



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

**BOARD OF DIRECTORS  
EXECUTIVE COMMITTEE MEETING**

**COMMITTEE MEMBERS**

**SCOTT HAGGERTY – CHAIRPERSON  
GAYLE UILKEMA – SECRETARY  
JERRY HILL  
MARK ROSS  
PAMELA TORLIATT**

**MARLAND TOWNSEND – VICE  
CHAIRPERSON  
MARK DeSAULNIER  
JULIA MILLER  
TIM SMITH**

**WEDNESDAY  
OCTOBER 29, 2003  
9:30 A.M.**

**FOURTH FLOOR CONFERENCE ROOM**

**AGENDA**

- 1. CALL TO ORDER – ROLL CALL**
- 2. PUBLIC COMMENT PERIOD** *(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.*
- 3. APPROVAL OF MINUTES OF JULY 30, 2003**
- 4. QUARTERLY REPORT OF THE HEARING BOARD** **T. Dailey/4965**
- 5. REPORT OF THE ADVISORY COUNCIL** **W. Hanna/4965**
  - a) Report of Council Meetings*
  - b) Request appointment of four Advisory Council members*
  - c) Request reappointment of seven Advisory Council members to serve additional two-year terms.*
- 6. CONSIDERATION OF BOARD OF DIRECTOR TERM OF OFFICE** **W. Norton/5052**  
[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*The Executive Committee will consider making a recommendation to the Board of Directors regarding the term of office for Board Officers.*
- 7. ATTAINMENT RECORD FOR NATIONAL 1-HOUR AND 8-HOUR OZONE STANDARDS** **P. Hess/4971**  
[phess@baaqmd.gov](mailto:phess@baaqmd.gov)

*Staff will present a report on the monitoring record for the national 1-hour and 8-hour ozone standards.*
- 8. STATUS REPORTS ON OZONE ATTAINMENT PLANNING** **P. Hess/4971**  
[phess@baaqmd.gov](mailto:phess@baaqmd.gov)
  - (a) Photochemical Modeling*
  - (b) Public Involvement*
  - (c) Control Measure Evaluations.*

**9. COMMITTEE MEMBER COMMENTS/OTHER BUSINESS**

*Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2).*

**10. TIME AND PLACE OF NEXT MEETING: 9:30 a.m., DECEMBER 31, 2003, 939 ELLIS STREET, SAN FRANCISCO, CA**

**11. ADJOURNMENT**

**CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET  
SAN FRANCISCO, CA 94109**

**(415) 749-4965  
FAX: (415) 928-8560  
BAAQMD homepage:  
[www.baaqmd.gov](http://www.baaqmd.gov)**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly.

**Bay Area Air Quality Management District  
939 ELLIS STREET  
SAN FRANCISCO, CALIFORNIA 94109  
(415) 771-6000**

**DRAFT MINUTES**

Summary of Board of Directors  
Executive Committee Meeting  
9:30 A.M., Wednesday, July 30, 2003

1. **Call to Order - Roll Call:** Chairperson Scott Haggerty called the meeting to order at 9:36 a.m.

**Present:** Scott Haggerty, Chair, Julia Miller, Mark Ross, Pamela Torliatt, Marland Townsend, Gayle Uilkema.

**Absent:** Mark DeSaulnier, Jerry Hill, Tim Smith.

Pledge of Allegiance: Director Torliatt led the Committee in the Pledge of Allegiance.

2. **Public Comment Period:** There were no public comments.

3. **Approval of Minutes of October 30, 2002 and April 30, 2003:** Director Townsend moved approval of the minutes; seconded by Director Uilkema; carried unanimously by acclamation.

4. **Quarterly Report of the Hearing Board:** Hearing Board Chair Thomas Dailey, M.D., thanked the Board and Mr. Norton for being selected to participate on the Advisory Panel as part of the interview process for the selection of the Executive Officer/APCO. Dr. Dailey presented the *Hearing Board Quarterly Report – April 2003 – June 2003* and noted that two Appeals, Pacific Gas & Electric and Headway Technologies, had been closed during this quarter. Dr. Dailey reported on the following: 1) a joint conference with the South Coast AQMD Hearing Board where several topics were discussed; 2) the election of Dr. Dailey as Chair and Mr. Colline as Vice-Chair of the Hearing Board; and 3) Dr. Daily was interviewed by KPIX with respect to the affects of air quality on asthma.

