



AB 617
STEERING COMMITTEE
MEETING
10/25/2018

AGENDA

- Opening Remarks/Introductions
- Brown Act 101- Led by Paula Forbis
- Community Monitoring Instruments and Locations- Led by Bill Brick
- Incentive Project Requests- Led by Kathy Keehan
- Emission Reduction Incentives- Led by CARB
- Public Comment Period
- Closing Remarks



THE BROWN ACT 101: CALIFORNIA'S OPEN MEETING LAW



RALPH M. BROWN ACT

- Authored by Ralph Milton Brown

- Passed into law in 1953

- Intent of Brown Act:

“All meetings of a legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency...” Section 54953(a)

- CA Government Code Sections 54950-54963



PURPOSE OF BROWN ACT

- Facilitates public participation and access to all phases of decision-making
- Ensures the public has access to meeting documents and records
- Ensures that deliberations and actions are:
 - Open and accessible to the public
 - Held on a regular schedule
 - Adhere to a properly noticed agenda



WHO IS SUBJECT TO THE BROWN ACT?

DEFINING LEGISLATIVE BODY

➤ *A legislative body is:*

- *“The governing body of a local agency or any other local body created by state or federal statute”*

OR

- *“A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body”*



WHAT MEETINGS ARE SUBJECT TO THE BROWN ACT?

DEFINITION OF MEETING

- *“Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains” Section 54952.2(a)*
- No meetings shall take place without being properly noticed and posting an agenda 72 hours in advance of the meeting



MEETING LOCATIONS

- Meeting locations must be fully accessible under the Americans with Disabilities Act
- Legislative bodies may not discriminate against attendees on the basis of race, religion, color, national origin, sex, ancestry, ethnic group identification, age, sexual orientation, etc.
- Generally, meetings must be held within a legislative body's boundaries. (Gov't Code § 54954(b))



MEETING AGENDAS

- APCD will draft the agenda for each meeting of the Steering Committee
- The agenda will include the date, time and place of the meeting
- Each item on the agenda must include:
 - Brief general description
 - Opportunity for the public to comment
 - Identify each action to be taken
- Agenda items should be heard based on their order in the posted agenda
- Continued Items should be placed first on the next meeting's agenda



Posting Meeting Agendas

- Meeting agendas must be posted:
 - At least 72 hours prior to a meeting
 - Outside of the meeting location
 - In a public place that is freely accessible 24 hours a day
 - Examples: Building Door, Bulletin Board, or Window
- No agenda changes can be made less than 72 hours before a meeting
- The APCD will also post agendas online at <https://www.sandiegocounty.gov/content/sdc/apcd/en.html>



POSTING MEETING AGENDAS

- Posting agendas online may supplement but not replace publicly posting agendas
- There is no requirement to publish agendas in a newspaper;
- Meeting agendas must be available in alternative formats for persons with disabilities
- When no quorum is present and a meeting must be continued, a notice of adjournment must be posted at the meeting location



ADDRESSING NON-AGENDA ITEMS

➤ Action or discussion of non-agenda items by

For non-agenda items, the Committee should:

- Place the item on a future agenda
- Ask a question for clarification
- Make a brief announcement
- Make a brief report on activities
- Provide a reference for factual information
- Ask to report back at a subsequent meeting



PUBLIC'S RIGHT TO ATTEND MEETINGS

- All Steering Committee meetings are open to the public
- All members of the public may attend and observe all meetings
- Cannot require the public to register, provide other information, complete a questionnaire, or fulfill any other condition to attend a meeting
 - Any attendance list, register, questionnaire, or similar document should clearly state that they are voluntary and are public records



PUBLIC'S RIGHT TO PARTICIPATE

- Members of the public must be allowed to:
 - Speak on any item within the committee's area of focus
 - Speak on specific items before or during the group's consideration of an item
- A public comment period will be provided at each meeting for items not on the agenda.



PUBLIC'S RIGHT TO RECORD MEETINGS

- The public is permitted to record meetings using audio or video tape recorders, as well as still or motion picture cameras
- Recording or broadcasting meetings cannot be prohibited or restricted unless a reasonable finding is made that the noise, illumination, or obstruction of view constitutes a persistent disruption of the proceedings



PUBLIC'S RIGHT TO ACCESS RECORDS

- Documents distributed to the committee is a public record subject to the Public Records Act
- All written materials distributed during a meeting must be made public:
 - At the meeting if prepared by a local agency or a member of a legislative body; OR
 - After the meeting if prepared by some other person
- Materials distributed less than 72 hours prior to a meeting must be available to the public at time of distribution



BROWN ACT PROHIBITION: COLLECTIVE CONCURRENCE

- Collective Concurrence: A majority of a group's members are made aware of each other's views and reach a decision between themselves before a meeting.
- Any use of direct communication, personal intermediaries, or technological devices employed by a majority of the members to develop a “collective concurrence” is considered a meeting and is strictly prohibited by the Brown Act.



