



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
REGULAR MEETING
DECEMBER 19, 2012

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th 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.

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
DECEMBER 19, 2012
9:45 A.M.**

**BOARD ROOM
7TH FLOOR**

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance

Chairperson, John Gioia
Clerk of the Boards

PUBLIC COMMENT ON NON-AGENDA MATTERS

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.

PROCLAMATION(S)/AWARDS

Present Award of Appreciation to Tom Cackette, Chief Deputy Executive Officer, California Air Resources Board.

The Board of Directors will recognize outgoing Directors Susan Garner, Susan Gorin, Jennifer Hosterman, Liz Kniss, and Katie Rice for their service, leadership and dedication to protecting air quality in the Bay Area.

The Board of Directors will recognize employees who have completed milestones of twenty-five (25), thirty (30), and thirty-five (35) years of service with the Air District during this second half of the calendar year.

CONSENT CALENDAR (ITEMS 1 – 4)

Staff/Phone (415) 749-

1. Minutes of the Board of Directors Special Meeting of December 5, 2012

Clerk of the Boards

2. Board Communications Received from December 5, 2012 through December 18, 2012

J. Broadbent/5052

jbroadbent@baaqmd.gov

A list of communications directed to the Board of Directors received by the Air District from December 5, 2012 through December 18, 2012, if any, will be at each Board Member's place.

3. Authorize Expenditures for the Implementation of the Production System

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to execute agreements with Farallon Geographics, IT Dependz Inc., Trinity Technology Group Inc., and Vertigo Software, Inc., for total contract amount not to exceed \$1,113,088.

4. Proposed Regulatory Agenda for 2012

J. Broadbent/5052
jbroadbent@baaqmd.gov

State law requires each Air District to publish a list of potential regulatory measures for the upcoming year. No regulatory measure can be brought before the Board that is not on the list, with specified exceptions. Consequently, the list contains all regulatory measures that may come before the Board in 2013.

COMMITTEE REPORTS AND RECOMMENDATIONS

5. Report of the **Executive Committee** Meeting of December 17, 2012

CHAIR: J. Gioia

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee may recommend Board of Directors' approval of the following items(s):

Real Estate Broker Selection for Disposition of 939 Ellis Street, San Francisco, CA

- 1) *Recommend the Board of Directors authorize the Executive Officer/APCO to enter into a contract with Cassidy Turley to develop and implement marketing strategies for disposition of 939 Ellis Street.*

Authorize Additional Funding for Web Site and Production System Integration

- 1) *Authorize Executive Officer/APCO to amend existing contract with Lightmaker, Inc. by \$120,000;*
- 2) *Increase the Information Services fiscal year 2012 – 2013 budget by \$200,000; and*
- 3) *Authorize the Executive Officer/APCO to enter into contracts for services not to exceed \$200,000, with IntelliBridge Partners, Inc.*

PUBLIC HEARING(S)

6. Continuation of the Public Hearing to Consider Adoption of Proposed Amendments to Air District New Source Review (NSR) and Title V permitting regulations (Regulations 2, Rule 1, 2, 4 and 6) and Adoption of a California Environmental Quality Act (CEQA) Environmental Impact Report (EIR)

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider adoption of staff's proposed amendments to Air District New Source Review (NSR) and Title V permitting regulations (Regulations 2, Rules 1, 2, 4 and 6) and adoption of the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR).

Two of the principal changes that would be made by the proposed amendments are: Adding new NSR and Title V permitting requirements for fine particulate matter (specifically, particulate matter with an aerodynamic diameter of less than 2.5 microns, or “PM_{2.5}”) and for greenhouse gases; and Revising the “Prevention of Significant Deterioration” permitting program in District regulations for approval by the U.S. Environmental Protection Agency.

CLOSED SESSION

7. **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):

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RG-10548693; California Court of Appeal, First Appellate District, Case No. A135335.

OPEN SESSION

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

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

8. Report of the Executive Officer/APCO
9. Chairperson's Report
10. Time and Place of Next Meeting is Wednesday, January 16, 2013, San Jose City Hall, 200 East Santa Clara Street, San Jose, California 95113 at 9:45 a.m.
11. Adjournment

CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109

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

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities. Notification to the 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. Such writing(s) may also be posted on the Air District's website (www.baaqmd.gov) at that time.

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

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

DECEMBER 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets 3rd Monday of each Month)</i>	Monday	17	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets the 4th Wednesday of each Month) - CANCELLED</i>	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday of each Month) - CANCELLED</i>	Thursday	27	9:30 a.m.	4 th Floor Conf. Room

JANUARY 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month) - CANCELLED</i>	Wednesday	2	9:45 a.m.	Board Room
Advisory Council Regular Meeting/Retreat <i>(Meets 2nd Wednesday of each Month)</i>	Wednesday	9	9:00 a.m.	Board Room
Special Board of Directors Meeting/Retreat <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	San Jose City Hall 200 East Santa Clara Street San Jose, CA 95113
Board of Directors Executive Committee <i>(Meets 3rd Monday of each Month) - CANCELLED</i>	Monday	21	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets the 3rd Monday of Every Other Month)- CANCELLED</i>	Monday	21	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets 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 4th Thursday of each Month)</i>	Thursday	24	9:30 a.m.	4 th Floor Conf. Room

FEBRUARY 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	6	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets 2nd Wednesday of each Month)</i>	Wednesday	13	9:00 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets 3rd Monday of each Month)</i> - CANCELLED	Monday	18	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	20	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets the 4th Wednesday of each Month)</i>	Wednesday	27	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday of each Month)</i>	Thursday	28	9:30 a.m.	4 th Floor Conf. Room
HL – 12/11/12 (8:30 a.m.)				P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 7, 2012

Re: Minutes of the Board of Directors Special Meeting of December 5, 2012

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Special Meeting of December 5, 2012.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Special Meeting of December 5, 2012.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

Attachments

Regional Agency Headquarters
390 Main Street
San Francisco, CA 94105

Board of Directors Special Meeting
December 5, 2012

DRAFT MINUTES

CALL TO ORDER

Chairperson John Gioia called the meeting to order at 10:07 a.m.

