



BOARD OF DIRECTORS
EXECUTIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

NATE MILEY – CHAIR
TOM BATES
SCOTT HAGGERTY
MARY PIEPHO
BRAD WAGENKNECHT

CAROLE GROOM – VICE-CHAIR
JOHN GIOIA
ASH KALRA
MARK ROSS

MONDAY
MARCH 17, 2014
9:30 A.M.

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

AGENDA

1. **CALL TO ORDER – ROLL CALL**

The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.

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

3. **APPROVAL OF THE MINUTES OF DECEMBER 16, 2013** Clerk of the Boards/5073

The Committee will consider approving the attached draft minutes of the Executive Committee meeting of December 16, 2013.

4. **HEARING BOARD QUARTERLY REPORT : OCTOBER – DECEMBER 2013**

T. Trumbull/5073
TerryT1011@aol.com

The Hearing Board Chair will present the Hearing Board Quarterly Report for the period of October through December 2013.

5. **SB 1339 – BAY AREA COMMUTER BENEFITS PROGRAM**

H. Hilken/4642
hhilken@baaqmd.gov

The Committee will receive an update on the proposed Commuter Benefits Program being developed by Air District and MTC staff pursuant to SB 1339.

6. **COMMUNITY AIR RISK EVALUATION (CARE) PROGRAM UPDATE** H. Hilken/4642
hhilken@baaqmd.gov

The Committee will receive an update on the Air District's CARE Program.

7. **BRIEFING REGARDING SB 1415 (HILL) – BILL REGARDING AIR DISTRICT
ADVISORY COUNCIL** J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will be briefed on SB 1415 introduced by Senator Jerry Hill.

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

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

9. **TIME AND PLACE OF NEXT MEETING** – Monday, April 21, 2014, Bay Area Air Quality
Management District Office, 939 Ellis Street, San Francisco, California 94109 at 9:30 a.m.

10. **ADJOURNMENT**

The Committee meeting shall be adjourned by the Committee Chair.

CONTACT THE CLERK OF THE BOARDS
939 ELLIS ST, SF, CA 94109

(415) 749-5073
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly.

Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District's offices at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body.

**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**

MARCH 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	17	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets Quarterly at the Call of the Chair)</i> - CANCELLED	Monday	17	10:00 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Climate Protection Committee <i>(Meets on the 3rd Thursday of Every Other Month)</i>	Thursday	20	9:30 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Monday	24	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room

VIDEOCONFERENCE LOCATION:
 Santa Rosa Junior College Doyle
 Library Room 4243
 1501 Mendocino Avenue
 Santa Rosa, CA 95401

Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i> - CANCELLED	Thursday	27	9:30 a.m.	Board Room
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APRIL 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(At the Call of the Chair)</i>	Thursday	3	10:00 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room

APRIL 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	21	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	23	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	24	9:30 a.m.	Board Room

MAY 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	14	9:00 a.m.	Board Room
Board of Directors Climate Protection Committee <i>(Meets 3rd Thursday of every other month at 9:30 a.m.)</i>	Thursday	15	9:30 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	19	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets Quarterly at the Call of the Chair)</i>	Monday	19	10:00 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	22	9:30 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	28	9:30 a.m.	4 th Floor Conf. Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

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

Date: February 5, 2014

Re: Approval of the Minutes of December 16, 2013

RECOMMENDED ACTION

Approve attached draft minutes of the Executive Committee meeting of December 16, 2013.

DISCUSSION

Attached for your review and approval are the draft minutes of the Executive Committee meeting of December 16, 2013.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

Attachment

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

DRAFT MINUTES

Summary of Board of Directors
Executive Committee Meeting
Monday, December 16, 2013

1. Call to Order – Roll Call

Chairperson Ash Kalra called the meeting to order at 9:40 a.m.

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

Absent: Director John Gioia.

Also Present: None.

2. Public Comment Period: None.

3. Approval of the Minutes of October 21, 2013

Executive Committee (Committee) Comments: None.

Public Comments: None.

Committee Action:

Director Ross made a motion to approve the Minutes of October 21, 2013; Director Wagenknecht seconded; and the motion carried unanimously.

4. Senate Bill (SB) 1339 – Bay Area Commuter Benefits Program

Jean Roggenkamp, Deputy Air Pollution Control Officer (DAPCO), introduced David Burch, Principal Environmental Planner of Planning, Rules and Research Division, who gave the staff presentation *Bay Area Commuter Benefits Program* (Program), including the purpose of the Program, the four commuter benefit options that employers could choose among, applicability of the Program, program implementation efforts, recent progress, employer outreach and public workshops, input received, recent progress, preparations for implementation, and next steps.

