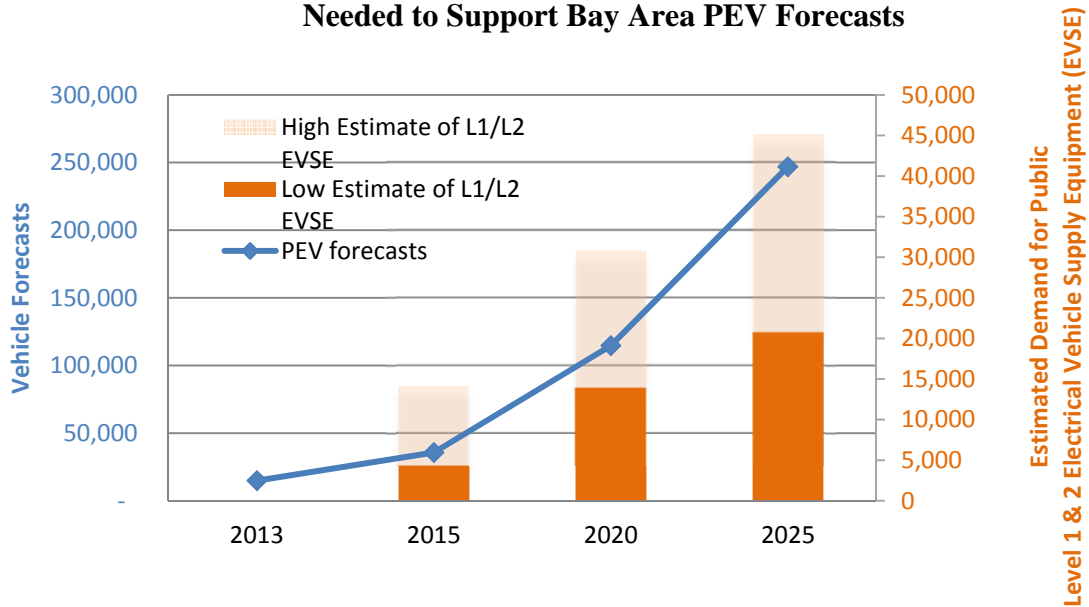
<sup>3</sup> The *Bay Area Plug-In Electric Vehicle Readiness Plan* is available at: [www.baaqmd.gov/EVready](http://www.baaqmd.gov/EVready)

<sup>4</sup> DC fast charging infrastructure is powered by a 200-500 Volt Direct Current (DC) power supply, and can generally charge a PEV battery to 80% of its capacity in less than 30 minutes.

<sup>5</sup> Level 1 electrical charging infrastructure is powered by a 120 V Alternating Current (AC) power supply, and can provide ~4-6 miles of range per hour of charging.



**Figure 2. Publicly-Available Infrastructure Estimates Needed to Support Bay Area PEV Forecasts**



*Air District PEV Outreach and Incentive Programs:*

For the past three years, the Air District has participated in the California PEV Collaborative, a membership of approximate 40 public/private organizations, working to accelerate adoption of PEVs in California. Air District staff has participated in PEV Collaborative workgroups that have developed two guides to assist decision-makers at workplaces and multi-unit dwellings (MuD) with the installation process. The PEV Collaborative is currently expanding its outreach effort (e.g., meetings, article placements) to workplaces and MuD stakeholders and is in the process of developing a collection of MuD case studies.

The Air District is also involved in direct outreach efforts to promote PEV adoption in the Bay Area. Table 1, shows conducted/scheduled Bay Area outreach meetings this year:

**Table 1. Bay Area PEV Outreach Meetings**

Meeting	Date
Building Owners and Managers Association (BOMA) Silicon Valley – EV Charging Station How-to-Workshop (Santa Clara, CA)	July 9, 2014
EV Rally (Cupertino, CA)	September 20, 2014
MuD Charging Webinar	October 1, 2014
International Facility Management Association (IFMA) Meeting (San Francisco, CA)	October 2, 2014
Electric Vehicle Auto Association	October 7, 2014 (tentative)
Workplace Charging Webinar	October 9, 2014

As a result of the 2013 and 2014 allocation, the Air District has approved funding for PEV projects in the amount of \$184,912 and received \$500,000 in funding from the California Energy Commission. Air District staff will present a summary of the projects and programs that have been funded to date and planned for later this year.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. The Air District distributes program monies as “pass-through” funds on a reimbursement basis. Administrative costs for project staffing are provided by the Air District’s TFCA program.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Linda Hui  
Reviewed by: Karen Schkolnick

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: September 29, 2014

Re: Report of the Climate Protection Committee Meeting of September 29, 2014

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Committee met on Monday, September 29, 2014, and received the following reports:

- A) Regional Climate Protection Strategy Update; and
- B) Climate Readiness Institute.