ROLL CALL

Present: Chairperson John Gioia; Vice Chairperson Ash Kalra; Secretary Nate Miley; and Directors John Avalos, Susan Gorin, Carole Groom, Scott Haggerty, David E. Hudson, Liz Kniss, Eric Mar, Katie Rice, Mark Ross, Jim Spering and Brad Wagenknecht.

Absent: Directors Tom Bates, Susan Garner, Jennifer Hosterman, Carol L. Klatt, Edwin M. Lee, Mary Piepho, Ken Yeager and Shirlee Zane.

PLEDGE OF ALLEGIANCE

Chairperson Gioia led the Pledge of Allegiance.

NOTED PRESENT: Director Kalra was noted present at 10:09 a.m.

OPENING COMMENTS: None.

PUBLIC COMMENT ON NON-AGENDA MATTERS:

Barry Chang, Bay Area for Clean Environment, addressed the Board in support of the Air District in Lehigh Southwest Cement Company v. Bay Area AQMD, Santa Clara County Superior Court, Case No. 112CV236602.

Karen Del Compare addressed the Board to echo the comments of Mr. Chang.

Rhoda Fry addressed the Board regarding the poor record of Lehigh Southwest Cement Company in regards to matters related to the wellbeing of its labor force and public health.

NOTED PRESENT: Director Wagenknecht was noted present at 10:13 a.m.

Gary Latshaw, Sierra Club – Loma Prieta Chapter, addressed the Board regarding pollutants emitted by the operations of Lehigh Southwest Cement Company and to request the relocation of Air District air monitoring equipment.

Joel Masser, Bay Area for Clean Environment, addressed the Board regarding pollution control methods utilized by Lehigh Southwest Cement Company.

NOTED PRESENT: Director Kniss was noted present at 10:19 a.m.

PRESENTATIONS

1. Advisory Council Report and Recommendations on Ultrafine Particles (UFP)

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), introduced the item and Advisory Council Chairperson Stan Hayes, who made further introductory comments and introduced Advisory Council Members Robert Bornstein, Ph.D., Sam L. Altshuler, P.E., and Jessica Range.

NOTED PRESENT: Director Haggerty was noted present at 10:23 a.m.

Member Altshuler gave the initial presentation, UFP: A Cause for Concern, Part II, 2012, through slide 4, UFP: Characteristics.

NOTED PRESENT: Director Miley was noted present at 10:25 a.m.

Member Range gave the continued presentation through slide 10, UFP Exposure: Reduction Strategies.

NOTED PRESENT: Director Rice was noted present at 10:27 a.m., thereby establishing a quorum.

Advisory Council Chairperson Hayes concluded presentation.

Board Comments:

Chairperson Gioia thanked the Advisory Council and asked questions of staff regarding the jurisdiction of the Air District relative to indoor air quality, which Mr. Broadbent and Brian Bunger, District Counsel, answered.

Director Wagenknecht asked questions of staff about the deployment of air monitoring equipment relative to UFP, which Eric Stevenson, Director of Technical Services, answered.

Director Hudson, Chairperson Gioia and Mr. Broadbent discussed the relationship between UFP and community risk reduction plans.

Director Kalra thanked the Advisory Council and commented on the relevance of the information in regard to land use, construction regulations and increased public outreach.

Director Rice asked questions about the level of awareness by other agencies, the state of research and the incorporation of these findings in the planning efforts of Bay Area communities, which Advisory Council Chairperson Hayes answered.

NOTED PRESENT: Director Ross was noted present at 10:57 a.m.

Director Rice expressed the importance of the Air District's regulatory role.

Director Avalos asked a question about remediation methods, which Advisory Council Chairperson Hayes answered.

Director Haggerty asked a question about the state of responses by other air districts, which Member Altshuler answered.

NOTED PRESENT: Director Gorin was noted present at 11:00 a.m.

Director Gioia asked a question about the selection of future topics for inquiry by the Advisory Council, which Member Bornstein answered.

Public Comments: None.

Board Action: None; informational only.

CONSENT CALENDAR (ITEMS 2 – 4)

2. **Minutes of the Board of Directors Regular Meeting of November 7, 2012, and Special Meeting of November 19, 2012;**
3. **Board Communications Received from November 19, 2012, through December 4, 2012; and**
4. **Air District Personnel on Out-of-State Business Travel.**

Board Comments: None.

Public Comments: None.

Board Action: Director Wagenknecht made a motion to approve Consent Calendar Items 2, 3 and 4; Director Hudson seconded; and the motion was unanimously approved without objection.

COMMITTEE REPORTS AND RECOMMENDATIONS

5. Report of the Mobile Source Committee Meeting of December 3, 2012

Chairperson S. Haggerty

The Committee met on Monday, December 3, 2012, and approved the minutes of October 25, 2012.

The Committee reviewed Projects with Proposed Grant Awards Over \$100,000 and recommends Board approval of three projects; one that will provide electrical power to eight locomotive engines to reduce idling emissions in the San Jose area, and two others that replace two pieces of off-road equipment operating in Sonoma County and eight pieces of off-road equipment in Napa County. Additionally, the Committee recommends authorization for the Executive Officer/APCO to enter into agreements for those projects.

The Committee then reviewed a \$1 million United States Department of Energy (DOE): Clean Cities Advanced Alternative Fuel Grant and recommends the Board adopt a resolution to authorize the

Executive Officer/APCO to accept this grant funding and enter into a contract with the DOE on behalf of the Air District and authorization for the Executive Officer/APCO to execute contracts to expend this funding.