NOTED PRESENT: Director Haggerty and Vice-Chairperson Miley were noted present at 9:41 a.m.

NOTED PRESENT: Director Piepho was noted present at 9:45 a.m.

Committee Comments:

The Committee and staff discussed the availability of examples for employers to ease implementation of the four commuter benefit options; whether the pilot program is mandatory; workshop attendance levels; possible ways to satisfy Option 4: Alternative commuter benefit; the number of employers affected in each county; the role of telecommuting within the Program; possible system abuse; the enforcement philosophy of the Air District; research on the likely economic impact, such as gas tax revenue and impacts on business; plans for tracking participation; the importance of the Program as another tool to relieve traffic congestion but one that will require different handling in each county, preferably in conjunction with the local congestion management agencies in lead roles; the existence of a similar program in the City of Berkeley that has been successful; the primacy for the Air District of a clean air agenda over diminished tax base concerns; Program cost; employer ability to opt out of the program; and clarification of Option 2: Direct subsidy for transit or vanpool.

Director Piepho requested a copy or summary of SB 1339 be provided at the next Committee meeting.

Chairperson Kalra requested that cost data be included in the next staff report on the Program and that staff provide outreach materials to the members of the Board of Directors (Board), including a short PowerPoint presentation that walks viewers through the process of program compliance and provides examples of positive solutions by employers.

Public Comments: None.

Committee Action: None; informational only.

5. Regional Agency Headquarters Status Report

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), introduced Mary Ann Okpalaugo, Manager of Administrative Services, who gave the staff presentation *Regional Agency Headquarters Status Report 375 Beale Street*, through slide 4, with the exception of that portion relative to the financial plan and sale of 939 Ellis Street at slide 2, as given by Jeffrey McKay, DAPCO.

The Committee and staff discussed the furniture procurement process and shared business operations relating to reception.

Steven Wolf, Bay Area Headquarters Authority, gave the remainder of the staff presentation, including diagrams of the planned building, photographs of the demolition work, and a construction timetable.

Terri Green, Metropolitan Transportation Commission, clarified the intended the level of visitor screening by lobby security.

The Committee, staff and visiting presenters discussed at various points during Mr. Wolf's presentation the seating limits in the board room and overflow space, whether and how the board room seating is tiered, how presentations will be viewed by Board members, the impact on staff

that collaborative shared space will have, and the integration of the varying human resources programs and policies of the resident agencies within a shared space.

Committee Comments:

The Committee and staff discussed the order of the itemized construction schedule and the parking facilities.

Public Comments: None.

Committee Action: None; informational only.

6. Joint Policy Committee Update

Chairperson Kalra introduced Allison Brooks, Director, Bay Area Joint Policy Committee (JPC), who provided her career biography and plans relative to the JPC, including the Sustainable Communities Strategy (SCS), regional economic development, and sea level rise/climate adaptation strategies.

Committee Comments:

The Committee and staff discussed the proper role of the Air District relative to the development and adoption of the SCS, including legal risk, the Air District's role and jurisdiction within the broader regulatory scheme, the role of considerations relative to economic development and the Air District focus on science over other concerns, the tension of competing interests as a breeding ground for creative solutions, and the Air District's leadership role relative to climate change concerns.

Director Piepho requested that Ms. Brooks submit a formal proposal of items for consideration.

Public Comments: None.

Committee Action: None; informational only.

7. Committee Member Comments/Other Business:

The Committee and staff discussed the outstanding Committee request for a greater level of detail in the minutes.

8. Time and Place of Next Committee Meeting:

Monday, January 20, 2014, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, CA 94109 at 9:30 a.m.

9. Adjournment: The meeting adjourned at 11:20 a.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and
Members of the Executive Committee

From: Chairperson Terry Trumbull, Esq., and
Members of the Hearing Board

Date: January 31, 2014

Re: Hearing Board Quarterly Report – October through December 2013

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the fourth quarter of 2013 (October through December), the Hearing Board:

- Held two hearings consisting of two Accusations (3638 and 3655), no Appeals and no Variances;
- Processed a total of three orders consisting of two Accusations (3638 and 3655), no Appeals, no Variances, no Emergency Variances and one Request for Withdrawal/Dismissal (3654); and
- Collected a total of \$5,706.00 in filing fees.

Below is a detail of Hearing Board activity during the same period:

Location: San Mateo County; City of La Honda

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

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to operate an unsafe facility with no permit to operate in place or accompanying fees paid. The parties jointly requested modification of the Conditional Order for Abatement, filed January 10, 2013, to allow Respondent additional time to bring the facility into compliance.

