

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

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

Call To Order

Opening Comments: Chairperson Haggerty called the meeting to order at 9:48 a.m.

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

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Roberta Cooper, Mark DeSaulnier, Jerry Hill, Patrick Kwok, Nate Miley, Julia Miller (10:00 a.m.), Dena Mossar, Mark Ross, John Silva, Tim Smith, Marland Townsend, Gayle Uilkema, Brad Wagenknecht, Shelia Young.

Absent: Willie Brown, Jr., Chris Daly, Liz Kniss, Jake McGoldrick, Pam Torliatt.

Commendations/Proclamations: There were none.

Public Comment Period: Speaker: There were none.

Consent Calendar (Items 1 – 8)

1. Minutes of November 19, 2003
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council – *There was no report.*
4. Approval of Proposed Amendment to Administrative Code Division III, Section 10.17: Dependent Care Assistance Plan.

Approved proposed amendments to Administrative Code Division III, Section 10.1:7 Dependent Care Assistance Plan.

5. Approval of Proposed Amendment to Administrative Code Division I, Section 2.1: Officers of the Board

Approved proposed amendments to Administrative Code Division I, Section 2.1: Officers of the Board to provide for a one-year term of office for Officers, effective, 2005.

6. 2006 Regulatory Calendar

Section 40923 of the California Health and Safety Code requires Districts to publish a list of regulatory measures scheduled or tentatively scheduled for consideration during the next calendar year. The list of regulatory measures that may be considered during 2004 is included in the packet.

7. Set Public Hearing for January 21, 2004, to Consider Approval of Proposed Amendments to District Regulation 8, Rule 10: Process Vessel Depressurization.

The proposed amendments to Regulation 8, Rule 10: Process Vessel Depressurization would implement Control Measure SS-17 by prohibiting venting to the atmosphere unless the total organic compounds are reduced to a concentration of less than 10,000 parts per million (ppm), expressed as methane (C₁)

8. Set Public Hearing for January 21, 2004, to Consider Approval of Proposed Amendments to District Regulation 8, Rule 18: Equipment Leaks.

The proposed amendments to Regulation 8, Rule 18: Equipment Leaks would implement SS-16 (low-Emission Refinery Valves) from the Bay Area 2001 Ozone Attainment Plan and will clarify specific provisions of the rule to ensure consistency.

Board Action: Director Wagenknecht moved approval of Consent Calendar Items 1 through 8; seconded by Director Cooper.

During discussion, Director Uilkema requested clarification on Item 5 regarding the following language in the amendments: "In any event, no Board Officer shall serve more than three (3) years in any Board office." Brian Bunger, Counsel, indicated the District interprets it to be any one Board office, but stated that a modification to the wording could be made, i.e. "in the same Board office." Mr. Bunger stated that this additional change can be noticed at the next meeting and that the Board could adopt it at the following meeting.

The motion was amended to include the potential change in wording for Item 5 and the motion then passed unanimously without objection.

Committee Reports and Recommendations

9. Report of the Legislative Committee Meeting of November 17, 2003

Action: Adopt legislative agenda for 2004.

Director Wagenknecht presented the report and stated that the Committee, lacking a quorum, met on Monday, November 17, 2003, and staff presented a summary of bills that the Air District adopted positions on. Staff noted that there were over 3,000 bills introduced this year and bills that had any significant costs failed to become law. There were more air quality bills introduced this year than is typical. The District adopted formal positions on 26 bills. None of the bills the District opposed became law. Staff reviewed several bills on the list that is in the Board packet.

Staff also reported on the state budget and noted that the District had a slight increase in subvention funds, which had been cut by a third in 2002. The District did not lose any

property tax revenues in 2003. However, it is likely that the District will experience cuts in both subvention and property tax revenues in the 2004-2005 budget year.

The Committee considered a legislative agenda for 2004 and endorsed the following measures.

- Adopt Legislative Agenda for 2004.
- Find ways to mitigate potential loss of funds in the 2004-2005 budget year.
- Find a stable, long-term source of funding to cut emissions of diesel particulates.
- Continue to support clean air measures without significant costs.

The next meeting of the Legislative Committee will be at the Call of the Chair.

Board Action: Director Wagenknecht moved that the Board accept the report of the Legislative Committee; seconded by Director Cooper; carried unanimously without objection.

