

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

Approved Minutes: Board of Directors Regular Meeting – September 3, 2003

**Call To Order**

Opening Comments: Chairperson Haggerty called the meeting to order at 9:50 a.m.

Pledge of Allegiance: Director Ross led the Board in the Pledge of Allegiance.

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Roberta Cooper, Jerry Hill, Liz Kniss (9:58 a.m.), Patrick Kwok, Nate Miley, Julia Miller, Mark Ross, John Silva, Pam Torliatt (9:54 a.m.), Marland Townsend, Shelia Young.

Absent: Willie Brown, Chris Daly, Mark DeSaulnier, Jake McGoldrick, Dena Mossar, Tim Smith, Gayle Uilkema, Brad Wagenknecht.

Commendations/Proclamations: Gerald Raycraft, Planning Director, Association of Bay Area Governments, presented an Award of Excellence to the Air District from the Congress of New Urbanism. Mr. Raycraft commended the Air District for its active role in the project and thanked staff member Henry Hilken, Principal Environmental Planner, for his role in the process.

**Public Comment Period:** There were none.

**Consent Calendar (Items 1 – 6)**

1. Minutes of July 16, 2003
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council
4. Monthly Activity Reports – *Division Activities for the month of July, 2003*
5. Authorization for Execution of Contracts in Excess of \$35,000

*Pursuant to the District's Administrative Code Division III, Section 4.3 Fiscal Policies and Procedures, staff request the Board of Directors authorize the Executive Officer/APCO to execute the following contracts:*

- A) *Contract not to exceed \$199,498 with Diversified Fire Products to upgrade the District fire alarm system;*
- B) *Contract not to exceed \$353,400 with Lawson Roofing to re-roof District headquarters;*

- C) Contract not to exceed \$52,000 with Mortarotti-Ramirez Productions to produce a video of the Air District and the work performed by the District;
- D) Contract not to exceed \$92,143, as budgeted for in the approved FY 2003/2004 budget, with West Corporation for the installation of closed circuit television (CCTV) security system and card locks;
- E) Contract not to exceed \$279,155 with T & B Services to perform air monitoring duties; and
- F) Contract amendment not to exceed \$200,000 with Envriion International Corporation, Novato, CA, to provide additional photochemical modeling services.

6. Consider Reappointment of Attorney and Alternate Attorney Members on the District Hearing Board

*The Board considered reappointment of Attorney and Alternate Attorney members on the District Hearing Board*

**Board Action:** Director Hill moved approval of Consent Calendar Items 1 through 6; seconded by Director Young.

During discussion, Director Hill requested that, in the future, staff provide more detailed information on the contracts that are listed. The motion then carried unanimously without objection.

### **Committee Reports and Recommendations**

7. Report of the Executive Committee Meeting of July 30, 2003

*Action(s): Approve Committee recommendation to approve resolution on New Source Review.*

Chairperson Haggerty presented the report and stated that the Committee met on Wednesday, July 30, 2003, and received and filed the Quarterly Report of the Hearing Board and the Report of the Advisory Council. The Committee received status reports on Ozone Attainment Planning as follows:

Staff presented a report on the status of the U.S. EPA's action on the 2001 Ozone Attainment Plan. Staff reported that on July 9, 2003, the U.S. EPA proposed a full approval of the District's 2001 Ozone Plan. This approval stays the higher offset sanction and defers the imposition of the second sanction, which would limit transportation funding. Staff will be preparing comments on the Plan approval that will be submitted to EPA in the near future.

David Souten of ENVIRON International Corporation presented a report on the 2003/2004 Ozone Planning and reviewed the following:

- Ozone Modeling Basics.
- The Bay Area modeling effort.
- The involvement of other agencies, such as EPA, California Air Resources Board (CARB), and other air districts.

The Committee requested staff provide a list of trees and foliage and their emission production.

Staff presented a report on the Federal 8-hour ozone standard designation process. The Committee requested staff provide them with a list of the Community Meetings that will take place on the ozone planning process.

The Committee met in Closed Session and gave direction to the Chairperson on the subject of the selection of the Air Pollution Control Officer.

The Committee recommends the Board of Directors approve a Resolution on New Source Review.

Staff presented an overview of the District's process for settlement of Notices of Violation. The following topics were discussed: 1) determining the appropriate civil penalty; 2) additional consideration of settlements; 3) initial improvements in the process; 4) the existing NOV inventory; and 5) additional program improvements.

Staff was requested to provide information to the Executive Committee on how other air districts operate. The Committee also requested that the presentation on NOVs be made to the full Board.

The next meeting of the Executive Committee is scheduled for Wednesday, October 29, 2003.

**Board Action:** Chairperson Haggerty moved the Board accept the report and approve the recommendation of the Executive Committee on the Resolution regarding the Air District's position on New Source Review; seconded by Director Townsend; carried without objection with the following Board members voting:

AYES: H. Brown, Cooper, Haggerty, Hill, Kwok, Miley, Miller, Ross, Silva, Torliatt, Townsend, Young.

NOES: None.

ABSENT: W. Brown, Daly, DeSaulnier, Kniss, McGoldrick, Mossar, Smith, Uilkema, Wagenknecht.

**Adopted Resolution No. 2003-07: A Resolution Affirming the District's Commitment to New Source Review**

### **Other Business**

8. Report of the Executive Officer/APCO. Mr. Norton reported on the following items: 1) the list of upcoming community meetings on the Ozone Plan Update; and 2) the September 18<sup>th</sup> "Toxic Tour" in Oakland and urged the Board members to attend.
9. Chairperson's Report. Chairperson Haggerty stated there should be a report at the next Board meeting regarding the selection of the Air Pollution Control Officer.

**Closed Session** (The Board adjourned to Closed Session at 10:01 a.m.)

10. 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 case:*

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

**Open Session** (The Board reconvened to Open Session at 10:05 a.m.)

Mr. Bunger stated that Counsel met with the Board in Closed Session on Item 10 and the Board received a status report and provided general direction to Counsel.

11. Board Members' Comments: There were none.
12. Time and Place of Next Meeting - 9:45 a.m., Wednesday, September 17, 2003, 939 Ellis Street, San Francisco, California.
13. Adjournment: The meeting was adjourned at 10:06 a.m.

*Mary Romaidis*

Mary Romaidis  
Clerk of the Boards

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