



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
EXECUTIVE COMMITTEE MEETING

COMMITTEE MEMBERS

DAVE HUDSON – CHAIR  
JOHN GIOIA  
SCOTT HAGGERTY  
MARK ROSS  
BRAD WAGENKNECT

KATIE RICE – VICE CHAIR  
CAROLE GROOM  
NATE MILEY  
ROD SINKS

WEDNESDAY  
FEBRUARY 7, 2018  
10:30 A.M.

1<sup>ST</sup> FLOOR BOARD ROOM  
375 BEALE STREET  
SAN FRANCISCO, CA 94105

AGENDA

1. **CALL TO ORDER - ROLL CALL – PLEDGE OF ALLEGIANCE**

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

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

*(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, 375 Beale Street, San Francisco, CA, 94105, and at the Air District's website 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 up to three (3) minutes each.*

*This meeting will be webcast. To see the webcast, please visit <http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes> at the time of the meeting. Closed captioning may contain errors and omissions, and are not certified for their content or form.*

Staff/Phone (415) 749-

3. **APPROVAL OF THE MINUTES OF DECEMBER 14, 2017**

Clerk of the Boards/5073

*The Committee will consider approving the draft minutes of the Executive Committee meeting of December 14, 2017.*

4. **HEARING BOARD QUARTERLY REPORT: OCTOBER – DECEMBER 2017**  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Hearing Board Chair will present the Hearing Board Quarterly Report for the period of October through December 2017.*

5. **ADMINISTRATIVE CODE UPDATE**  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee will consider recommending the Board of Directors adopt amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 1: Board of Directors, Meetings, Section 1.1: Meeting Dates, Section 1: Board of Directors, Meetings, Section 1.2A: Compensation – Meeting Attendance, and Section 6: Board of Directors, Committees, Section 6.2: Standing Committees*

6. **UPDATE ON ASSEMBLY BILL (AB 617) AND RELATED INCENTIVES FUNDING PROGRAM**  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Staff will provide an overview and update on the implementation of AB617.*

7. **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).*

8. **TIME AND PLACE OF NEXT MEETING**

*Monday, March 26, 2018, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m.*

9. **ADJOURNMENT**

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

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[mmartinez@baaqmd.gov](mailto:mmartinez@baaqmd.gov)

**(415) 749-5016**  
**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. Please note that all correspondence must be addressed to the “Members of the Executive Committee” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Board meeting. Any correspondence received after that time will be presented to the Board at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- 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 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at [rsanders@baaqmd.gov](mailto:rsanders@baaqmd.gov).

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**375 BEALE STREET, SAN FRANCISCO, CALIFORNIA 94105**  
**FOR QUESTIONS PLEASE CALL (415) 749-5016 or (415) 749-4941**

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

**FEBRUARY 2018**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Personnel Committee</b> <i>(At the Call of the Chair)</i>	Wednesday	7	9:30 a.m.	1 <sup>st</sup> Floor Board 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> - CANCELLED	Wednesday	7	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Wednesday	7	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED AND RESCHEDULED TO WEDNESDAY, FEBRUARY 7, 2018 AT 10:30 A.M.	Thursday	8	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED AND RESCHEDULED TO FEBRUARY 8, 2018	Monday	19	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of every Other Month)</i> - CANCELLED	Monday	19	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Mtg.</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	22	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Legislative Committee</b> <i>(At the Call of the Chair)</i>	Thursday	22	10:30 a.m.	1 <sup>st</sup> Floor 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	28	9:30 a.m.	1st Floor, Yerba Buena Room #109

**MARCH 2018**

<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	7	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets on the 3<sup>rd</sup> Thursday of every other Month)</i>	Thursday	15	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED	Monday	19	9:30 a.m.	1 <sup>st</sup> Floor Board Room

## MARCH 2018

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of every other Month)</i>	Monday	19	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Mtg.</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	22	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Legislative Committee</b> <i>(At the Call of the Chair)</i>	Thursday	22	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee &amp; Advisory Council Joint Mtg.</b> <i>(EC Meets on the 3<sup>rd</sup> Monday of each Month) and (AC Meets At the Call of the Chair)</i>	Monday	26	9:30 a.m.	1 <sup>st</sup> Floor 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	28	9:30 a.m.	1st Floor, Yerba Buena Room #109

## APRIL 2018

<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	4	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	16	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Mtg.</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	1 <sup>st</sup> Floor 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	25	9:30 a.m.	1st Floor, Yerba Buena Room #109
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	26	9:30 a.m.	1 <sup>st</sup> Floor Board Room

HL – 1/31/18 – 5:00 p.m.