Chairperson John Avalos will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) Resources to prepare the Regional Climate Protection Strategy are included in the Fiscal Year End 2015 budget.
- B) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez

Attachment A: 09/29/14 – Climate Protection Committee Meeting Agenda #4  
Attachment B: 09/29/14 – Climate Protection Committee Meeting Agenda #5



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Avalos and Members  
of the Climate Protection Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 18, 2014

Re: Regional Climate Protection Strategy Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On November 6, 2013, the Air District Board of Directors unanimously adopted Resolution 2013-11, *Resolution Adopting a Greenhouse Gas Reduction Goal and Commitment to Develop a Regional Climate Protection Strategy*. This resolution set a goal of reducing Bay Area-wide greenhouse gas (GHG) emissions 80% below 1990 levels by 2050. The resolution also called on Air District staff to develop a Regional Climate Protection Strategy (RCPS) as part of the 2015 Clean Air Plan. One important step in developing the RCPS is conducting a “gap analysis” to identify opportunities for the Air District to implement actions in each economic sector in order to make progress toward meeting the Air District’s 2050 GHG reduction goal.

DISCUSSION

Air District staff will present on the sector-based gap analysis, including the sectors included, the analysis methodology, and progress made to date. While the sector-based gap analysis is still in process, staff will describe preliminary findings, challenges and observations.

BUDGET CONSIDERATION / FINANCIAL IMPACT

Resources to prepare the RCPS are included in the Fiscal Year End 2015 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Abby Young  
Reviewed by: Henry Hilken

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Avalos and Members  
of the Climate Protection Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 18, 2014

Re: Climate Readiness Institute

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Climate Readiness Institute (CRI) is a collaborative effort among researchers at the University of California (UC) campuses in Berkeley and Davis, Stanford University, and Lawrence Berkeley National Laboratory. Founded in early 2014 at UC Berkeley, CRI is dedicated to providing scientific research to support local and regional policy makers in responding to climate change impacts and the need to reduce greenhouse gas (GHG) emissions.

DISCUSSION

On February 11, 2014, CRI launched its activities with a summit attended by over 100 academics, public sector and non-governmental practitioners, and industry representatives. The goal of the summit was to begin defining how CRI could use its scientific and research expertise to support strategies to address critical impacts of climate change and to reduce GHG emissions from sources in the Bay Area. Since the summit, CRI has established working groups to address various aspects of climate change adaptation and GHG mitigation. Air District staff participates in the GHG Reduction Working Group.

CRI's approach is to use research capabilities and resources at the founding institutions to provide background studies, technical data and other types of academic support to facilitate the policy-making that is necessary to develop and implement effective solutions to reducing GHG emissions and adapting to climate change impacts. CRI is looking to the Air District's 10-Point Climate Action Work Program and Regional Climate Protection Strategy (in development as part of the 2015 Clean Air Plan) as a starting point for identifying near-term priorities. Bruce Riordan, founding member of CRI, will provide an update on CRI and its near-term work program.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Abby Young  
Reviewed by: Henry Hilken

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: October 1, 2014

Re: Report of the Stationary Source Committee Meeting of October 1, 2014

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Committee met on Wednesday, October 1, 2014, and received the following reports:

- A) Update on Bay Area Air Quality Trends and Refinery Emissions; and
- B) Update on the Development of Regulation 12, Rule 15: Petroleum Refining Emissions Tracking and the Development of Options to Limit Emissions at Bay Area Refineries.

Committee Chairperson John Gioia will provide an oral report of the Committee meeting, and staff will give the presentations made at the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None at this time.
- B) None. Staff intends to propose a new fee schedule in order to recover the Air District's costs of implementing the new rule.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez

Attachment: 10/01/14 – Stationary Source Committee Meeting Agenda #4

Attachment: 10/01/14 – Stationary Source Committee Meeting Agenda #5

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Gioia and Members  
of the Stationary Source Committee

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: September 22, 2014

Re: Update on Bay Area Air Quality Trends and Refinery Emissions

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air District regularly prepares and updates emissions inventories of criteria air pollutants, toxic air contaminants and greenhouse gas emissions in the San Francisco Bay Area. These inventories estimate emissions from all sources, including stationary sources subject to Air District regulations, as well as mobile and other sources subject to state and federal regulations. These emissions inventories provide a critical foundation for numerous Air District activities, including air quality planning, rule development, the Clean Air Communities Initiative, and the climate protection program.