The Committee also reviewed Current and Future Audits of the Transportation Fund for Clean Air (TFCA) and the Fiscal Year Ending (FYE) 2012 TFCA Air District and Regional Fund Program Report on Expenditures and Effectiveness. The Committee recommends the Board authorize the Executive Officer/APCO to execute a contract with Gilbert Associates, Inc., for Audit #14, in an amount that shall not exceed \$85,000, and Audit #15, in an amount that shall not exceed \$150,000, and recommends the Board receive and file both the results of TFCA Audit #13 and the FYE 2012 TFCA Report on Regional Fund Expenditures and Effectiveness.

The Committee also received an update on the Port Truck Program, including an overview of the current drayage truck population and status reports on the California Goods Movement Bond and Engine MY 2005/ 2006 Replacement Programs.

The next meeting of the Committee is on Thursday, January 24, 2013, at 9:30 a.m.

Board Comments: None.

Public Comments: None.

Board Action: Director Haggerty made a motion to approve the report and recommendations of the Mobile Source Committee; Director Wagenknecht seconded; and the motion was unanimously approved without objection.

6. Report of the Legislative Committee Meeting of December 3, 2012
Chairperson T. Bates (read by Director A. Kalra)

The Committee met on Monday, December 3, 2012, without establishing a quorum.

The Committee reviewed the 2012 legislative year. Highlights were the achievement of the Air District's primary legislative goals of minimizing budgetary cuts from the State, and passage of Senate Bill 1339, regarding transit commute benefits. The Committee also reviewed the outcome of bills with air quality significance. No bills the Air District opposed became law.

The Committee discussed a potential two-part legislative agenda for 2013. One goal would be to pass legislative extensions to the Carl Moyer, the Assembly Bill (AB) 923, and the AB 118 programs. A second goal (triggered by the August 6, 2012, fire at the Chevron refinery) would be to sponsor legislation that would allow for the collection of more substantial penalties from short-duration releases, particularly from large industrial facilities that affect large numbers of people. This legislative goal is articulated in the Work Plan for Action Items Related to Accidental Releases from Industrial Facilities, adopted by the Board in October 2012. A consensus of the members present recommended that the Board of Directors approve the staff legislative agenda for 2013.

The next meeting of the Committee is at the call of the Chair.

Board Comments: None.

Public Comments: None.

Board Action: Director Kalra made a motion to approve the report and consensus recommendation of the Legislative Committee members; Director Hudson seconded; and the motion was unanimously approved without objection.

PRESENTATIONS (Continued)

7. Status Report on Implementation of Work Plan for Action Items Related to Accidental Releases from Industrial Facilities

Mr. Broadbent gave the staff presentation, Update on Work Plan - Action Items Related to Accidental Releases from Industrial Facilities, including investigation, procedures, air quality monitoring, rule development, resource needs, community outreach, legislation and timeline.

Board Comments:

Director Spring asked questions about the difference in penalties and cost recovery fees, consideration of accidental versus negligent acts, and use of funds received through the penalty process, which Messrs. Bunker and Broadbent answered.

Chairperson Gioia commented on current penalty limits and the use of funds received through the penalty process.

Director Kalra echoed the comments of Chairperson Gioia relative to the use of funds.

Public Comments: None.

Board Action: None; informational only.

8. 390 Main Street, Regional Agency Headquarters – Conceptual Design Presentation and Building Tour

Mr. Broadbent made introductory comments regarding the status of the purchase, financing and design processes, and suggested the building tour occur at the conclusion of the Board meeting.

Board Comments:

Chairperson Gioia asked questions about the effect on the Air District of the increased cost of the project cost reported by the Metropolitan Transportation Commission (MTC), which Mr. Broadbent answered.

Director Haggerty asked questions about the editorial regarding the project, published in the Contra Costa Times on December 4, 2012, and the implications of the increased project cost, which Mr. Broadbent answered.

Director Spering asked questions about the involvement of the Air District in decisions relative to project improvements and how staff intends to address changes in estimated costs, which Mr. Broadbent answered.

Director Groom echoed the comments of Director Spering.

Public Comments: None.

Board Action: None; informational only.

PUBLIC COMMENT ON NON-AGENDA MATTERS: None.

BOARD MEMBERS' COMMENTS: None.

OTHER BUSINESS

9. Chairperson's Report:

Chairperson Gioia announced the reappointment of Director Kalra to the Board by the Santa Clara County City Selection Committee and that outgoing Directors Garner, Gorin, Hosterman, Kniss and Rice would be recognized for service at the Board meeting on December 19, 2012.

10. Time and Place of Next Meeting:

Wednesday, December 19, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

Director Haggerty asked for a moment of silence in memory of former Board Director Mike Nevin.

11. Report of the Executive Officer/APCO:

Mr. Broadbent commended Salvador Rueda, Senior Air Quality Inspector of Compliance & Enforcement, for receiving the 2012 Outstanding Inspector Award from the California Air Pollution Control Officer's Association.

CLOSED SESSION

The Board adjourned to Closed Session at 11:35 a.m.

12. EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), a need existed for the Board to meet in closed session with legal counsel to consider the following case:

Lehigh Southwest Cement Company v. Bay Area AQMD, Santa Clara County Superior Court, Case No. 112CV236602.

OPEN SESSION

The Board resumed Open Session at 11:42 a.m. with no reportable action.