TYPES OF COLLECTIVE CONCURRENCE:

- Discussing or sharing each other's views on an issue among a majority of members through a series of:
 - Emails
 - Text messages
 - Phone conversations
 - Face-to-face conversations
- Sharing each other's views through personal intermediaries or straw polls
- Serial Meetings



MEETING EXCEPTIONS

Exceptions that may occur provided a majority of committee members does not discuss committee business:

- **Conferences** that are open to the public and involve a discussion of issues of general interest to the public
- **Community Meetings** held by another organization addressing a topic of community concern
- **Social or Ceremonial Events** that take place in the community, such as festivals
- **Standing Committees:** Committee members may attend subcommittee meetings as observers
- **Other Legislative Bodies:** Open and publicized meeting of:
 - (a) another body of the local agency or
 - (b) legislative body of another local agency





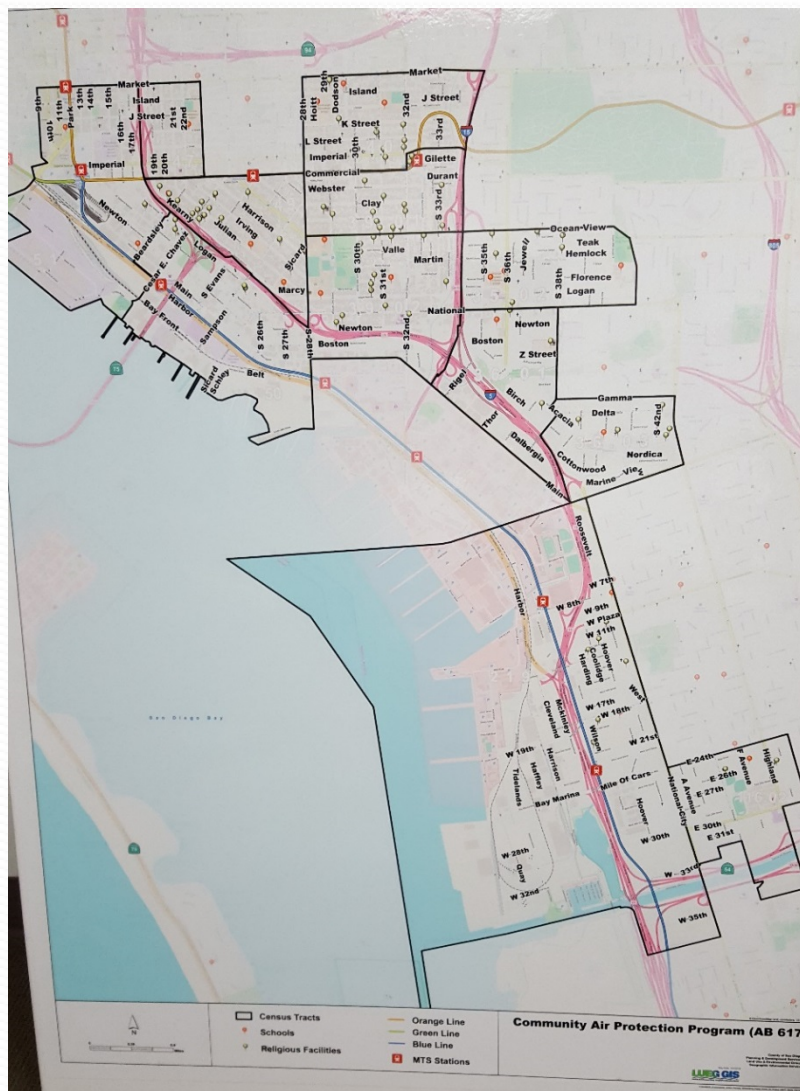
Steering Committee Discussion on Brown Act Requirements



Community Monitoring and Location of Equipment

Presented by Bill Brick

COMMUNITY MONITORING



Sherman Elementary School Site



COMMUNITY MONITORING



COMMUNITY MONITORING



SAME MONITORING IDEAS

- Measure for Diesel PM and Toxics
- Utilize portable samplers in community
- Continuous sampling at stations
- Utilize third party laboratory for analysis
- Locate many at schools