G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson David Hudson and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 25, 2018

Re: Approval of the Minutes of December 14, 2017

---

RECOMMENDED ACTION

Approve the attached draft minutes of the Executive Committee (Committee) meeting of December 14, 2017.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of December 14, 2017.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Maricela Martinez

Attachment 3A: Draft Minutes of the Committee Meeting of December 14, 2017

## AGENDA: 3A – ATTACHMENT

Draft Minutes – Executive Committee Meeting of December 14, 2017

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, California 94105  
(415) 749-5073

### **DRAFT MINUTES**

Summary of Board of Directors  
Executive Committee Meeting  
Monday, December 14, 2017

#### **1. CALL TO ORDER – ROLL CALL**

Executive Committee (Committee) Vice Chairperson, David Hudson, called the meeting to order at 9:33 a.m.

##### **Roll Call:**

Present: Committee Chairperson Liz Kniss; Vice Chairperson David Hudson; and Directors Teresa Barrett, Karen Mitchoff, Mark Ross, and Jim Spering.

Absent: Directors John Gioia, Carole Groom, and Brad Wagenknecht.

Also Present: None.

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

No requests received.

#### **3. APPROVAL OF THE MINUTES OF OCTOBER 16, 2017**

##### Public Comments:

No requests received.

##### Committee Comments:

None.

##### Committee Action:

Director Mitchoff made a motion, seconded by Director Ross, to approve the minutes of October 16, 2017; and the motion carried by the following vote of the Committee:

AYES: Barrett, Hudson, Mitchoff, Ross, and Spering.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Gioia, Groom, Kniss, and Wagenknecht.

#### **4. UPDATE ON TECHNOLOGY IMPLEMENTATION OFFICE ACTIVITIES**

Damian Breen, Deputy Air Pollution Control Officer on Technology, introduced Ranyee Chiang, Technology Implementation Officer, and Michael Montgomery, Region 9 Assistant Director, U.S. Environmental Protection Agency, who gave the staff presentation *Update on Technology Implementation Office (TIO) Activities*, including: outline; mission statement; TIO incentive climate action; technology options; focusing incentives and partnerships on commercialization “Valley of Death”; stakeholder engagement; stationary greenhouse gas (GHG) reduction planning; introduction of financing options; financing portfolio: preliminary evaluation; mobile emissions reduction programs; and next steps.

##### Public Comments:

No requests received.

##### Committee Comments:

The Committee and staff discussed the status of staff’s evaluation of various technology and financing options; the fact that staff is focusing on technologies that have been proven to work, versus those that are still in experimental stages; the suggestion that the TIO office create a logo to better assist lenders with matchmaking and marketing efforts; the suggestion that staff researches negative emission technologies at the consumer level, as opposed to at the macro level; the suggestion that the TIO office and its anticipated conference be announced and introduced at the 2018 Redefining Mobility Summit; the suggestion of adding to the TIO Steering Committee experts from the autonomous vehicle and electric transit sectors, Department of Energy, and Federal Highway Administration; the large-scale energy storage reverse-auction for companies wishing to tender for the installation of up to 100MW of energy storage before 2020 in Australia, called the Powering Queensland Plan; and the suggestion that the District makes an effort to help reclaim some of the Cap and Trade funds that have left California.

##### Committee Action:

None; receive and file.

#### **5. UPDATE ON COMPLEX FACILITY PERMITTING AND COMPLIANCE STRATEGY**

Mr. Breen introduced Blair Adams, Productions System Office Manager, who gave the staff presentation *Emissions Inventory System Informational Presentation*, including: agenda; My Air Online Program; permitting and compliance system current features; complex facility portal; small facilities portal roadmap; and Request for Qualifications (RFQ) process, evaluation criteria, and results.



NOTED PRESENT: Chair Kniss was noted present at 10:24 a.m.

Public Comments:

No requests received.

Committee Comments:

The Committee and staff discussed the evolution of the District’s permitting system, and the upcoming juncture of converting being able to permit the largest facilities online for the first time.

Committee Action:

None; receive and file.