**Committee Action:** None. This report provided for information only.

5. **Report of the Advisory Council:**

Advisory Council Vice Chair Elinor Blake presented the *Report of the Advisory Council: April 15, – July 10, 2003*, which summarized the activities of the Council and its Standing Committees.

Ms. Blake thanked the Board for including members of the Advisory Council in the interview process for the Executive Officer/APCO position. Ms. Blake reviewed several issues the Advisory Council is currently working on: 1) refinery flare emissions with regard to ozone attainment; 2) a request from staff to get more information on optical remote sensing capabilities

at refineries with the focus primarily on toxic emissions rather than the ozone issue; 3) marine loading and shipping emission reductions; and 4) ongoing work on Inspection and Maintenance (I&M) related issues. Ms. Blake noted that it is anticipated the refinery issues should be completed in the fall and a report will then be provided to the Board of Directors.

**Committee Action:** None. This report provided for information only.

**6. Status Reports on Ozone Attainment Planning:**

*(a) U.S. EPA Action on 2001 Ozone Attainment Plan*

Peter Hess, Deputy APCO, stated that on July 9, 2003 the U.S. Environmental Protection Agency (EPA) proposed a full approval of the District's 2001 Ozone Plan. This approval stays the offset sanction and defers the imposition of the second sanction on transportation funding. The public comment period ends August 16, 2003 and staff will be preparing comments on the Plan approval that will be submitted to EPA in the near future.

*(b) 2003/2004 Ozone Planning*

David Souten, Principal, ENVIRON International Corporation, presented the report and reviewed the following:

- Ozone Modeling Basics.
- How sunlight affects ozone production.
- Emission sources, including biogenic, stationary, area, on-road mobile, and off-road mobile.
- A 3-D deterministic mathematical grid model.
- The modeling process.
- The Central California Ozone Study (CCOS) components.
- The CCOS is to collect data and use it in future modeling.
- Air quality and meteorological sites.
- The Bay Area modeling effort.
- The involvement of other agencies, such as EPA, California Air Resources Board (CARB), and other air districts.
- Assorted maps showing the locations of various pollutants, including a "movie" that allows one to see ozone formation.

In response to a question from Director Miller, Mr. Souten stated that different varieties of vegetation produce different amounts of emissions. Director Torliatt requested a list of trees and foliage and their emission production.

*(c) Federal 8-hour ozone standard designation process.*

Jean Roggenkamp, Planning and Transportation Manager, presented the report and stated that the District's planning process includes: 1) Control Measure review; 2) CEQA environmental review process; and 3) the public involvement process. Ms. Roggenkamp reviewed the progress being made in each of these areas. The Committee requested a list of the community meetings that will take place on the ozone planning process.

Mr. Hess noted that the ARB recommended to EPA that the District be attainment for the 8-hour ozone standard and that EPA will be acting on this on April 15, 2004. The next meeting of the policy makers is scheduled for September 5, 2003.

**Committee Action:** None. This report provided for information only.

9. **Closed Session-Conference with District's Executive Recruitment Ad Hoc Committee:** Pursuant to Government Code § 54957 a need existed to meet in closed session to consider appointment of a new Executive Officer/APCO.

The Committee adjourned to Closed Session at 10:28 a.m.

The Committee reconvened to Open Session at 10:55 a.m.

William Norton, Executive Officer/APCO, reported that the Committee met in Closed Session and gave direction to the Chair on the subject of selection of the Air Pollution Control Officer.

7. **Consider Recommending Approval of a Resolution Regarding the Air District's Position on New Source Review:** *The Committee considered recommending that the Board of Directors approve a resolution on New Source Review, which is an integral part of the Air District's programs to reduce stationary source emissions.*

Mr. Norton stated that in December 2002, EPA changed the requirements for New Source Review (NSR) and the District feels that the existing NSR at the District is more stringent.