WHY PORTABLE SAMPLERS

- Portable samplers will allow for easier movement of equipment to new locations
- Finding sites is always difficult and portable samplers require less space
- Portable samplers will allow us to be more responsive to community concerns

DIESEL PM- SUPER SASS

PROS	CONS
Low cost sampler; most accurate	Lab based= must wait for results
Standalone (no shelter needed)	\$75/analysis
No air conditioning needed	Difficult to secure
Easy to maintain	Highly visible
Established technology	24-hr integrated sample will not be rush hour specific
We have experience with them; easy QA / QC	Require Bi-weekly tech visits
Low power draw	



BLACK CARBON PM- STATION PAX-CONTINUOUS

PROS	CONS
Real-time analyzer	Requires a shelter and AC
Little maintenance	High amperage needed for air conditioning
No laboratory costs	Monthly cleaning of optics is fragile
The most accurate of the continuous analyzers in comparison to the filter data	Quarterly calibrations are required
Easily secured	Calibration is a not flow-based, but soot-based
Rush hour quantifiable	New technology
	Costly consumables



BLACK CARBON PM SHELTER BC-1054 CONTINUOUS

PROS	CONS
Real-time analyzer; Inexpensive	Requires a shelter
No laboratory costs	Requires air conditioning
Easily secured	High amperage needed for air conditioning
Rush hours can be quantified	Weekly maintenance
Established technology	Bi-weekly QC
	Moisture/humidity may affect analysis/data



COMMUNITY TOXICS TESTING

Model 901 Canister Sampler

The Xonteck Model 901 Canister Sampler is a computer-controlled, programmable sampler that is designed to collect volatile organic compounds in ambient air. The method is based on collection of whole air samples into "Summa" electropolished canisters as outlined in USEPA TO-14A/TO-15 Methods.

Features

- Meets all PAMs and TO-14A/TO-15 requirements
- Integrated computer with touch-screen and printer
- Mass flow controller maintains constant and adjustable flow rate
- Stainless steel, Teflon® and Viton® wetted surfaces, certified clean*
- Programmable system purge prior to sampling
- Automatic power failure recovery
- Ethernet ports for network connection



WHY THIRD PARTY LAB

- Our laboratory is full with equipment for regional monitoring sampling
- We will be pulling a large amount of samples that would require purchasing additional expensive analyzers, additional space we don't have, and several chemists
- Utilizing labs would limit the number of additional staff which will allow for more sampling

COMMUNITY MONITORING SITE

- We would need a 5 foot by 10 foot secured space with power to for each community monitoring site.



COMMUNITY MONITORING SITE – Cont.

- We will need help finding locations that are secure, have suitable power, and will allow us access to retrieve samples
- Should we try and co-locate some samplers with community sensors
- Should we prioritize locations where people frequent like schools or parks

MONITORING IDEAS

- Measure for Diesel PM and toxic
- Utilize portable samplers in community
- Continuous sampling at stations
- Utilize third party laboratory for analysis
- Operate at schools
- Explore other technology





Steering Committee Discussion Community Monitoring



Incentive Emission Reduction Projects in the Portside Community

PRESENTED BY KATHY KEEHAN

OVERVIEW

- 230+ outreach actions throughout San Diego County, including emails, phone calls, meetings, and direct visits to equipment owners and dealerships.
- Grant applications accepted July-August 2018. Early assessment in process.



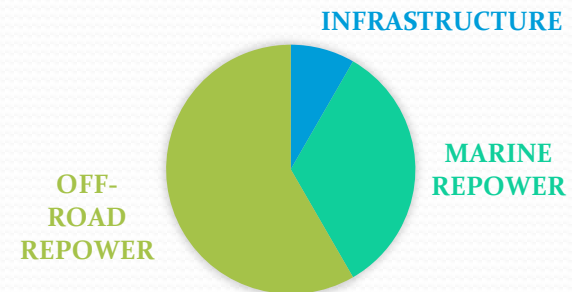
OVERVIEW

- Received 12 applications for projects in the Portside Communities, 44 in CalEnviroScreen DACs.
- \$5.8 million requested in Portside Communities, \$9.5 million in DACs. (\$3 million available to fund projects through first-year Community Air Protection Funds; second-year funds coming in 2019)
- Not all projects will be eligible or be funded at the requested amount.