**6. REQUEST TO AMEND THE FISCAL YEAR ENDING (FYE) 2018 BUDGET TO INCREASE STAFFING**

Jack Broadbent, Executive Officer/Air Pollution Control Officer, introduced Rex Sanders: Chief Administrative Officer, gave the staff presentation *Staffing Request Executive Committee*, including: background; new and expanded programs; cost recovery; staffing request; and recommendation.

Public Comments:

No requests received.

Committee Comments:

The Committee and staff discussed the number of full-time District employees currently on staff; the District’s anticipation of recruiting for an economist, a position which was not included in the recommendation; the request that the District conducts an official salary survey, using the salaries from other California Air Districts or regional agencies for comparison, and present the findings to the Committee and the Board; the fact that Assembly Bill 134, 617, and District Rule 11-18 all passed *after* the District’s FYE 2018 budget was approved, and whether the District’s current-year Budget has enough funds to pay for the proposed new positions; the request that this issue be presented to the Personnel Committee; the classifications of the proposed new positions, and the timeline of when staff anticipates hiring these positions; how staff plans to allocate one-time and ongoing State funds towards the proposed new staff positions, and how staff plans sustain incoming State funding; staff’s belief that this unforeseen staffing need requires the Board’s immediate attention, and staff’s plan to backfill positions and shift current staff to fulfill AB 617 and 134 requirements in the meantime; and speculation on what the District’s financial situation would be if another recession occurred.

Committee Action:

Director Spering made a motion, seconded by Director Ross, to amend the Fiscal Year Ending 2018 budget to authorize the creation of 22 additional full-time positions; and the motion carried by the following vote of the Committee:

AYES: Barrett, Hudson, Kniss, Mitchoff, Ross, and Spering.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Gioia, Groom, and Wagenknecht.

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

Vice Chair Hudson urged staff not to call a Spare the Air day on Christmas day, if possible. He also suggested posing to the Executive Committee at a future meeting the feasibility of changing the start time of Board meetings.

Chair Kniss requested a detailed report regarding the number of Spare the Air days that were called in 2017, and why, as she said the public has really noticed the frequency.

Director Ross encouraged staff to continue its education of wood smoke-related health effects and fire safety to the public, given the number of fires in California in 2017, and the public's subsequent heightened awareness.

Director Spering expressed his desire to create some sort of forum so that the Board members could collect their feedback and input prior to the upcoming performance evaluations of the Air Pollution Control Officer and District Counsel.

**8. TIME AND PLACE OF NEXT MEETING**

Thursday, February 18, 2018, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m.

**9. ADJOURNMENT**

The meeting adjourned at 11:16 a.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson David Hudson and Members  
of the Executive Committee

From: Chairperson Valerie J. Armento, Esq., and Members  
of the Hearing Board

Date: January 23, 2018

Re: Hearing Board Quarterly Report: October – December 2017

---

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the fourth calendar quarter of 2017 (October - December), the Hearing Board:

- Held one Hearing; and
- Processed a total of two Orders; and
- Collected a total of \$6,906.00 in filing fees.

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

---

**Location:** Sonoma County; City of Petaluma

**Docket:** 3698 - APCO vs. Spring Hill Jersey Cheese, Inc., et al – *Accusation*

**Regulation(s):** Regulation 2, Rule 1; and Regulation 9, Rule 7

**Synopsis:** Complainant was informed and believed and thereon alleged that since 2004, Respondents had owned or been operating a facility in Petaluma, California without a District permit to operate two boilers and a milk dryer required pursuant to District Regulation 2, Rule 1, despite knowing about this requirement. Further, despite the prohibition to do so, Respondents had been operating the boilers, which violated requirements of District Regulation 9, Rule 7. Complainant sought an order that Respondents cease operating the unpermitted and non-compliant equipment until they complied with District Regulation 2, Rule 1 and Regulation 9, Rule 7.

**Status:** Accusation filed on February 28, 2017; Pre-Hearing Conference was scheduled for March 28, 2017, but was cancelled due to a schedule conflict of the Respondent; Hearing held on April 18, 2017; Stipulated Conditional Order for Abatement filed on April 19, 2017, requiring Respondent to:

- install new, or retrofit existing boilers at the Facility that comply with all applicable requirements of District Regulation 9, Rule 7 by September 30, 2017; and
- complete all necessary tasks to obtain a permit to operate the Facility, including Facility boilers, which permit shall comply with District permitting requirements, including those set forth in Regulation 2, Rule 1, by September 30, 2017; and
- operate the Facility in accordance with a District permit to operate and in accordance with District Regulation 9, Rule 7, by October 2, 2017.