13. Adjournment: The Board meeting adjourned at 11:43 a.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 10, 2012

Re: Board Communications Received from December 5, 2012 through December 18, 2012

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

A list of communications directed to the Board of Directors received by the Air District from December 5, 2012 through December 18, 2012, if any, will be at each Board Member's place at the December 19, 2012 Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Maricela Martinez
Reviewed by: Ana Sandoval

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 19, 2012

Re: Authorize Expenditures for the Implementation of the Production System

RECOMMENDED ACTION

Authorize the Executive Officer/APCO to execute agreements not to exceed the amounts below with the following firms:

Firm	Amount	Description
Farallon Geographics	\$124,000	Geospatial software development and data management for the creation of a public facing mapping tool for the Production System.
IT Dependz, Inc.	\$155,088	Software development, automated testing and quality assurance services related to the implementation of Production System and registration software.
Trinity Technology Group, Inc.	\$150,000	Data clean-up and transfer services from legacy permitting and compliance systems to the new Production System.
Trinity Technology Group, Inc.	\$75,000	Business rules logic implementation and testing for permitting and enforcement processes.
Vertigo Software, Inc.	\$609,000	Software development and implementation of Production System functionality.

DISCUSSION:

The Air District has used these firms in prior fiscal years to assist with the design, development and testing of the Production System. These firms have performed well under their existing contracts. Staff is recommending the continued use of proven resources familiar with Air District systems for the second half of the FYE 2013 fiscal year.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

This recommendation is funded from the approved Information Systems Division FYE 2013 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jaime Williams
Reviewed by: Laura D. Brown

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 13, 2012

Re: Proposed Regulatory Agenda for 2013

RECOMMENDED ACTION:

None; receive and file.

DISCUSSION

Each year, the District is required by Health and Safety Code section 40923 to publish a list of regulatory measures scheduled or tentatively scheduled for consideration during the next calendar year. If a measure is not on this list, it may not be brought before the Board of Directors unless it is necessary to:

1. Satisfy federal requirements,
2. Abate a substantial endangerment to public health or welfare,
3. Comply with state toxic air contaminant requirements,
4. Comply with an ARB requirement that the District adopt contingency measures due to inadequate progress towards attainment,
5. Preserve an existing rule's "original intent," or
6. Allow for alternative compliance under an existing rule.

The attached list includes all measures that staff anticipates may come before the Board in calendar year 2013. Some of the measures may fall within exceptions listed above but are nevertheless included for completeness. There is no expectation that all of the measures on the list will be enacted during the calendar year. Rules are listed in numerical order as they appear in the District Rules and Regulations.

All new rules and rule amendments must be adopted at a public hearing conducted by the Board of Directors of the District. Public comment is accepted at these hearings. Public notice of hearings is provided as required by law. In addition, the District staff conducts public workshops and provides opportunities for oral and written comments before scheduling a rule for public hearing for the Board's consideration. Information on workshops, hearings, and other rule development issues may be obtained from the District website at <http://www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development.aspx> or by calling the Planning, Rules and Research Division at (415) 749-4664.

BUDGET CONSIDERATION/FINANCIAL IMPACTS:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Daniel Belik
Approved by: Henry Hilken

Attachment

ATTACHMENT – AGENDA: 4

BAY AREA AIR QUALITY MANAGEMENT DISTRICT 2013 REGULATORY MEASURES LIST

Regulation, Rule	Title	Objectives¹
Reg. 1	General Provisions and Definitions	Clarify and enhance District policies
Reg. 2, Rule 1	General Requirements (Permits)	EPA, CARB policy; State law, clarifications
Reg. 2, Rule 2	New Source Review	EPA policy, incorporate PM2.5 and GHG, State law
Reg. 2, Rule 4	Emissions Banking	Clarifications
Reg. 2, Rule 5	New Source Review for Toxic Air Contaminants	Clarifications, reduce emissions
Reg. 2, Rule 6	Major Facility Review (Title V)	EPA policy, clarifications
Reg. 2, Rule 9	Interchangeable Emission Reduction Credits	Clarifications
Reg. 3	Fees	Cost recovery
Reg. 4	Air Pollution Episode Plan	Reduce emissions
Reg. 5	Open Burning	Reduce emissions
Reg. 6, Rule 1	Particulate Matter, General Limitations	Reduce emissions
Reg. 6, Rule 2	Commercial Cooking Devices	Reduce emissions
Reg. 6, Rule 3	Wood Burning Devices	Clarifications, reduce emissions
Reg. 6, Rule 4	Metal Recycling and Shredding Operations	Reduce emissions
Reg. 6, Rule 5	Fugitive Particulate Emissions	Reduce emissions
Reg. 7	Odorous Substances	Clarifications, reduce emissions
Reg. 8, All	General Provisions	Applicability, VOC definition
Reg. 8, Rule 2	Miscellaneous Operations	Clarifications
Reg. 8, Rule 3	Architectural Coatings	Clarifications, flexibility
Reg. 8, Rule 4	General Solvent and Surface Coating Operations	Reduce emissions
Reg. 8, Rule 6	Organic Liquid Bulk Terminals and Bulk Plants	Clarifications
Reg. 8, Rule 7	Gasoline Dispensing Facilities	Reduce emissions
Reg. 8, Rule 16	Solvent Cleaning Operations	Clarifications, reduce emissions
Reg. 8, Rule 18	Equipment Leaks	Reduce emissions
Reg. 8, Rule 20	Graphic Arts Operations	Clarifications, reduce emissions, EPA policy
Reg. 8, Rule 22	Valves and Flanges at Chemical Plants	Clarifications
Reg. 8, Rule 28	Episodic Releases from Pressure Relief Devices at Petroleum Refineries and Chemical Plants	Clarifications, flexibility
Reg. 8, Rule 30	Semiconductor Manufacturing Operations	Reduce emissions
Reg. 8, Rule 32	Wood Products Coatings	Clarifications, flexibility
Reg. 8, Rule 33	Gasoline Bulk Terminals and Gasoline Delivery Vehicles	Clarifications
Reg. 8, Rule 34	Solid Waste Disposal Sites	Reduce emissions

