

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Approved Minutes: Board of Directors Regular Meeting – February 19, 2003

Call To Order

Opening Comments: Chairperson Haggerty called the meeting to order at 9:47 a.m.

Pledge of Allegiance: Director Harold Brown led the Board in the Pledge of Allegiance.

Swearing in of Board Members: Mayor Willie Brown, Jr. having been sworn in on February 11, 2003, designated Deputy Maria Ayerdi was sworn in. San Francisco Supervisor Jake McGoldrick was also sworn in.

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Maria Ayerdi, Roberta Cooper, Chris Daly, Mark DeSaulnier (9:57 a.m.), Jerry Hill, Liz Kniss (9:58 a.m.), Jake McGoldrick, Nate Miley, Julia Miller, Dena Mossar, Mark Ross, John Silva, Pam Torliatt, Marland Townsend, Brad Wagenknecht, Shelia Young.

Absent: Tim Smith, Gayle Uilkema.

Commendation/Proclamations: There were none.

Public Comment Period: There were none.

Consent Calendar (Items 1 - 10)

1. Minutes of January 15, 2003
2. Communications. *Correspondence addressed to the Board of Directors.*
3. Report of the Advisory Council. *Approved Reappointment of six Advisory Council Members to serve additional two-year terms, ending December 31, 2004.*
4. Monthly Activity Reports. *Division Activities for the month of January 2003.*
5. Quarterly Report of the Air Resources Board Member Representative.
6. Report of District Personnel on Out of State Business Travel.
7. Endorse Smart Growth Strategy/Regional Livability Footprint Project Policies. *Approved Preamble and Policies for the Smart Growth Strategy/Regional Livability Footprint project.*

8. Endorse Finalized Compact for a Sustainable Bay Area. *Approved endorsement of final Compact for a Sustainable Bay Area developed by the Bay Area Alliance for Sustainable Communities that was "approved in principle" at the Executive Committee meeting of September 29, 1999 and taken to the Board of Directors at its October 6, 1999 meeting.*
9. Approval of Proposed Amendments to the Administrative Code Division I Section 6: Board of Directors, Committees; Section 6.2 Standing Committees and 6.13 Establishing a Stationary Source Committee. *Approved proposed amendments to the Administrative Code establishing a Stationary Source Committee of the Board as noticed at the January 15, 2003, Board meeting.*
10. Set Public Hearing for March 19, 2003 on Proposed Amendments to Regulation 2, Rule 6, Major Facility Review.

The primary purpose of these amendments to BAAQMD rules and regulations is to address minor deficiencies in the Major Facility Review program that have been identified by EPA. These proposed revisions (1) amend the definition of "Administrative Permit Amendment" to eliminate language that allows trivial, but not explicitly delineated, permit modifications to be made administratively; and (2) amend Section 2-6-113 to exclude gas turbines from the exemption for portable engines. Several other minor amendments will also be proposed.

Board Action: Director H. Brown moved approval of the above Consent Calendar items, seconded by Director Miller; the motion carried unanimously without objection.

Committee Reports and Recommendations

11. Report of the Executive Committee Meeting of January 29, 2003

Chairperson Haggerty presented the report and stated that the Executive Committee, lacking a quorum, met on Wednesday, January 29, 2003 and received and filed the Quarterly Report of the Hearing Board and the Report of the Advisory Council. Advisory Council Chairperson Bill Hanna presented the recommendations on the reappointment of six Advisory Council members to serve an additional two-year term. Mr. Hanna also reported that Jill Stoner has submitted her resignation from the Council and Robert Sawyer will be resigning after the May Council meetings. The reappointment of the six Advisory Council members was referred to the full Board without a recommendation from the Committee.

Staff reviewed the 2004 Ozone Plan draft schedule and reported that the District has begun the process of issuing a Call for Control Measures Suggestions; is working with the Modeling Advisory Committee; has issued an RFQ for hiring a CEQA consultant for the ozone planning process; and is discussing the planning process with ARB, EPA, downwind neighbors and other interested parties. Staff was requested to send the notices of the workshops to all Board members.

The following items were referred to the full Board without a recommendation from the Committee: 1) Approval of Preamble and Policies for the Smart Growth Strategy/Regional Livability Footprint Project. 2) Approval of Endorsement of Final Compact for a Sustainable Bay Area. At the request of the Chair, the item regarding combining the Executive and

Legislative Committees was taken off the agenda. The next regularly scheduled meeting of the Executive Committee is 9:30 a.m., Wednesday, April 30, 2003.