Status: Modified Conditional Order for Abatement filed December 19, 2013.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0.00

Location: Contra Costa County; Town of Moraga

Docket: 3654 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. HALEH AMIRI; STARS HOLDING CO. LLC; AZAD AMIRI; AMERI MGMT COMPANY, INC. – *Accusation*

Regulation(s): 2-1-307; 8-7-204, 205, 302 and 307

Synopsis: Respondents are alleged to own and operate a gas dispensing facility with an underground stationary storage tank lacking an enhanced vapor recovery system and the requisite authority to construct.

Status: Order for Dismissal filed October 24, 2013, upon the request of Complainant.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0.00

Location: Sonoma County; City of Santa Rosa

Docket: 3655 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. MICHAEL FASANO; COMPLETE COLLISION CENTER LLC – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondents are alleged to own and operate an auto body and paint shop without a permit to operate.

Status: Stipulated Conditional Order for Abatement filed December 4, 2013.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0.00

Location: Alameda County; City of Hayward

Docket: 3656 RUSSELL CITY ENERGY COMPANY, LLC – *Application for Emergency Variance*

Regulation(s): 2-1-307; Authority to Construct and Prevention of Significant Deterioration permit Condition 23763, Parts 44 and 45

Synopsis: Applicant is the owner and/or operator of a combined cycle power generation facility equipped with a nine-cell cooling tower with high-efficiency mist eliminators testing in excess of the required drift rate.

Status: Application withdrawn December 24, 2013.

Period of Variance: Requested December 20, 2013, through January 19, 2014.

Estimated Excess Emissions: Fine (PM₁₀) and ultrafine particulate matter (PM_{2.5}) in amounts to be determined.

Fees collected this quarter: \$814.00

Location: Alameda County; City of Hayward

Docket: 3657 RUSSELL CITY ENERGY COMPANY, LLC – *Application for Interim and Regular Variances*

Regulation(s): 2-1-307; Authority to Construct and Prevention of Significant Deterioration permit Condition 23763, Parts 44 and 45

Synopsis: Applicant is the owner and/or operator of a combined cycle power generation facility equipped with a nine-cell cooling tower with high-efficiency mist eliminators testing in excess of the required drift rate.

Status: Hearing on interim variance scheduled for January 30, 2014; hearing on regular variance scheduled for February 13, 2014.

Period of Variance: Requested December 20, 2013, through September 30, 2014

Estimated Excess Emissions: PM_{2.5} and PM₁₀ in amounts to be determined.

Fees collected this quarter: \$4,892.00

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and
Members of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 3, 2014

Re: SB 1339 - Bay Area Commuter Benefits Program Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On September 30, 2012, the Governor signed into law Senate Bill (SB) 1339 (Yee), an act to add Section 65081 of the Government Code. This bill authorizes the Bay Area Air Quality Management District (Air District) and the Metropolitan Transportation Commission (MTC) to jointly adopt and implement a region-wide commuter benefits program on a pilot basis through the end of calendar year 2016. In response to SB 1339, Air District staff is proposing adoption of Regulation 14, Rule 1: Bay Area Commuter Benefits Program (Program). The proposed rule will serve as the foundation for the Program.

DISCUSSION

Staff has been working closely with MTC over the course of the past year to develop the proposed Program. The Program seeks to expand the number of employers who make existing federal commuter tax benefits available to their employees. These tax benefits can provide significant savings by reducing payroll and income taxes for both employers and employees. The Program would require employers with 50 or more full-time employees within the boundaries of the Air District to select one of four commuter benefit options to offer their employees:

- **Option 1: Pre-Tax Option:** The employer allows employees to exclude their transit or vanpool costs from taxable income, to the maximum amount allowed by federal law (currently \$130 per month).
- **Option 2: Employer-Provided Subsidy:** The employer provides a subsidy to cover the employee's monthly transit or vanpool cost, to a maximum of \$75 per month.
- **Option 3: Employer-Provided Transportation:** The employer provides free or low-cost commuter transportation service for its employees, such as bus or vanpool service from an employee's home community to the worksite, or shuttle service from a transit station(s) to the worksite.
- **Option 4: Alternative Commuter Benefit:** The District and MTC may approve an alternative commuter benefit proposed by the employer that would be as effective in

reducing single-occupant vehicle trips (or vehicle emissions) as any of the three options described above. To facilitate this option, staff will define several “pre-approved” alternative options.

