

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

Approved Minutes: Board of Directors Regular Meeting – April 2, 2003

Call To Order

Opening Comments: Chairperson Haggerty called the meeting to order at 9:49 a.m.

Pledge of Allegiance: Director Dena Mossar led the Board in the Pledge of Allegiance.

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Maria Ayerdi, Roberta Cooper, Chris Daly, Mark DeSaulnier, Jerry Hill, Liz Kniss, Nate Miley, Julia Miller, Dena Mossar, Mark Ross, John Silva, Pam Torliatt (10:03 a.m.), Marland Townsend, Gayle Uilkema.

Absent: Jake McGoldrick, Tim Smith, Brad Wagenknecht, Shelia Young.

Commendation/Proclamations: There were none.

Public Comment Period: Speaker: Barney Griswold
BAAMD Non-Management Retiree

Mr. Griswold spoke on Closed Session Item No. 9

Consent Calendar (Items 1 - 4)

1. Minutes of March 19, 2003
2. Communications. *Correspondence addressed to the Board of Directors.*
3. Report of the Advisory Council. *There was no report.*
4. Notification of Execution of Contracts in excess of \$20,000.

Pursuant to the District's Administrative Code Division II, Section 4.3 notification is hereby given of the execution of contracts totaling \$34,850 to Viacom Outdoor Advertising for 114 billboards and 20 bus shelter billboards for the spring outdoor Smoking Vehicle advertising campaign.

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

Committee Reports and Recommendations

5. Report of the Stationary Source Committee Meeting of March 19, 2003

Action: The Committee recommended Board approval of a Draft Supplemental Environmental Projects (SEP) Policy for use in settlement of enforcement cases. This document will be a living document subject to revision.

Director DeSaulnier presented the report and stated that the Committee met on Wednesday, March 19, 2003 and reviewed the mission statement, goals and short-term objectives of the Committee. At the next meeting, staff will present information on the California Air Resources Board changes to transport mitigation regulations. A review of the update on the flare monitoring rule will also be brought to the Committee. The Committee also discussed conducting at least one focus meeting at a refinery and/or a large stationary source and the Committee would then tour the facility.

The Committee considered and is recommending approval by the Board of the Supplemental Environmental Project (SEP) Policy as a living document. The Committee directed staff to contact any interested parties to receive feedback on the document. The Committee will review the Policy again after input from the community has been received. The next meeting of the Committee is scheduled for Wednesday, April 16, 2003, immediately following the Regular Board meeting.

Board Action: Director DeSaulnier moved Board approval of the recommendation of the Stationary Source Committee to approve the draft Supplemental Environmental Project Policy as a living document subject to revision; seconded by Director Miller; carried unanimously without objection.

Public Hearing

6. Final Continued Public Hearings on Proposed Amendments to Regulation 2, Rule 6: Major Facility Review, Manual of Procedures (MOP), Volume II, Part 3, Major Facility Review Permit Requirements, and Approval of a Notice of Exemption pursuant to the California Environmental Quality Act.

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 the Environmental Protection Agency.

Brian Bunger, Counsel, stated that this was to be the last public hearing on the proposed amendments to Regulation 2, Rule 6, but recently the District was notified that the Environmental Protection Agency (EPA) cannot support some of the proposed language in Section 201 of the Rule at this time. The District is suggesting the text be deleted at this point and that it be brought back to the Board at a later time with a revision that would satisfy EPA's concerns. Mr. Bunger stated that this revision may constitute a substantial change to the text that significantly alters the meaning of the Rule, therefore, the Board, under Health and Safety Code Section 40726, can only adopt the changed text at the next

Board meeting. Staff requests the public hearing in this matter be continued to the next Regular Board meeting.

Mr. Bunger also reported that the District received a comment letter on the amendments to 2-6-224, which relates to the schedule of compliance in the permit. Continuing the public hearing will allow staff time to respond to the concerns addressed in the letter.

Board Action: Director Townsend moved to continue the Public Hearing to Wednesday, April 19, 2003; seconded by Director Mossar.

In response to a question from Director Uilkema, Mr. Bunger stated that the EPA's concerns regarding parameters are not relevant to the Potential to Emit thresholds, but relate to the monitoring parameters. The motion then carried unanimously without objection.

Other Business

7. Report of the Executive Officer/APCO – Mr. Norton reported on the following: 1) Jeffrey McKay, Director of IT Division, was introduced. 2) A list of Community Events for April and a list of Community Meetings/Workshops from January 2003 through June 2003 are at each Board member's place. 3) Staff is working on getting a timer for the podium.
8. Chairperson's Report - Chairperson Haggerty reminded the Board members of the Air & Waste Management Conference in San Diego.

Closed Session (The Board adjourned to Closed Session at 10:18 a.m.)

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

Agency Negotiators: IEDA

Un-Represented Employees: Retirees-Benefits

10. Conference with Legal Counsel

A) 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:

Communities for a Better Environment and Transportation Defense and Education v. Bay Area AQMD, Metropolitan Transportation Commission, Association of Bay Area Governments, and California Air Resources Board, San Francisco Superior Court, Case No. 323849

Communities for a Better Environment, and Our Children's Earth Foundation v. Bay Area Air Quality Management District, Valero Refining Company-California, et al., San Francisco Superior Court, Case No. CPF03502678

Open Session (The Board reconvened to Open Session at 10:45 a.m.)

Mr. Bunger reported on Item 9 and stated that Mr. Norton substituted for IEDA, who could not be present today. Mr. Bunger reported that the Board discussed the issue and provided direction to staff that the approval of the request of the retirees for the increase in fringe benefits be placed on the Open Session agenda for the next Board meeting.

Mr. Bunger reported on Item 10A and stated that a status report was provided by Counsel to the Board and general direction was given.

11. Board Members' Comments: There were none.
12. Time and Place of Next Meeting - 9:45 a.m., Wednesday, April 16, 2003, 939 Ellis Street, San Francisco, California.
13. Adjournment: The meeting was adjourned at 10:47 a.m.

Mary Romaidis

Mary Romaidis
Clerk of the Boards

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