ATTACHMENT – AGENDA: 4

BAY AREA AIR QUALITY MANAGEMENT DISTRICT 2013 REGULATORY MEASURES LIST

Regulation, Rule	Title	Objectives ¹
Reg. 8, Rule 37	Natural Gas and Crude Oil Production Facilities	Reduce emissions
Reg. 8, Rule 39	Gasoline Bulk Plants and Gasoline Delivery Vehicles	Clarifications
Reg. 8, Rule 40	Aeration of Contaminated Soil and Removal of Underground Storage Tanks	Clarifications
Reg. 8, Rule 45	Motor Vehicle and Mobile Equipment Coating Operations	Clarifications, flexibility
Reg. 8, Rule 49	Aerosol Paint Products	Consistency with ARB standards
Reg. 8, Rule 51	Adhesive and Sealant Products	Reduce emissions
Reg. 8, Rule 52	Polystyrene, Polypropylene and Polyethylene Foam Product Mfg Ops.	Clarifications
Reg. 8, Rule 53	Vacuum Truck Operations	Clarifications
Reg. 8, Rule TBD	Composting Operations	Reduce emissions
Reg. 8, Rule TBD	Livestock Waste	Reduce emissions
Reg. 8, Rule TBD	Digital Printing	Reduce emissions
Reg. 8, Rule TBD	Natural Gas Transmission and Distribution	Reduce emissions
Reg. 8, Rule TBD	Cooling Towers	Reduce emissions
Reg. 8, Rule TBD	Wastewater from Coke Cutting	Reduce emissions
Reg. 8, Rule TBD	Wineries	Reduce emissions
Reg. 8, Rule TBD	Vanishing Oils and Rust Inhibitors	Reduce emissions
Reg. 8, Rule TBD	LPG, Propane, Butane, and other Pressurized Gases	Reduce emissions
Reg. 9, Rule 1	Sulfur Dioxide	Monitoring, recording requirements
Reg. 9, Rule 2	Hydrogen Sulfide	Monitoring, recording requirements
Reg. 9, Rule 4	NOx from Fan Type Residential Central Furnaces	Reduce emissions
Reg. 9, Rule 6	NOx from Natural Gas-Fired Water Heaters	Clarifications
Reg. 9, Rule 7	NOx and CO from Boilers, Steam Generators and Process Heaters	Clarifications
Reg. 9, Rule 8	Stationary IC Engines	Clarifications
Reg. 9, Rule 10	NOx and CO From Boilers, Steam Generators And Process Heaters in Petroleum Refineries	Flexibility, reduce emissions
Reg. 9, Rule 12	NOx from Glass Melting Furnaces	Reduce emissions
Reg. 9, Rule 13	NOx, Particulate Matter and Toxic Air Contaminants from Cement Kilns	Clarifications, reduce emissions
Reg. 9, Rule TBD	NOx from Kilns, Ovens and Furnaces	Reduce emissions
Reg. 9, Rule TBD	Plants NOx from Large Residential and Commercial Space Heating	Reduce emissions
Reg. 9, Rule TBD	SOx from Petroleum Coke Calcining	Reduce emissions
Reg. 11	Hazardous Air Pollutants	Reference federal standards

ATTACHMENT – AGENDA: 4

BAY AREA AIR QUALITY MANAGEMENT DISTRICT 2013 REGULATORY MEASURES LIST

Regulation, Rule	Title	Objectives ¹
Reg. 11, Rule 1	Lead	Clarifications, reference federal standards
Reg. 11, Rule 2	Asbestos Demolition, Renovation and Manufacturing	Clarifications
Reg. 11, Rule 14	Asbestos-Containing Serpentine	Clarifications
Reg. 11, Rule TBD	Air Toxics Hot Spots Mitigation	Reduce emissions
Reg. 12, Rule 13	Foundries and Forging Operations	Reduce emissions
Reg. 12, Rule TBD	Refinery Emissions Tracking	Monitor, reduce emissions
Reg. and Rule TBD	Indirect Source Mitigation	Reduce emissions
Reg. and Rule TBD	Episodic Controls	Reduce emissions
Reg. and Rule TBD	Sulfur Hexafluoride	Reduce emissions
Reg. and Rule TBD	Refrigeration Management	Reduce emissions
Reg. and Rule TBD	Magnet Source Rule	Reduce emissions
Reg. and Rule TBD	Emergency Stand-by Stationary IC Engines	Reduce emissions
MOP, Volume I	Enforcement Procedures	Clarification, improve data submittals
MOP, Volume II	Engineering Permitting Procedures	Consistency with EPA requirements, clarifications
MOP, Volume III	Laboratory Methods	New and improved analytical procedures
MOP, Volume IV	Source Test Methods	New and improved analytical procedures
MOP, Volume V	Continuous Emission Monitoring	New and improved analytical procedures
MOP, Volume VI	Ground Level Monitoring	Consistency with EPA requirements

¹ Objectives are listed for information only and are subject to change. Rule development efforts for a rule are not limited to listed objectives.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

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

Date: December 12, 2012

Re: Report of the Executive Committee Meeting of December 17, 2012

PROPOSED RECOMMENDED ACTION

The Committee will consider recommending the Board of Directors approval of the following items:

- A) None. Informational item, receive and file.
- B) Recommend the Board of Directors authorize the Executive Officer/APCO to enter into a contract with Cassidy Turley to develop and implement marketing strategies for disposition of 939 Ellis Street.
- C) Authorize Executive Officer/APCO to amend existing contract with Lightmaker, Inc. by \$120,000;

Increase the Information Services fiscal year 2012 – 2013 budget by \$200,000; and

Authorize the Executive Officer/APCO to enter into contracts for services not to exceed \$200,000, with IntelliBridge Partners, Inc.
- D) None. Informational item, receive and file.