By promoting the use of alternative commute modes, the Program will decrease drive-alone commute trips to Bay Area worksites, thus reducing emissions of greenhouse gases (GHGs) and criteria air pollutants. In addition, the Program will decrease traffic congestion during peak commute periods, provide financial savings to employers and employees, and improve employee productivity. The Program will help to implement the Transportation Control Measures in the *Bay Area 2010 Clean Air Plan* and the climate protection resolution adopted by the District Board of Directors in November 2013, and to achieve GHG reduction goals in *Plan Bay Area*.

The Program will be implemented as a collaboration between the Air District and MTC. Staff of the two agencies have been working together to develop the proposed rule, as well as the administrative structure to support and implement the Program. The agencies will focus on explaining the positive environmental and financial outcomes of the Program as the most effective means to promote employer compliance with the Program. Employer assistance will be provided through MTC’s 511 Regional Rideshare Program.

RULE DEVELOPMENT PROCESS

Staff held workshops throughout the Bay Area in October to solicit input on a draft rule (Regulation 14, Rule 1) that will serve as the foundation for the Program. Staff revised the draft Program as appropriate to respond to comments received through the workshop process.

On January 21, 2014, staff issued a Notice of Public Hearing for a hearing before the Air District Board of Directors on March 19, and posted the proposed rule (Regulation 14, Rule 1); a CEQA Initial Study and Negative Declaration; a socioeconomic analysis; and a staff report on the Air District website for public review and comment. Staff requested written comments on the proposed rule and the California Environmental Quality Act (CEQA) document by February 21. Nine comments were submitted on the proposed rule; they will be summarized in the Staff Report for the March 19 public hearing. No comments were submitted on the CEQA document. The proposed rule and the CEQA Negative Declaration will be presented to the Board for consideration and adoption at the public hearing on March 19.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Air District resources to develop the Program are included in the Fiscal Year Ending (FYE) 2014 budget. Funding to administer the Program on an on-going basis will be considered in developing the FYE 2015 budget and subsequent budget cycles.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: David Burch
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/ APCO

Date: March 7, 2014

Re: Report on the Community Air Risk Evaluation (CARE) Program Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Community Air Risk Evaluation (CARE) program was established by the Air District in 2004. The objectives of the CARE program are to:

- Identify areas where people are experiencing the greatest health impacts from air pollution, communities with relatively poor air quality and with relatively vulnerable populations; and
- Use this information to help the Air District establish policies to guide mitigation strategies.

Air District staff previously reported to the Executive Committee on the CARE program in February 2010. That report discussed the identification of impacted communities. In recent years the CARE program has made important progress in identifying, understanding, and reducing public exposure to air pollution. In addition, Air District staff has updated the data and methods used to identify impacted areas. A Task Force of academics, community groups, and health and industry representatives provides regular review and input to the CARE program, including review of recent work updating the methods for identifying impacted areas.

DISCUSSION

The CARE program supplements the Air District's long-standing regional efforts to improve air quality by emphasizing local exposures to air pollution that often occur near emission sources. The identification of impacted areas within the Bay Area is an important step to achieving CARE program objectives. In 2009, Air District staff first developed a mapping method (version-1) for identifying communities with relatively high exposures of sensitive populations to toxic air contaminants (TAC). The version-1 method considered 1) areas where TAC emissions are high, 2) areas where there are high TAC exposures to youth and seniors, and 3) areas where there are high percentages of low-income families.

In 2013, with input from CARE Task Force members and other peer review, Air District staff updated the data and methods used to identify impacted communities. In developing the updated

method, Air District staff considered other similar efforts, such as Cal/EPA's CalEnvironScreen and tools developed by health professionals and academic researchers. A version-2 method:

- Uses more current information;
- Expands the types of pollutants considered, including ozone and fine particles in addition to TAC;
- No longer uses socio-economic data, such as income, to identify sensitive populations. Instead, health records for illnesses linked to air pollution are used to indicate vulnerability because areas with higher (non-accident) death rates and higher rates of adverse health outcomes related to air pollution have greater sensitivity to elevated air pollution levels.

This method identifies the following seven areas as impacted communities:

1. Western Contra Costa county and the Cities of Richmond and San Pablo;
2. Western Alameda County along the Interstate-880 corridor and the Cities of Berkeley, Alameda, Oakland, and Hayward;
3. The City of San Jose;
4. The eastern side of the City and County of San Francisco;
5. The City of Concord;
6. The City of Vallejo; and
7. The Cities of Pittsburg and Antioch.