A Continued Hearing was scheduled for October 24, 2017, but Respondent was unable to attend, due to travel delay beyond his control, so Continued Hearing was postponed until November 28, 2017; Complainant experienced medical emergency on November 28, 2017, so Continued Hearing was moved to January 9, 2018.

---

**Location:** Contra Costa County; City of Antioch

**Docket:** 3701 – APCO vs. Bridgehead Marine Services LLC, et al - *Accusation*

**Regulation(s):** Regulation 2, Rule 1

**Synopsis:** Respondents have owned or operated a facility in Antioch, California, where they conduct a boat painting operation using solvent evaporating sources, for which they have held a District permit to operate pursuant to District Regulation 2, Rule 1. Since at least January 2014, Respondents have been operating the facility without a valid or current permit, despite their knowledge of the permit requirements. Complainant seeks an order that Respondents cease conducting these operations until they obtain a District permit to do so.

**Status:** Accusation filed on August 29, 2017; Hearing scheduled for October 17, 2017; on October 3, 2017, Complainant filed Request to Dismiss Action; Order for Dismissal filed on October 9, 2017.

---

**Location:** Contra Costa County; City of Richmond

**Docket:** 3702 – Chevron Products Company – *Request for Interim/Regular Variance*

**Regulation(s):** Regulation 2, Rule 1, Section 307; and Regulation 2, Rule 6, Section 307

**Synopsis:** In March of 2017 Chevron discovered that a furnace at its Richmond oil refinery was intermittently failing to comply with Air District-imposed emission limits for Nitrogen Oxides and Carbon Monoxide. Chevron immediately began trouble-shooting and tried substituting new burners in the furnace but was not able to solve the problem. Chevron sought a variance that would enable it to continue operating the furnace while it searched for a technical solution. The Air District and Chevron were subsequently able to negotiate an agreement allowing Chevron to continue operating while switching the furnace to natural gas, thereby at least temporarily avoiding the need for a variance. The negotiated agreement is being provided to the Hearing Board for informational purposes.

**Status:** Applicant submitted application for interim/regular variance on October 30, 2017; Interim Variance Hearing originally scheduled for January 16, 2018, and Regular Variance Hearing originally scheduled for January 23, 2018; Interim Variance Hearing rescheduled for January 23, 2018, and Regular Variance Hearing originally scheduled for February 13, 2018.

**Period of Variance:** October 27, 2017 to October 28, 2018

**Estimated Excess Emissions:** 1.5 lbs/day of NOx (nitrogen oxides); 8 lbs/day of CO (Carbon Monoxide) (net emissions after mitigation)

**Fees collected this quarter:** \$6,906.00

---

**Location:** Santa Clara County; City of Milpitas

**Docket:** 3703 – APCO vs. Arif Rana, et al - *Accusation*

**Regulation(s):** Regulation 2, Rule 1, Section 302

**Synopsis:** Respondents own or operate a gasoline dispensing facility in Milpitas, California, for which a District permit to operate is required pursuant to District Regulation 2, Rule 1. Complainant alleges that Respondents are conducting gasoline dispensing operations at this facility knowingly without a current or valid District permit to do so, despite Complainant's prior efforts to end the violation through September 1, 2017 through a prior abatement action before this Hearing Board and a judgment from Santa Clara County Superior Court in 2016. Complainant seeks an order that Respondents cease violation of District Regulation 2, Rule 1 continuing as of September 1, 2017.

**Status:** Accusation filed on December 29, 2017; Hearing scheduled for February 6, 2018.

---

Respectfully submitted,



Valerie J. Armento, Esq.  
Chair, Hearing Board

Prepared by: Marcy Hiratzka

Reviewed by: Maricela Martinez

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Dave Hudson and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 25, 2018

Re: Proposed Amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 1: Board of Directors, Meetings, Section 1.1: Meeting Dates, Section 1: Board of Directors, Meetings, Section 1.2A: Compensation – Meeting Attendance, and Section 6: Board of Directors, Committees, Section 6.2: Standing Committees