Board Action: Chairperson Haggerty moved Board approval of the Executive Committee report; seconded by Director Townsend.

During discussion it was clarified that the Executive Committee did not have discussions on items 1 and 2 mentioned above, but that the two items had been placed on today's Consent Calendar. The motion then carried unanimously without objection.

12. Report of the Public Outreach Committee Meeting of February 10, 2003.

Action(s): Approval of Sole-Source Contract to Community Focus for one year to end February 28, 2004

Director Miller presented the report and stated that the Committee met on Monday, February 10, 2003 and staff presented an update on the District's 2002/2003 wintertime woodsmoke outreach program. Staff stated that there has been good coverage in the media about woodsmoke this year. There were approximately 60,000 Woodsmoke Handbooks distributed this winter. A wintertime survey will be done on woodsmoke and it should be completed for presentation at the April meeting.

The City of Sebastopol is considering adopting the woodsmoke ordinance and their next meeting is scheduled for February 25th. Resource Team members will be urging the City Council to move forward on the ordinance. Staff has been working with the other cities in Sonoma County that have not adopted the Model Ordinance. The woodsmoke packet is being updated and will be sent out within the next two weeks to the 78 cities in the Bay Area that have not adopted the Model Ordinance. Santa Clara County has the highest rate of adoption (11 out of 15 cities). The Resource Teams have been asked to adopt as projects getting the Model Ordinance adopted in their local communities.

The Committee recommends that the Board of Directors approve a sole-source contract to Community Focus for one year to end February 28, 2004 to facilitate nine resource teams. Their contract will be re-bid in the fall, along with the District's other outreach contracts. Staff was requested to provide a list of participants in the Resource Groups in each Committee member's jurisdiction.

The Committee received an update on youth outreach. Communications West discussed the Clean Air Curriculum and its development. The in-school curriculum has been very successful and there are four counties in the pilot program (San Mateo, Santa Clara, Contra Costa and Alameda). There was discussion on partnering with health care facilities and the need to have funding to expand the program. The curriculum is oriented to middle school students (8th grade). There was also discussion regarding future funding sources.

The Committee received an update on the National Theater for Children and the development of an air quality interactive presentation for lower and middle school students. The National Theater's air quality presentations will be piloted in May to coincide with Clean Air Month. Staff also provided information on the museum partnerships the Air District is developing,

including participating in the San Jose Tech Museum's Earth Day Program. The next meeting of the Public Outreach Committee will be at 10:00 a.m., Monday, April 14, 2003.

Board Action: Director Miller moved the Board approve the Public Outreach Committee Report and approve the sole-source contract with Community Focus for a one-year period; seconded by Director Hill; the motion carried unanimously without objection.

There was discussion on pursuing the idea of customized versions of *Air Currents* for Board members. This would be a four-page publication, published quarterly and would include pertinent air quality issues and localized information. Staff will need to research costs. By a show of hands, all Board members expressed an interest in customized versions of *Air Currents*.

13. Reports of the Mobile Source Committee Meeting of February 13, 2003

Action(s): The Committee recommends approval of the following items:

- A) Amendments to Napa County Program Manager Expenditure Program for FY 02/03.*
- B) Forwarding of Air District's Independent Analysis of Air Quality Impacts of the Bay Area Water Transit Authority's Implementation and Operation Plan-December 2002 to the Water Transit Authority.*

Director Young presented the report and stated that the Committee met on Thursday, February 13, 2003 and staff presented a report on the amendment to the Napa County Program Manager Transportation Fund for Clean Air (TFCA) Expenditure Program for fiscal year 2002/2003. The two additional projects are: 1) \$1,500 to the Napa County Transportation Planning Agency for two bike racks for Napa County Transit Service feeder shuttle buses operating in St. Helena and the City of Calistoga and 2) \$25,750 for a Class I bicycle path from Washington Street to Dunaweal lane in the City of Calistoga. The addition of these two projects improves the aggregate cost-effectiveness from \$47,079 per ton to \$41,388 per ton. The Committee recommends the Board approve the requested amendments.