BACKGROUND

The Executive Committee will meet on Monday, December 17, 2012. The Committee will receive the following reports:

- A) Hearing Board Quarterly Report – July through September 2012
- B) Real Estate Broker Selection for Disposition of 939 Ellis Street, San Francisco, CA
- C) Authorize Additional Funding for Web Site and Production System Integration
- D) Update on Regional Plug-in Electric Vehicle Plan

Attached are the staff reports that will be presented in the Executive Committee packet.

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

BUDGET CONSIDERATION/FINANCIAL IMPACT:

- A) None.
- B) None.
- C) Funding for the website assessment was pre-approved and included in the FYE 2012 and FYE 2013 budgets. Funding for contracting with IntelliBridge Partners, Inc. will increase the FYE 2013 Information Services budget by \$200,000.
- D) None. The Air District match and administrative funding for these projects comes from the TFCA program.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

Attachments

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John Gioia and Members of the Executive Committee

From: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board

Date: November 5, 2012

Re: Hearing Board Quarterly Report – July through September 2012

RECOMMENDED ACTION:

None; receive and file.

DISCUSSION:

During the third quarter of 2012 (July through September), the Hearing Board:

- Held two (2) hearings consisting of one (1) Accusation (3637), one (1) Appeal (3624 – pro forma hearing to set briefing and hearing schedule), and zero (0) Variances;
- Processed a total of three (3) orders consisting of one (1) Accusation (3637), zero (0) Appeals, zero (0) Variances, zero (0) Emergency Variances and two (2) Requests for Withdrawal/Dismissal (3636 and 3639); and
- Collected a total of \$4,787.00.

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

Location: Contra Costa County; City of Martinez

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

Regulation(s): Final Major Facility Review Permit

Status: Appeal filed 07-27-2011; pro forma hearing scheduled for 09-22-2011 in conjunction with Docket 3532 Tesoro Refining and Marketing Company, et al; pro forma hearing rescheduled for 10-13-2011 and again for 11-10-2011; pro forma hearing held 11-10-2011 and continued for further pro forma hearing to 01-19-2012; pro forma hearing held 01-19-2012 wherein a briefing schedule was established and continued for further pro forma hearing to 07-12-2012; pro forma hearing held 07-12-2012 where a briefing schedule was set and evidentiary hearing set for 10-11-2012; upon receipt of briefs filed by both parties, the Hearing Board ordered the postponement of evidentiary hearing to a date TBD pending resolution of hearing on Respondent's motion to dismiss for lack of jurisdiction scheduled for 10-11-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

Location: Napa County; City of American Canyon

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

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

Status: Application filed 06-28-2012; Request for Withdrawal filed 06-13-2012; Order for Dismissal filed 08-03-2012.

Period of Variance: N/A

Estimated Excess Emissions: 0.09 lb/day hydrogen sulfide.

Fees collected this quarter: \$0

Location: Contra Costa County; City of Rodeo

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

Regulation(s): 2-1-302

Status: Accusation filed on 06-28-2012; Evidentiary Hearing scheduled for 08-02-2012; Conditional Order for Abatement granted at hearing on 08-02-2012; Conditional Order for Abatement filed 09-11-2012.

Period of Variance: N/A

Estimated Excess Emissions: N/A

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

Location: San Mateo County; City of La Honda

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

Regulation(s): 2-1-302

Status: Accusation filed 06-28-2012; Evidentiary Hearing scheduled for 08-02-2012 and rescheduled to 10-04-2012, at the request of Respondent, and again to 12-06-2012, upon the stipulation of both parties.

Period of Variance: N/A

Estimated Excess Emissions: N/A

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

Location: Sonoma County; City of Santa Rosa

Docket: 3639 BODEAN COMPANY, INC. – *Application for Interim and Short Product Variances*

Regulation(s): 6-1-301

Status: Application filed 07-23-2012; Evidentiary hearings for both variances scheduled for 08-16-2012; Request for Withdrawal filed 08-14-2012; Order for Dismissal filed 09-05-2012.

Period of Variance: N/A

Estimated Excess Emissions: Opacity.

Fees collected this quarter: \$1,796.00 (Filing fee)

Location: Contra Costa County; City of Martinez

Docket: 3640 TESORO REFINING AND MARKETING COMPANY – *Application for Regular Variance*

Regulation(s): 8-2-301 regarding compliance with Condition 22070 and Table VII – B.6 of Permit to Operate; 2-6-307; and 2-1-307

Status: Application filed 09-26-2012; Evidentiary hearing scheduled for 11-08-2012.

Period of Variance: N/A

Estimated Excess Emissions: Between 1.34 and 288.9 lb/day carbon over the limit of 15 lb/day.

Fees collected this quarter: \$2,991.00 (Filing fee)

Respectfully submitted,

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

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 11, 2012

Re: Real Estate Broker Selection for Disposition of 939 Ellis Street, San Francisco, CA

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Executive Officer/APCO to enter into a contract with Cassidy Turley to develop and implement marketing strategies for disposition of 939 Ellis Street.

DISCUSSION

The Air District expects to move to 390 Main Street in San Francisco as early as 2014 and seeks to coordinate the sale or lease of its current building with this move. The current location at 939 Ellis Street is not encumbered by any outstanding debt.

The proceeds from the disposition of 939 Ellis Street will contribute to the funds available for the Air District's anticipated acquisition of a portion of 390 Main Street. A brief review of the financing terms for the Air District's portion of 390 Main will be provided.

The Air District seeks a broker to research the potential market for 939 Ellis Street, determine an appropriate price or rent, develop appropriate disclosures, and develop and implement market strategies. The broker will present options and recommendations to the Air District's Board of Directors and assist in negotiations and completion of a final real estate transaction.