The Air District also maintains a network of monitoring stations that measure concentrations of various air pollutants in ambient air. Monitoring data is used for various purposes, including: determining compliance with ambient air quality standards, regulations and permits; air quality planning; identifying localized areas with high levels of air pollution; forecasting Spare the Air days; and public outreach and education.

Tracking long term trends in emissions inventories and monitoring data allows the Air District to evaluate progress and identify priorities for future air quality programs.

Petroleum refineries are among the largest stationary sources of air pollution in the Bay Area and have long been subject to strict emissions limits via Air District regulations and permits. Particularly since the passage of AB 32, refineries have also increasingly been subject to State regulations, including the cap-and-trade program. Air District regulations and permit requirements have reduced refinery emissions substantially. The potential for further emissions reductions at refineries is carefully investigated whenever the Air District updates clean air plans and agency priorities and initiatives. Staff has begun preparation of the 2015 Clean Air Plan. This planning process provides an opportunity to evaluate, and augment as appropriate, the Air District's regulatory program regarding refinery emissions.

## DISCUSSION

Staff will provide the Stationary Source Committee with a summary of air quality trends and background on regulations addressing refinery emissions, including:

- Major source categories for fine particulate matter (PM<sub>2.5</sub>), reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>);
- Trends in emissions of these pollutants from all sources, stationary sources, and refineries;
- Trends in air quality monitoring data;
- Summary of Air District regulations affecting refineries; and
- Potential opportunities for further emissions reductions at refineries.

## BUDGET CONSIDERATION / FINANCIAL IMPACT

None at this time.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Henry Hilken and Wayne Kino  
Reviewed by: Jeff McKay

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson John Gioia and Members  
of the Stationary Source Committee

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: September 23, 2014

Re: Update on the Development of Regulation 12, Rule 15: Petroleum Refining  
Emissions Tracking and the Development of Options to Limit Emissions at Bay Area  
Refineries

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On October 17, 2012, the Board of Directors (Board) approved staff's *Work Plan for Action Items Related to Accidental Releases from Industrial Facilities* that included, among the key actions, the development of a new rule(s) that would apply to Bay Area petroleum refineries. During the rule development process, the following goals have emerged:

- Evaluate whether changes in crude oil composition result in increased emissions by enhancing current emissions inventories, establishing refinery-specific emissions profiles and the reporting of crude oil properties;
- Re-evaluate health risks associated with refinery emissions based on new Office of Environmental Health Hazard Assessment guidelines;
- Develop air monitoring capabilities along refinery fence-lines and in nearby communities; and
- Investigate ways to continue reducing refinery emissions over time.

DISCUSSION

In this report, staff will provide the Stationary Source Committee with an update on progress towards meeting the above goals, including:

- Current and future rule development activities and stakeholder outreach;
- Methods to limit emissions increases;
- Options to reduce emissions and associated health risks; and
- The development of a Board resolution to guide further rule development.



BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None. Staff intends to propose a new fee schedule in order to recover the Air District's costs of implementing the new rule(s).

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Eric Stevenson  
Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Nate Miley and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: October 1, 2014

Re: Resolution regarding Tracking and Reducing Refinery Emissions

RECOMMENDED ACTION

Consider approval of a resolution directing staff to develop a strategy to track and reduce emissions from Bay Area refineries.

BACKGROUND

At the Stationary Source Committee meeting on Wednesday, October 1, 2014, the Committee directed staff to provide a resolution for consideration by the Board of Directors (Board) at the October 15, 2014 Board meeting. The resolution would direct staff to develop a strategy to track and reduce emissions from Bay Area refineries, including consideration of any strategies proposed by industry, as well as the Worker-Community Cleanup Approach for Refineries (dated 9/26/14). Staff's evaluation and recommended strategy would be presented to the Board for consideration in December 2014.

Staff will present a draft resolution for the Board's consideration at the October 15, 2014 Board meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None at this time.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Henry Hilken  
Reviewed by: Jean Roggenkamp