Staff presented its independent analysis of the Bay Area Water Transit Authority's (WTA) *Implementation and Operations Plan (IOP)*. Staff discussed the four alternatives for service expansion the WTA studied, reviewed the proposed ferry routes and projected 2025 daily ridership, and what the regional and localized air quality impacts would be. There was discussion on idling scenarios and a summary of health risk assessment results. The conclusion of staff is that the implementation of the WTA's IOP should result in a reduction of current emissions attributable to passenger ferry service. There is a potential for localized increases of concentrations of NO₂ and particulate matter. Staff recommended that the WTA examine the feasibility of using alternative fuels and consider the location of exhaust points on future ferries. Staff was requested to investigate the possibility of reimbursement from Carl Moyer Funds for the cost of this analysis through a one-time allowance. There were two public speakers on this agenda item.

The Committee recommends the Board approve forwarding the Air District's Independent Analysis of air quality impacts of the Bay Area Water Transit Authority's Implementation

and Operation Plan-December 2002 to the Water Transit Authority. The next meeting of the Committee is scheduled for Thursday, March 13, 2003.

Board Action: Director Young moved that the Board approve the recommendations of the Mobile Source Committee meeting of February 13, 2003; seconded by Director Wagenknecht; the motion carried unanimously without objection.

Other Business

14. Report of the Executive Officer/APCO – Mr. Norton reported on the following: 1) A list of Community Events for March and April 2003 at each Board members place and the Air & Waste Management (AWMA) Annual Conference brochure (June 22 through June 26 in San Diego). Mr. Norton stated that requests to attend the Conference should be made to Chairperson Haggerty. 2) The nozzle change-out program, replacing faulty nozzles certified by the Air Resources Board (ARB), will be initiated starting March 3rd. The ARB has granted the District funding to proceed in the amount of \$400,000. There will be a reduction of 4 tons per day of air pollution with this change-out program. 3) On Thursday, February 13th, the Environmental Protection Agency (EPA) issued a SIP call for the all air quality districts in the State of California. If the Legislature does not change the law for the agricultural exemption, all of the Title V permit programs in California will be invalid and EPA will take over all Title V permit issuance. The State has this legislative session to introduce and enact a bill and sign it into law before EPA takes over this process.
17. Chairperson's Report - Chairperson Haggerty stated that since the AWMA Conference is in San Diego all Board members are encouraged to attend. Chairperson Haggerty stated that Board members should let him know if they are interested in attending.

Chairperson Haggerty announced the members of the newly formed Stationary Source Committee as follows: Mark DeSaulnier (Chairperson), Jerry Hill (Vice-Chairperson), John Silva, Julia Miller, Marland Townsend, Mark Ross, Gayle Uilkema, Shelia Young and Hal Brown.

Agenda Item 16 was deferred until the representative from IDEA arrives.

Closed Session (The Board adjourned to Closed Session at 10:00 a.m.)

17. Conference with Legal Counsel

Existing Litigation

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

- A) Stonelight Tile, Inc. and David Anson v. Bay Area AQMD, United States District Court, N.D. Cal., San Jose Division, Case No. CV 98-21060 (JW)(PVT)
- B) Communities for a Better Environment and Transportation Defense and Education v. Bay Area AQMD, Metropolitan Transportation Commission, Association of Bay Area

Open Session (The Board reconvened to Open Session at 10:16 a.m.)

Mr. Bunger reported that the Board met in Closed Session with counsel to review the two items listed under Agenda No. 17. A status report was provided to the Board and general direction was given to counsel.

Closed Session (The Board adjourned to Closed Session at 10:19 a.m.)

16. Conference with District's Labor Negotiator
(Government Code § 54957.6(a))

Agency Negotiators:

IEDA

Un-Represented Employees:

Management and Confidential

Open Session (The Board reconvened to Open Session at 10:32 a.m.)

Mr. Bunger reported that the Board met in Closed Session with the labor negotiator, IEDA, for management and confidential employees. The Board received a report and guidance was given.

18. Board Members' Comments: Director Townsend reported on an article in today's *San Francisco Chronicle* regarding distributed energy systems in State buildings in San Francisco.

There was a brief discussion on starting times for the Committee meetings.

19. Time and Place of Next Meeting - 9:45 a.m., Wednesday, March 5, 2003, 939 Ellis Street, San Francisco, California.
20. Adjournment: The meeting was adjourned at 10:34 a.m.

Respectfully submitted by:

Mary Romaidis

Mary Romaidis
Clerk of the Boards

mr