RESULTS

The Air District issued a Request For Proposals (RFP) from brokers interested in assisting in the sale or lease of the current headquarters. After reviewing submissions from the real estate firms Cassidy Turley, CBRE, and Cornish and Carrey, a scoring panel interviewed each group, and assigned scores for the proposals. Following the proposal evaluation guidelines set forth in the RFP, the scoring panel selected the broker with the highest total points to provide the required services.

The scores for the evaluations are provided below.

RFP 2012-007		COMMERCIAL REAL ESTATE BROKER					
Cornish & Carey							
Evaluative Criteria	Points	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Avg
Understanding and Approach	35	34	25	28	14	25	25
Compensation Schedule	25	24	20	18	20	20	20
Technical Expertise	20	20	10	14	14	15	15
Past Experience of Team and Firm	20	20	10	14	13	15	14
Total Points		98	65	74	61	67	73
Cassidy Turley							
Evaluative Criteria	Points	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Avg
Understanding and Approach	35	25	30	33	30	30	30
Compensation Schedule	25	25	25	25	20	25	24
Technical Expertise	20	15	15	19	15	15	16
Past Experience of Team and Firm	20	15	10	20	15	12	14
Total Points		80	80	97	80	82	84
CBRE							
Evaluative Criteria	Points	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Avg
Understanding and Approach	35	28	15	31	30	25	26
Compensation Schedule	25	15	10	20	15	20	16
Technical Expertise	20	15	10	15	15	10	13
Past Experience of Team and Firm	20	15	10	16	10	12	13
Total Points		73	45	82	70	75	69

BUDGET CONSIDERATION/FINANCIAL IMPACT

None at this time.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: MaryAnn Okpalaugo
Reviewed by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 12, 2012

Re: Authorize Additional Funding for Web Site and Production System Integration

RECOMMENDED ACTION:

Recommend the Board of Directors:

- 1) Authorize Executive Officer/APCO to amend existing contract with Lightmaker, Inc. by \$120,000;
- 2) Increase the Information Services fiscal year 2012 – 2013 budget by \$200,000; and
- 3) Authorize the Executive Officer/APCO to enter into contracts for services not to exceed \$200,000, with IntelliBridge Partners, Inc.

BACKGROUND

In March 2012, staff presented a regular update on the program in concert with the initial on-line launch of the software for permitting and compliance of gasoline dispensing facilities. Over all, the production system project has made extensive project to date. Below is a brief summary of that progress.

The system now contains:

- Permits for the past six years
- All inspection histories for all facilities
- Mobile inspection forms for gasoline dispensing facilities and dry cleaners
- Map locations for all facilities
- All facility emission information
- All permit revenue information by facility

The system is now capable of numerous functions:

- The system conducts permit issuance, registration and invoicing for: gas stations; dry cleaners; and new boiler, char broiler, mobile refinishing and graphic arts registrations.
- The system has issued over 2,000 permitting or registration documents and 2,500 invoices; it has also collected funds for over 2,000 invoices.

DISCUSSION

Expanded Website Assessment

Staff is now coordinating development of the production system with the assessment, rebuild and redesign of the air district website.

In June 2012, the Board of Directors authorized the Executive Officer/APCO execute an agreement with Lightmaker, Inc. to conduct a website audit/assessment and to develop a strategy for the rebuild and redesign of the website for an amount not to exceed \$100,000. Upon completion of the initial website assessment, staff determined the need to expand the assessment to include input from all of the Air District divisions, and the integration of data, content and business transactions into the strategy, vision and development of the new website. Staff will work with Lightmaker, Inc., to expand the initial assessment and strategy. The expanded scope is not expected to exceed an additional \$120,000 and will include an audit/assessment of the Air District's online business transactions and an audit/assessment of the Air District's online data exchange processes.

Contracting with IntelliBridge Partners, Inc.

Currently the Air District has \$1.1 million in the current Fiscal Year Ending 2013 budget for continued contractor support on the production system. However, in order to provide the public with a well integrated, self-service website that includes transactions, data and content from across a variety of Air District databases, including the production system, grants, and air monitoring functions, staff is requesting additional funding. The funding will allow the Air District to contract with IntelliBridge Partners, Inc. for the purpose of project management services, and additional information technology services, and will help achieve near term milestones for the Website and Production System Programs.

Staff will present the current status of the multi-year production system project and upcoming milestones including integration with the redesign of the www.baaqmd.gov website.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funding for the website assessment project was pre-approved and included in the FYE 2012 and FYE 2013 budgets.

Funding for contracting with IntelliBridge Partners, Inc. will increase the FYE 2013 Information Services budget by \$200,000.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kristine Roselius and Jaime Williams
Reviewed by: Lisa Fasano and Laura Brown

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 3, 2012

Re: Update on Regional Plug-in Electric Vehicle (PEV) Plan

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Recognizing the potential of Plug-In Electric Vehicles (PEV) to be an important technology in reducing emissions in the Bay Area, the Air District has allocated more than \$6 million in Transportation Fund for Clean Air (TFCA) funding to deploy PEV infrastructure over the past three fiscal years (fiscal years ending (FYE) 2010, 2011 and 2012). To ensure that these investments are well coordinated with the Bay Area's needs, the Air District applied for, and was successfully awarded, a number of state and federal grants to undertake regional PEV readiness planning for both the Bay Area and Monterey Bay regions. As part of this report, the committee will receive an overview of the Regional PEV plan, its findings, implementation actions, outreach performed as part of the planning process and next steps.

DISCUSSION**Regional PEV Plan (the Plan) – United States Department of Energy (DOE) Grant**

The Air District is one of six awardees that received funding from the DOE to collaborate on a California PEV readiness plan. In order to complete this effort locally, the Air District partnered with the Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), Bay Area Clean Cities Coalitions (East Bay, San Francisco and Silicon Valley), Bay Area EV Strategic Council, Monterey Bay Unified Air Pollution Control District (MBUAPCD), and Monterey Bay Electric Vehicle Association (MBEVA). Under this grant, the Air District has worked to produce a regional plan that will provide the Bay Area and Monterey Bay regions with a PEV deployment strategy based on the following:

- Projections for PEV ownership and deployment; barriers to PEV ownership, deployment, and steps to eliminate barriers identified.