10. Report of the Stationary Source Committee Meeting of November 24, 2003

Director DeSaulnier presented the report and stated that the Committee met on Monday, November 24, 2003 and Staff presented a status report on the development of Control Measure SS-17: Proposed Amendments to Regulation 8, Rule 10: Process Vessel Depressurization and reviewed the following:

- The background of the regulation.
- The rule development process.
- A description of the processes.
 1. Depressurization for process unit turnarounds
 2. Scheduled activity for maintenance
 3. Planned to provide safe shutdown and access
 4. Controlled shutdown
- A summary of the proposed amendments.
- Currently regulated process vessels.
- Covering all situations when a vessel is depressurized.
- Establishes an emission standard.
- Requires emission monitoring.
- Emission reductions and costs.
- The benefits.

Staff also presented a status report on Control Measure SS-16: Proposed Amendments to Regulation 8, Rule 18: Equipment Leaks and provided the Committee with an overview as follows:

- The background of the Regulation.
- The rulemaking process.
- The current rule.
- The proposed amendments.
- Additional amendments that include recordkeeping and reporting
- Emissions inventory.
- Emission reductions and costs.
 1. Emission reductions are approximately 0.20 tons per day.

2. Annual costs are \$24,000 to \$120,000.
3. The cost per ton of Precursor Organic Compounds reduced ranges from \$320 to \$1600.

Dennis Bolt of the Western States Petroleum Association (WSPA) spoke on the two agenda items. The next meeting of the Committee is tentatively scheduled for Monday, January 26, 2004.

Board Action: Director DeSaulnier moved the Board approve the Stationary Source Committee Report; seconded by Director Townsend; carried unanimously without objection.

11. Report of the Regional Agency Coordinating Committee meeting of November 21, 2003

Director DeSaulnier presented the report and stated that the Committee met on Friday, November 21, 2003 at the MetroCenter in Oakland. Air District staff presented informational items regarding the current ozone planning process, including U.S. EPA's proposed finding of attainment for the national 1-hour ozone standard and the status of control measure evaluation and photochemical modeling work.

Metropolitan Transportation Commission (MTC) staff presented three information items, including: 1) the costs of different options for providing school bus services, 2) new goals and transportation/land use strategies for the next Regional Transportation Plan, *Transportation 2030*, and 3) initial findings of a study of goods movement and land use in the Bay Area.

Association of Bay Area Governments (ABAG) staff presented an informational item regarding Smart Growth activities. These activities include a multi-agency Corridor Program to link local land uses and transit expansion in key transportation corridors, and technical sessions on Level of Service and CEQA as well as ways to reduce lending risks.

The next meeting is scheduled for Friday, January 23, 2004 at 1:30 p.m.

Board Action: None. This report provided for information only.

Other Business

12. Report of the Executive Officer/APCO. Mr. Broadbent reported on the following: 1) The District has kicked off the winter outreach program and it is expected there will be a number of advisories this year due to the new, lower PM 2.5 standard. 2) He will be setting up meetings with each Board member to get input and advice on the direction of the District.
13. Chairperson's Report. Chairperson Haggerty stated that he has been working with Communities for a Better Environment (CBE) to schedule some Toxic Tours so the Board members can look at various sites around the Bay Area. On January 7, 2004, a Tour will be scheduled in San Francisco, which will start immediately following the Board meeting and will conclude at noon back at the District headquarters. Chairperson Haggerty urged Board members to take the Tour.

Closed Session (The Board adjourned to Closed Session at 10:04 a.m.)

14. 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:

Carl W. Gabler v. Bay Area Air Quality Management District, Santa Clara County Superior Court, Small Claims Division, Case No. 2-03-SC000606

Open Session (The Board reconvened to Open Session at 10:11 a.m.)

Brian Bunker, Counsel, reported on agenda Item 14 and stated that the Board heard a status report from Counsel on the case and provided general direction to Counsel.

15. Board Members' Comments: There were none.
16. Time and Place of Next Meeting - The December 17, 2003 Board meeting was cancelled. The next Regular Board meeting is scheduled for 9:45 a.m., Wednesday, January 7, 2004, 939 Ellis Street, San Francisco, California, and will adjourn to a Toxic Tour of San Francisco immediately following the Board meeting.
17. Adjournment: The meeting was adjourned at 10:12 a.m.

Mary Romaidis

Mary Romaidis
Clerk of the Boards

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