**Committee Action:** Director Townsend moved the Committee recommend to the Board of Directors approval of the Resolution; seconded by Director Torliatt; carried unanimously without objection.

8. **Settlement of Notices of Violation:** *Staff presented an overview of the District's process for settlement of Notices of Violation.*

Brian Bunger, Counsel, presented the report and stated that the Legal Division has undertaken a major project to identify areas of improvement in the process and to implement them. Mr. Bunger reviewed the following topics:

- Determining the appropriate civil penalty.
- Additional considerations for settlements.
- Initial improvements.
  - Improved communication with Enforcement, and
  - Settlement demand letter
- The existing inventory.
  - NOVs inappropriately included
  - The actual existing inventory
  - Progress to date
  - Projections
- Additional program improvements.

In response to a question from Director Uilkema, Mr. Bunger stated that the larger air districts had been contacted about their procedures for NOVs and noted that this Air District issues more NOVs than other districts and processes them in essentially the same way.

Director Uilkema requested staff prepare a report for the next Executive Committee meeting that includes information on the following: 1) how other air districts operate; 2) are they the same as this District; 3) define a standard; 4) codifying the process. Director Townsend requested this presentation be made to the full Board.

10. **Committee Member Comments:** There were none.
11. **Time and Place of Next Meeting:** 9:30 a.m., Wednesday, October 29, 2003, 939 Ellis Street, San Francisco, CA 94109.
12. **Adjournment.** The meeting was adjourned at 11:25 a.m.

Mary Romaidis  
Clerk of the Boards

mr

**BOARD EXECUTIVE COMMITTEE**

**Follow-up Items for Staff**

**July 30, 2003**

1. Director Torliatt requested a list of trees and foliage and their emission production.
2. Staff was requested to provide the Committee members with a list of the community meetings that will take place on the ozone planning process.
3. Director Uilkema requested staff prepare a report for the next Executive Committee meeting, based on the NOV presentation, that includes information on the following: 1) how other air districts operate; 2) are they the same as this District; 3) define a standard; 4) codifying the process.
4. Director Townsend requested the presentation on NOVs be made to the full Board.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
 Memorandum

**TO:** Chairperson Scott Haggerty and Members of the Executive Committee  
**FROM:** Chairperson Thomas M. Dailey, M.D. and Members of the Hearing Board  
**DATE:** October 20, 2003  
**RE:** Hearing Board Quarterly Report – JULY 2003 – SEPTEMBER 2003

**RECOMMENDED ACTION:**

This report is provided for information only.

**DISCUSSION:**

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
Alameda/Livermore	<b>HEXCEL CORPORATION (Emergency Variance – Docket No. 3437)</b> <i>- Emergency Variance from regulation requiring compliance with permit conditions; regulation limiting emissions of volatile organic compounds from application of coatings and adhesives to paper, fabrics or films; regulation limiting emissions from solvent cleaning operations as defined in Sec. 8-16-220; and regulation limiting emissions of precursor organic compounds from resin manufacturing operations.</i>	2-1-307 8-12-302& 305 8-16; 8-36-301; NSPS, Part 60, Subpart VVV, including 60.742 (c) (1)	Withdrawn. Applicant made necessary repairs and is in compliance.	===	===
Alameda/Newark	<b>PECHINEY PLASTIC PACKAGING, INC. (Appeal - Docket No. 3430)</b> – Appeal from specific Terms and Conditions imposed in the Revised MFR Permit for Facility # A0273 – Pro Forma Hearing	Appeal Title V	Pro Forma hearing continued to 11/20/03.	===	===
Contra Costa/Concord	<b>CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT (Variance – Docket No. 3433)</b> – Variance from regulation forbidding open burning within the District with certain exceptions (APCO not opposed.)	5-401.7	Withdrawn. Burn days declared.	===	===
Contra Costa/Martinez	<b>TESORO REFINING AND MARKETING COMPANY (Variance – Docket No. 3432)</b> Variance from regulation requiring compliance with permit conditions and regulation limiting emissions of nitrogen oxides and carbon monoxide from boilers, steam generators, and process heaters in petroleum refineries (APCO opposed.)	2-1-307 9-10-301 & 304	Withdrawn	===	(NOx)