- Key strategic zones/areas for deployment and types of charging stations for regional PEV charging infrastructure.
- An assessment of local government's PEV readiness with respect to permitting and inspection practices; zoning and parking rules, local ordinances; and building codes.
- A review and discussion of opportunities for industry stakeholder training and consumer education; and strategies for minimizing grid and utility impacts.

Key Findings

Over the past twelve months, the Air District and its partners have engaged in an extensive analysis of PEV readiness in the region. This effort has highlighted existing and potential gaps and barriers including:

- The relatively higher cost of the vehicle and associated infrastructure are still a barrier for most consumers.
- 50% of cities and counties in the region indicated that they may need additional resources such as training and additional time to attain PEV readiness in the areas of zoning ordinances, building codes and permitting practices.
- To date, the majority of charging infrastructure has been installed in single-family homes. Additional effort and resources will be required to meet the existing and future demand for charging at Multi-unit family dwellings, workplaces, and away from home destinations (e.g. entertainment and recreational centers).

Maps from the Plan showing the "readiness" of local governments in the region and of proposed strategic and priority locations for future public charging infrastructure will be provided to the Committee for discussion as part of the presentation for this agenda item.

Implementation Actions

In order to address these findings, the Plan proposes the following action items for local governments and regional agencies:

Table 1 - Implementation Actions for Regional PEV Readiness

Stakeholder / Type of Action	Priority List of Actions
Local Governments	
Policy, Training and Planning	• Adopt California Building Code standards for charging infrastructure into local building codes. • Create a permitting checklist for residents and contractors. • Train permitting and inspection officials in charging infrastructure installation. • Specify design guidelines for PEV parking spaces.

Regional Agencies	
Policy and Planning	• Provide resources for local charging infrastructure deployment planning such as installation checklists, PEV projections, and siting analysis. • Convene summit of local elected officials. • Use existing county and local government forums to share PEV information to local government officials. • Update design guidelines for charging infrastructure in public locations, commercial properties, and multiple unit dwelling buildings based on a survey of existing PEV charging spaces.
Coordination	• Coordinate training of stakeholders and local government staff. • Implement "Go EV" campaign with MTC as the lead, support from Air District and ABAG. • Create cross-jurisdictional opportunities for sharing lessons learned.
Funding and Incentives	• Air District to continue to provide incentives for charging infrastructure and PEV deployment. • MTC and ABAG to provide regional transportation and funding incentives e.g., through the Sustainable Community Strategy. • Funding agencies to consider linking and prioritizing funding to PEV readiness.

Outreach

The planning process has included extensive outreach to public and private stakeholders. The following is a review of the Air District's efforts to obtain input for the Plan:

Surveys: The Air District issued three (3) surveys to inform the planning process:

- The Local Government PEV Readiness Survey to assess the readiness of local governments throughout the Region, with an 88% response rate.
- The Employer PEV Readiness Survey to assess Bay Area and Monterey Bay workplace PEV readiness, with 470 regional employers having responded.
- In coordination with ECOTality, a survey of The EV Project participants to understand LEAF drivers' experiences, with over 440 responses.

Public Outreach and Workshops: In order to obtain public input on the plan, the Air District conducted the following workshops and outreach:

- The Air District hosted the "California Community PEV Readiness Workshop for Local Governments" at the California Public Utilities Commission Building in San Francisco in June 2012, attracting more than 120 attendees.

- In September 2012, the Air District via the Clean Cities Coalitions issued two preliminary planning documents, the Best Practices and Planning Concepts documents to local government agencies and local stakeholders for feedback and input. Additionally, these documents and the Draft PEV Plan were posted online to solicit public comment through October 22, 2012.
- The Air District also held six informational sessions attracting approximately 100 attendees to present Draft Plan findings and to solicit community input as follows:

Table 2 - Community Informational Outreach Sessions

Sept. 27, 2012: Hartnell College, Salinas	Oct. 2, 2012: DeAnza College, Cupertino
Oct. 3, 2012: Marin Wellness Ctr., San Rafael	Oct. 9, 2012: St. Mary's Cathedral, San Francisco
Oct. 11, 2012: Fairfield Community Ctr., Fairfield	Oct. 16, 2012: Oakland City Hall, Oakland

Next Steps

California Energy Commission (CEC) PEV Planning Grant

While the process undertaken for the DOE grant addressed a number of significant areas for the region with regard to PEV readiness, there are a number of additionally important topics that lie outside of the scope of that effort. In order to address these, the Air District will expand its planning effort in early to mid-2013, seeking to analyze the following areas under two CEC grants for the Bay Area and Monterey Bay regions:

- Development of strategies that support accelerated PEV adoption in private and public fleets.
- Identification of strategies to attract PEV manufacturing, production, infrastructure and services to the Bay Area and California.
- Integration of the Regional PEV Plan into the Bay Area's Sustainable Communities Strategies (SCS) plan.

Following the CEC process, Air District staff will be returning to the Mobile Source Committee with recommendations for the allocation of Transportation Funds for Clean Air funds to help accelerate the deployment of PEV vehicles and infrastructure in the areas that require additional investment in order to meet the vehicle and infrastructure deployment targets. Additionally, the Air District intends to collaborate with its regional agencies partners to monitor the region's PEV readiness on an ongoing basis. This will involve tracking: local government actions on readiness and the status of vehicle and infrastructure deployment.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None. The Air District match and administrative funding for these projects comes from the TFCA program.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Karen Schkolnick
Reviewed by: Damian Breen