Communities identified as impacted help the Air District prioritize activities, especially those related to reducing exposures to local air pollution sources. However, the Air District's regional actions to improve air quality and public health continue, both within and outside these communities. For example, the Air District continues to prepare plans and implement programs to reduce health impacts from high levels of ozone and fine particles. Air District staff has also mapped areas where unhealthy levels of ozone and fine particles occur during episodes of high pollution:

- Livermore;
- San Ramon;
- Bethel Island;
- Concord;
- Vallejo;
- San Rafael;
- San Francisco;
- Oakland; and
- San Jose.

Maps of areas with episodes of high pollution, in combination with maps of high localized exposures, collectively help the Air District focus efforts in communities where they will achieve the greatest health benefits.

Air District staff will provide the Committee with a presentation on the CARE program and the identification of impacted communities. At an upcoming Board of Directors meeting, staff will

further brief the Board on the CARE program and present a report summarizing a decade of CARE program research, findings, and accomplishments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer /APCO

Prepared by: Phil Martien
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 11, 2014

Re: Briefing Regarding Senate Bill (SB) 1415 (Hill)

RECOMMENDED ACTION

None; review and file.

DISCUSSION

State Senator Jerry Hill (D-San Mateo) has introduced a bill about the Air District's Advisory Council. Senator Hill served on the Air District Board as a member and as Chair in 2008. As Chair, he served as an ex-officio member of the Advisory Council. SB 1415 makes some changes to the Air District's Advisory Council.

In 1955, at the same time it established the Air District, the Legislature also established our Advisory Council. That language remains in statute today, virtually unchanged. This language reads that the Advisory Council members "preferably are skilled and experienced in the field of air pollution." Today, the Air District is required by state and federal law to address a far more diverse set of issues than it handled in 1955. The Air District works to reduce emissions from a much wider range of sources, addresses the public health impacts of air pollution, and is part of a unified effort on climate change.

SB 1415 updates the Advisory Council language to recognize the current responsibilities of the Air District. Specifically, SB 1415 would require the Advisory Council members to be "skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution." A copy of the bill is attached.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Tom Addison
Reviewed by: Jean Roggenkamp

Attachment

Introduced by Senator HillFebruary 21, 2014

An act to amend Section 40262 of the Health and Safety Code, relating to the Bay Area Air Quality Management District.

LEGISLATIVE COUNSEL'S DIGEST

SB 1415, as introduced, Hill. Bay Area Air Quality Management District: advisory council.

(1) Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board to govern the district.

Existing law also establishes the Bay Area Air Quality Management Council, which consists of 20 members appointed by the district board, as specified, for the purposes of advising and consulting with the district board and air pollution control officer in the implementation of their authority to regulate air emissions.

This bill additionally would require the council to include members who are skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution. By adding to the duties of the district, this bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 40262 of the Health and Safety Code is
- 2 amended to read:
- 3 40262. (a) The council shall consist of the ~~chairman~~ *following*:
- 4 (1) *Chair* of the bay district board, who shall serve as an ex
- 5 officio ~~member, and 20 members~~ *member*.
- 6 (2) *Twenty members* who ~~preferably are~~ *shall be* skilled and
- 7 experienced in the ~~field~~ *fields* of air pollution, ~~including at climate~~
- 8 *change, or the health impacts of air pollution. The 20 members*
- 9 *may include any of the following*:
- 10 (A) *At least three representatives of public health agencies, at*
- 11 *agencies.*
- 12 (B) *At least four representatives of private organizations active*
- 13 *in conservation or protection of the environment within the bay*
- 14 *district, and at district.*
- 15 (C) *At least one representative of colleges or universities in the*
- 16 *state and at state.*
- 17 (D) *At least one representative of each of the following groups*
- 18 *within the bay district: regional*
- 19 *(i) Regional park district, park district.*
- 20 *(ii) Park and recreation commissions or equivalent agencies of*
- 21 *any city, public city.*
- 22 *(iii) Public mass transportation system, agriculture, industry,*
- 23 *community planning, transportation, registered professional*
- 24 *engineers, general contractors, architects, and organized labor.*
- 25 *system.*
- 26 *(iv) Agriculture.*
- 27 *(v) Industry.*
- 28 *(vi) Community planning.*
- 29 *(vii) Transportation.*
- 30 *(viii) Registered professional engineers.*
- 31 *(ix) General contractors.*
- 32 *(x) Architects.*
- 33 *(xi) Organized labor.*

1 ~~To~~
2 **(b)** *To* the extent that suitable persons cannot be found for each
3 of the specified categories, council members may be appointed
4 from the general public.

5 SEC. 2. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

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