<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>	
Marin/San Rafael	<b>KEATON'S MORTUARY (Appeal – Docket No. 3429)</b> – <i>Appeal of Clean Air on Fifth Avenue, Theresa Dutton, Max Kniesche, Marin Academy, Dr. Robert J. Rosenberg, D.D.S., D.S.c.D., John and Armida Scopazzi, Brad Sears and Chris Yamate from the Authority to Construct Application No. 006416 issued to Keaton's Mortuary – Pro Forma Hearing.</i>		Appeal	Parties established schedule. Matter continued to 11/13/03.	===	(TAC)
San Francisco	<b>MIRANT POTRERO LLC (Appeal – Docket No. 3434)</b> – <i>Appeal of Communities for a Better Environment, Bayview Hunters Point Community Advocates, Literacy for Environmental Justice, and Our Children's Earth from the Grant of Interchangeable Emission Reduction Credit Certificates Based on Application Number 6473 to Mirant Potrero LLC – Pro Forma Hearing</i>		IERC Appeal	Pro Forma hearing continued to 11/20/03.	===	(NOx)
Various	<b>INTERNATIONAL PAINT (INTERLUX DIVISION) (Class Action Variance – Docket No. 3431)</b> – <i>Class Action Variance from regulation limiting emissions of volatile organic compounds from the surface preparation and coating of marine vessels, components and structures intended for exposure to a marine environment, including oil drilling platforms and navigational aids (APCO opposed to two year variance; APCO not opposed to one year variance with certain conditions.)</i>	8-43-321		Applicant amended to Application for Product Variance. Full hearing on 10/30/03.	===	(VOC)

**NOTE: During the third quarter of 2003, the Hearing Board dealt with 5 Dockets on 4 hearing days. No excess emission fees collected during this quarter.**

Respectfully submitted,

Thomas M. Dailey, M.D.  
Chair, Hearing Board

Prepared by: Neel Advani, Deputy Clerk of the Boards

FORWARDED: \_\_\_\_\_

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and Members of the Executive Committee  
From: William Hanna, Chairperson, Advisory Council  
Date: October 20, 2003  
Re: Report of Advisory Council: July 11 – September 30, 2003

RECOMMENDED ACTION: Receive and file.

DISCUSSION:

Presented below are summaries of the key issues discussed at meetings of the Advisory Council and its Standing Committees during the above reporting period.

- a) Air Quality Planning Committee Meeting – July 22, 2003. The Committee reviewed pending legislation and received a staff presentation on state and federal efforts to reduce diesel emissions. *(Minutes included in the September 17, 2003 Board of Directors Regular Meeting Agenda Packet.)*
- b) Technical Committee Meeting – August 7, 2003. The Committee received a presentation from refinery staff and representatives on refinery flare distribution frequency. *(Minutes included in the October 1, 2003 Board of Directors Regular Meeting Agenda Packet.)*
- c) Joint Meeting of the Public Health and Technical Committees – August 28, 2003. The Committee and staff discussed refinery fence-line optical monitoring technology, its performance in relation to refinery incidents, advantages and disadvantages, and access to the data generated by the system. *(Minutes included in the October 1, 2003 Board of Directors Regular Meeting Agenda Packet.)*
- d) Advisory Council Regular Meeting – September 10, 2003. The Council received and discussed a staff presentation on the current status of ozone planning at the District. *(Minutes included in the October 29, 2003 Board of Directors Executive Committee Meeting Agenda Packet.)*
- e) Air Quality Planning Committee Meeting – September 30, 2003. The Committee received and discussed an update from Networkcar regarding the results of a demonstration project of remote emissions monitoring devices in taxicab, paratransit and other specialty fleets. The Committee also received and discussed a presentation on the Metropolitan Transportation Commission's Long Range Transportation Plan *(Minutes to be included in a future Board of Directors Agenda Packet.)*

Respectfully submitted,

William T. Hanna  
Advisory Council Chairperson

Prepared by: James N. Corazza

FORWARDED BY: \_\_\_\_\_

BH:jc

**AGENDA NO. 5(a)(d)**

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

Draft Minutes: Advisory Council Regular Meeting – September 10, 2003

**Call To Order**

Opening Comments: Chairperson Hanna called the meeting to order at 10:05 a.m.