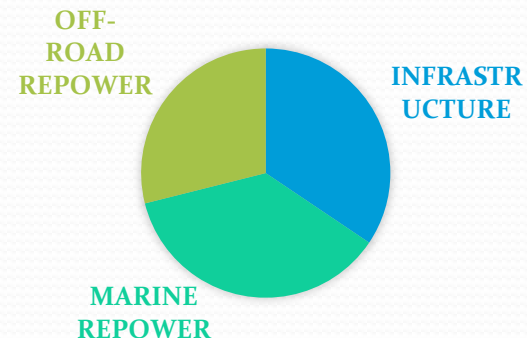
Portside Applications

- 12 applications
 - Off-road clean diesel equipment
 - Commercial harbor craft diesel repower
 - Electric forklift
 - Marine bonnet

PORTSIDE APPLICATIONS BY CATEGORY



PORTSIDE APPLICATION FUNDING BY CATEGORY



Next Steps

- Evaluate applications to determine eligibility and funding
- Continue outreach for next year's grants
- Encourage community input to help find good projects to fund



Steering Committee Discussion Incentive Funding



Incentive Emission Reduction Program Discussion

Presented by California Air
Resources Board (CARB)

1st Year Funds for Mobile Sources

- \$250 million to districts for incentives
 - Grants through Moyer and Proposition 1B Programs
 - Districts seeking community guidance on how to focus funds
- Moyer Guidelines Supplement expands eligibility
 - CARB sought public guidance
 - Higher grants for zero-emission projects and infrastructure
 - Expanded school bus eligibility
 - Lowered barriers to participate



New Opportunities for 2nd Year Funds

- \$245 million, again through districts
 - Mobile sources continue through Moyer and Proposition 1B
 - Zero-emission charging infrastructure, especially for medium and heavy-duty vehicles
 - Eligibility extended to stationary sources



- Allocation to be determined, not set by statute
- Projects must benefit selected communities, and those under consideration for future selection

Developing Stationary Source Incentives

- CARB will develop Guidelines with community and district guidance
 - Communities inform about sources of concern
 - District inventory data to identify air toxics hotspots
- Must consider restrictions:
 - Emissions reductions must not be required by regulations
 - Facilities subject to Cap-and-Trade are ineligible
 - Will be addressed through other AB 617 implementation steps

Air Toxics for Potential Community Focus

- What sources are of greatest local concern?
 - Specific facilities? General pollutants?
- Risk-based emissions inventory suggests:
 - Diesel particulate from trucks, cargo handling, shipbuilding and repair, naval base operations
 - Hexavalent chromium from shipbuilding and repair, naval base operations, plating and polishing, paint application
 - Lesser impacts from cadmium, nickel, polycyclic aromatic hydrocarbons



Sources for Possible Clean-up with Incentives





Next Steps: Continue Public Engagement

- Allocate funds statewide
- Develop new guidelines in first half of 2019
 - Add key stationary sources with incentives potential
 - Consider new mobile sources as well (e.g., lawn and garden)
 - Include public input -- continue to speak with communities
- Progress on mobile sources and infrastructure will continue as new guidelines are developed



STEERING COMMITTEE DISCUSSION ON PROPOSED PORTSIDE INCENTIVE REDUCTION PROJECTS



PUBLIC COMMENT PERIOD



District Update on Emission Inventory Reporting and Best Available Control Technology (BARCT)

Presentation by Jim Swaney

Expedited BARCT

- Expedited Best Available Retrofit Control Technology required for “industrial sources” subject to GHG Cap and Trade
- Adopt expedited schedule by January 1, 2019
 - Hold public meeting to discuss prior to adoption
- Must implement BARCT no later than December 31, 2023

Expedited BARCT Schedule

- Two affected sources in San Diego county
 - Initial assessment: all units meet BARCT
- Held Public Meeting October 11, 2018
- Finalize assessment in November
- If find units need BARCT, will evaluate as part of non-attainment planning, with implementation in 2020-2021

Emissions Inventory

- CARB Board to consider regulation in December
- Up to 70 sources will be subject to annual criteria and toxic inventory
 - Will reach out to sources in October
- 145 sources in Portside Community also subject
 - Will start with 2020 emissions, reported in 2021



Steering Committee Discussion on BARCT and Emission Inventory



CONCLUDING REMARKS

DISTRICT CONTACTS

- **Lead Contacts:** Jon Adams; Jon.adams@sdcounty.ca.gov; (858) 586-2653
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- **District Subject Matter Experts:**
- **Inspections and Public Complaints–** Mahiany Luther;
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- **Air Quality Monitoring-** Bill Brick, bill.brick@sdcounty.ca.gov
- **Incentives/Grants-** Kathy Keehan, kathleen.keehan@scounty.ca.gov
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