**RECOMMENDED ACTION**

The Committee will consider recommending the Board of Directors adopt amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 1: Board of Directors, Meetings, Section 1.1: Meeting Dates, Section 1: Board of Directors, Meetings, Section 1.2A: Compensation – Meeting Attendance, and Section 6: Board of Directors, Committees, Section 6.2: Standing Committees

**BACKGROUND**

These amendments will change/or add the following language:

- Regular Board of Director meeting start time from 9:45 a.m. to 9:30 a.m.;
- Board members shall not receive compensation for attending meetings of any type unless compensation for attendance at such meeting(s) is approved by the Chairperson in an open session prior to attendance at the meeting; and
- Standing committees size from (9) to (11) committee members;

In accordance with provisions of the Administrative Code governing amendments to the Code, notice of these proposed amendments will be given at the Board of Directors regular meeting of February 21, 2018.

The proposed amendments to the Administrative Code are attached for your review and consideration.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Maricela Martinez  
Reviewed by: Rex Sanders

Attachment 5A: Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 1: Board of Directors, Meetings, Section 1.1: Meeting Dates, Section 1: Board of Directors, Meetings, Section 1.2A: Compensation – Meeting Attendance

Attachment 5B: Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees, Section 6.2: Standing Committees

## AGENDA 5A - ATTACHMENT

Formatted: Right

Formatted: Different first page header

### SECTION 1 BOARD OF DIRECTORS, MEETINGS

#### 1.1 MEETING DATES. (Revised 11/06/2002)

Regular meetings of the Bay Area Air Quality Management District Board of Directors shall be held on the first and third Wednesday of each month, beginning at the hour of ~~9:45 a.m.~~, 9:30 a.m., with either meeting being subject to cancellation by the APCO with the concurrence of the Chairperson if there is insufficient District business to warrant such meeting. When the day, or the day preceding the day, fixed for a regular meeting of the District Board falls upon a legal holiday, that meeting shall be held at the same hour seven (7) days later not on a holiday.

#### 1.2 A. COMPENSATION - MEETING ATTENDANCE. (Revised 4/5/2006)

Board members shall receive compensation of one hundred dollars (\$100) for each day attending meetings of the District Board and of Board Committees, or upon authorization of the Board while on official business of the District, but such compensation shall not exceed six thousand dollars (\$6,000) in any one fiscal year. Board members may receive compensation for attendance at the following types of meetings other than Board and Committee meetings:

- (a) educational seminars designed to improve officials' skill and information levels;
- (b) meetings of regional, state and national organizations whose activities affect the Air District's interest with a District staff member in attendance;
- (c) Air District events; and
- (d) meetings to discuss community and/or business concerns with regard to air quality in the region.

Board members shall not receive compensation for attending meetings of any type unless compensation for attendance at such meeting(s) is approved by the Chairperson in an open session prior to attendance at the meeting.

Formatted: Indent: Left: 1.25", No bullets or numbering

Report(s) on any meetings that members have attended at the Air District's expense will be given at the next regular board meeting.

To the extent a meeting for which compensation is available includes a meal, a Board member may be reimbursed for the meal expenditures as long as the Board member complies with the limits and reporting requirements of local, state and federal law and the meal expenditure is reasonable and necessary.

#### 1.2 B. LIMITS ON COMPENSATION FOR MEETING ATTENDANCE. (Revised 4/5/2006)

Board members shall not receive compensation for attendance at meetings of any type held outside the State of California unless compensation for attendance at such meeting(s) is approved by the Board in an open session prior to attendance at the meeting.

Unless excused by the Chairperson, a Board member shall receive such compensation for attending meetings of the Board only if:

- (a) the Board member arrives for the meeting within 30 minutes of the scheduled beginning of the meeting; and
- (b) the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.



**1.3 BOARD MEETING LOCATION.**

All regular meetings of the Board of Directors and all regular meetings of Board Committees shall be held at the offices of the District located at 375 Beale Street, Suite 600, San Francisco, California, unless at a previous regular Board meeting or committee meeting some other place was designated.

**1.4 SPECIAL MEETINGS.**

Whenever the business of the District may require special meetings, in the opinion of the Chairperson of the Board of Directors or at the express written request of any three (3) members of the Board, such meetings shall be called. Whenever a special meeting shall be called, notice shall be given to each member of the Board of Directors at least twenty-four (24) hours in advance, and to others as required by law, stating the date and hour of the meeting and the purpose for which such meeting is called. No business shall be transacted thereat except such as is stated in the notice.