Roll Call: Present: William Hanna, Chair, Sam Altshuler, P.E., Louise Bedsworth, Ph.D., Elinor Blake, Harold M. Brazil, Pamela O'Malley Chang, Irvin Dawid, Ignatius Ding, Stan Hayes, John Holtzclaw, Ph.D., Norman Lopera, Jr., Brian Zamora.

Absent: Patrick Congdon, Rob Harley, Ph.D., Fred Glueck, Kraig Kurucz, Kevin Shanahan, Victor Torreano, Linda Weiner.

**Public Comment Period:** There were no public comments.

1. Approval of Minutes of July 9, 2003: Mr. Lopera moved approval of the minutes; seconded by Dr. Holtzclaw; carried unanimously.

**Committee Reports**

2. Report of the Air Quality Planning Committee Meeting of July 22, 2003

Dr. Holtzclaw stated that the Committee continued with its review of pending legislation, and focused on the bills that concern new source review and particulate matter (PM). Staff also gave a presentation on state and federal efforts to regulate on- and off-road sources of diesel emissions.

In response to questions, Thomas Addison, Legislative Analyst, stated that SB 700 (Flores) has passed the Senate Appropriations Committee but has not yet been voted on by the Senate. The Air District supports the bill, and it is expected to pass. Mr. Dawid observed that moderate urban Democrat legislators have joined with the agricultural lobby and recently defeated SB 705 that concerned burning of agricultural waste.

3. Report of the Public Health Committee Meeting of August 28, 2003

Ms. Blake stated that the Committee continues to review a staff referral concerning whether optical remote sensing technology in operation at the ConocoPhillips refinery fence line should be applied to other Bay Area refineries. A discussion was held with District staff that explored the past performance of the monitors in relation to refinery incidents, the advantages and disadvantages of the technology, and access to the data generated by the system. The Committee will meet on October 20, 2003 to further discuss this issue with the staff of the five Bay Area refineries. Members of the Technical Committee are invited to attend and listen to the discussion.

4. Report of the Technical Committee Meeting of August 7, 2003

Mr. Hayes stated that the Committee received presentations from refinery staff and representatives on flare distribution frequency. A central issue concerns the difference between District and industry estimates of total daily flare emissions, which derives from differences in the respective assumptions made in the emissions calculation methodology. Staff also provided a presentation on the South Coast AQMD Rule 1118 on refinery flare monitoring. At its next meeting, the Committee will consider adopting recommendations on refinery flaring.

5. Minutes of the Public Health and Technical Committee Meeting of June 30, 2003

Ms. Blake stated that an oral report on this meeting was given at the last Council Regular meeting, and the minutes are now included in this agenda packet for the Council members' review.

**Presentation:**

6. Status Reports on Ozone Attainment Planning

a) U.S. EPA Action on 2001 Ozone Attainment Plan

Jean Roggenkamp, Manager of Planning, stated that the Environmental Protection Agency (EPA) posted notice in the Federal Register of July 15, 2003 of its intention to approve the District's 2001 Ozone Attainment Plan for the federal one-hour standard. It stated that the 2001 plan had corrected the deficiencies in the 1999 Ozone Plan and not only stayed the emissions offsets sanction but also deferred imposition of transportation funding sanctions. The comment period concluded on August 15. EPA will review comments and then take final action by a date yet to be determined. In reply to Chairperson Hanna, Ms. Roggenkamp noted that pending litigation, under State law, on the Plan does not affect the actions undertaken by federal EPA.

b) 2003/2004 Ozone Planning

Ms. Roggenkamp stated that the 2001 Ozone Plan committed the District to issue an updated Plan by April of 2004. The Bay Area has an attainment deadline of 2006 for the federal ozone standard. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) will join in this update. While there is no deadline for attaining the state ozone standard, the District must implement "all feasible measures" to reduce ozone both within, and downwind from, the region.

The modeling for this plan involves several participants. Data from the Central California Ozone Study (CCOS), which gathered meteorological and emissions data during the summer of 2000, will be reviewed. The California Air Resources Board (CARB) is coordinating a multi-agency group to collect and evaluate these data. Environ Corporation will conduct the emissions, meteorological and photochemical modeling for past ozone episodes. This will form the basis for future planning and setting an emission reduction goal to attain the national standard. District staff are heavily involved in this process as well. Three ozone episodes have been selected for modeling. Two were from the summer of 2000: one in June, and the other in July/August. Both are buttressed with rich data from CCOS. The June 2000 episode had high values only in Livermore. An episode in July of 1999 was also picked as it had high values at a number of Bay Area monitoring stations as well as in downwind regions.

The priority will be to model the July/August 2000, the July 1999 and then the June 2000 episodes. Preliminary modeling results are expected by early October. Modeling runs will help to determine if attainment is projected by 2006 or further emission reductions will be required, and the Council will receive a report on the preliminary results. Staff are presently evaluating a list of 400 potential additional control measures: 300 concern stationary and mobile sources and the remainder concern transportation control. These measures derive from other air districts in the state, the public, community members, the Advisory Council and Board of Directors. Staff also reviewed previous plans for control measure suggestions then thought infeasible but which now may be practical. Criteria for evaluating the potential measures include technical feasibility, cost-effectiveness, the amount of precursor reductions achieved within specific time frames, associated adverse environmental and socio-economic impacts and public acceptability. Approximately two months will be required for this review.

In terms of public involvement, the District is taking a higher profile in the ozone planning process and is starting earlier than in the past. The Modeling Advisory Committee is reviewing the modeling work of the consultant, Environ Corporation. It has met since May of 2002 and will meet again on September 16. The Ozone Working Group meets bi-monthly to review the progress of the planning work and provide input at each stage in the process. It will meet on October 28. Initial community meetings on the Ozone Plan will be held this month and will describe the District's ozone planning process and solicit input on ozone control measures. These meetings were requested by the Environmental Justice Air Quality Coalition, which also helped to determine their location. The first meeting was held in Rodeo and was well attended. Contra Costa County Health Services Department staff presented information on the health effects of ozone and also worked with District staff to organize a community training session prior to the Rodeo community meeting to help the community become more involved in the air quality planning process. Staff hopes that the health officers from the other counties will provide similar assistance. When the draft Plan is issued, more community meetings will be held. The Board of Directors will then hold a public hearing to adopt the final Plan.

In discussion, Ms. Roggenkamp stated that PM is not a focus of discussions on the Plan, but some measures that reduce ozone also reduce PM. MTC and ABAG staff are attending the community meetings to answer questions about the transportation emissions component of ozone formation. Peter Hess, Deputy Air Pollution Control Officer, added that Environmental Audit, Inc., will conduct the California Environmental Quality Act (CEQA) review of the Plan, and the full Council will receive a presentation on the results of this review at a future meeting.

c) Federal 8- hour ozone standard designation process

Implementation of the national 8-hour ozone standard adopted in 1997 may now take place, following the conclusion of litigation. On July 15, 2003, CARB recommended to EPA that the Bay Area be declared in attainment of this standard based on monitoring data for 2000-2002. EPA will make its final designation in April 2004. It will likely include the data from the 2003 ozone season, which concludes next month, in the evaluation. Mr. Hess added that the 1-hour ozone standard concerns the number of days over 124 parts per billion (ppb) ozone during a three-year period, and it does not matter how high the exceedance is. The 8-hour standard is more stringent and concerns the severity of the fourth highest excess averaged over three years. EPA is conceptually proposing that once EPA makes attainment and non-attainment designations for the 8-hr standard, air districts are excused from having to attain the 1-hour standard as long as there is no backsliding in terms of controls.

The Bay Area has witnessed a steady decline in precursors of ozone and NO<sub>x</sub>, primarily due to the stringency of District rules and vehicle turnover. The San Martin and Livermore air monitoring stations are the most critical areas for the 8-hour standard. To date, monitoring data indicates that the District may be in attainment of both the 1-hour and 8-hour standards.