**1.5 AGENDA.**

All reports, communications, resolutions, contract documents or other matters to be submitted to the Directors shall be delivered to the APCO one (1) week prior to the Board meeting. The APCO shall thereupon arrange a list of such matters according to the order of business. The Clerk of the Boards shall furnish each Board Director with a copy of the same no later than the Friday prior to the meeting and as far in advance of the meeting as is feasible.

## AGENDA 5B - ATTACHMENT

Formatted: Right

### **SECTION 6 BOARD OF DIRECTORS, COMMITTEES**

#### **6.1 SPECIAL COMMITTEES.**

All special committees shall be appointed by the Chairperson, unless otherwise directed by the Board.

#### **6.2 STANDING COMMITTEES. (Revised 3/6/2015)**

Standing Committees of the Board of Directors shall be the following:

- (a) Executive Committee, consisting of the Chairperson of the Board, who shall be Chairperson of the Committee, the Vice-Chairperson of the Board, the Board Secretary, the last past Chairperson and ~~five seven (57)~~ other Directors appointed by the Chairperson.
- (b) Budget and Finance Committee, consisting of ~~nine eleven (911)~~ Directors appointed by the Chairperson.
- (c) Personnel Committee, consisting of ~~nine eleven (911)~~ Directors appointed by the Chairperson.
- (d) Legislative Committee, consisting of ~~nine eleven (911)~~ Directors appointed by the Chairperson.
- (e) Mobile Source Committee, consisting of ~~nine eleven (911)~~ Directors appointed by the Chairperson.
- (f) Public Engagement Committee, consisting of ~~eleven (911)~~ Directors appointed by the Chairperson.
- (g) Stationary Source Committee, consisting of ~~nine eleven (911)~~ Directors appointed by the Chairperson.
- (h) Climate Protection Committee, consisting of ~~nine eleven (911)~~ Directors appointed by the Chairperson.
- (i) The Chairperson shall be an ex-officio member of all Standing Committees of the Board of Directors.
- (j) Each Standing Committee shall have authority to make recommendations to the Board of Directors for action regarding matters within the scope of the Committee's jurisdiction. A standing committee may discuss but may not make recommendations to the Board of Directors regarding issues outside of its jurisdiction and shall refer such matters to the appropriate committee. Except as specified in this Division or as otherwise specified by the Board of Directors, Standing Committees are not delegated decision-making authority.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chair Dave Hudson and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 31, 2018

Re: Update on Assembly Bill 617 (AB 617) and Related Incentives Funding Program

**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

The California Legislature passed, and Governor Jerry Brown signed, a climate change package that included two separate bills - Assembly Bill 398, which extended the life of California's Cap-and-Trade program until 2030 while also making some modifications to how the Cap-and-Trade market operates; and, Assembly Bill 617, addressing concerns about local air quality by requiring:

- Additional air monitoring in impacted communities;
- A state-wide strategy to reduce toxic air contaminants and criteria pollutants in impacted communities;
- A state-wide clearing house for Best Available Retrofit Control Technology (BARCT);
- Adoption of rules requiring the latest BARCT for all criteria pollutants for which an area has not achieved attainment of California Ambient Air Quality Standards; and
- Uniform state-wide reporting of emissions inventories.

In addition to AB 617, the Legislature passed, and the Governor signed AB 134 which provided an additional \$50 million of Cap-and-Trade revenue to BAAQMD to be used for grants that reduce mobile source emissions, including diesel particulate matter.

**DISCUSSION**

Staff will update the Board on work to-date on AB617 implementation, including discussions with the California Air Resources Board, other local air districts in the state, and local community groups and industry stakeholders. Staff will also provide a schedule for next steps in AB 617 implementation with a focus on milestones in 2018.

Key discussion points will include the following:

- Identification of priority communities

- Development of Community Action Plans to reduce air pollution in priority communities
- Updated Best Available Control Technology review and role of the Air Resources Board
- Community Monitoring
- Allocation of grant funding
- Improving Emissions Inventory processes and role of the Air Resources Board

#### BUDGET CONSIDERATIONS/FINANCIAL IMPACTS

The implementation of AB 617 and the AB 134 will require a substantial investment from the Air District. The financial implications will be partially offset by state funding. This topic was addressed at the end of 2017 with the Board approval of 22 additional staff. The topic will be further addressed through the budget process for the next fiscal year.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Greg Nudd