In reply to questions, Mr. Hess stated:

- inter-state transport is addressed in the California Clean Air Act and is a matter of State jurisdiction. The District does contribute some ozone to its downwind neighbors, but the quantity will be ascertained by the modeling work conducted by Environ Corporation.
- the possible daily coincidence between excesses of the 1-hour and 8-hour standards is a matter that will have to be referred to the modelers for analysis.
- there may be several reasons why the Central Valley has made progress on the 1-hour standard but has reached a plateau on the 8-hour standard. Firstly, the Sacramento area has severe vehicular congestion, and has only 30 million annual public transit boardings, compared with 500 million in the Bay Area. Secondly, according to a presentation by Dr. Harley to the Council last year, there has been a 200% increase in the use of diesel fuel in the San Joaquin Valley, which renders diesel emissions as a significant contributor to ozone formation in the Central Valley. Thirdly, a study conducted by U.C. Davis shows that all 8-hour non-attainment areas are east of Sacramento, while the westerly region extending to the Bay Area and up to Placer County is in attainment. Both Stockton and Tracy are in attainment, but the region below Modesto is non-attainment. Therefore, pollutant transport impacts, as viewed through both the 1-hour and 8-hour standards, require further review.

### **Other Business:**

7. Report of the Executive Officer/APCO. William C. Norton stated that:

- the tracking of the trailer bills on the State budget adopted last month reveals no adverse impact on the District's budget thus far. However, the District's budget may still be affected by whoever is the State's Governor on October 8, particularly with regard to subvention funds.
- the District will present its Ozone Plan for review and comment to environmental justice communities and the areas in which the greatest ozone impact occurs—namely, Livermore, Concord and either Petaluma or Santa Rosa in the North Bay. The Ozone Plan will also be brought to the Advisory Council for review and comment.
- The District will be updating its website, and the first iteration is due in the next week. The static content will be changed to make it easier to navigate. Interactive capability will follow. Mr. Dawid suggested the website present the Advisory Council's mission statement.
- New data management software for the District's personnel and accounting sections will be implemented in January of next year, and later applied to the more complicated permit system.
- The Board Ad Hoc Selection Committee recommendations for the Executive Officer/APCO will be presented to the Board on September 17, 2003, pending negotiations with the candidate.

8. Report of the Advisory Council Chairperson

Chairperson Hanna directed the Applicant Selection Working Group to convene and address the three vacancies that are now on the Advisory Council.

He requested input on whether the audiotape of the Council Regular meeting should be uploaded to the District's website. Presently, the audiotape of the Board of Directors' Regular meetings is uploaded to the web. In discussion, Council members expressed concerns over the intermittent sound quality that would occur if a speaker did not speak clearly or directly into the microphone, the potential for outside parties to remix and edit digital recordings of Council members' statements, technical feasibility and associated resource requirements, and the absence of a clear mandate to upload the tape. Brian Bunger, District Counsel, observed that there is no legal requirement to upload the tape on the website. After further discussion, consensus was reached that the tape will not be uploaded and that draft minutes will be posted on the website instead, with a clear notation that the minutes are in draft form. Prior to their posting, such draft minutes will have been preliminarily reviewed by the appropriate Council or Committee Chair.

9. Council Member Comments/Other Business

Dr. Holtzclaw expressed appreciation to Chairperson Hanna for appointing him to the Advisory Interview Committee for the selection of the Executive Officer/APCO. It was remarkable that a group comprised of such a wide diversity of stakeholders reached unanimity on the exceptional qualifications of two of the candidates.

Mr. Altshuler noted that recent press reports reveal that air quality data were misreported during the September 11, 2002 crisis in New York City. Since improved quality control and quality assurance on air monitoring data may become the subject of future legislation, the Council may wish to address this now rather than wait to respond to legislation. Professor Tom Cahill from the University of California at Davis could address the Council on this matter. Mr. Hayes noted that this topic was discussed at the 2003 Air & Waste Management Association meeting. He added that speakers with different perspectives might further enrich the discussion, particularly as there are some noteworthy technical disagreements on this issue among air monitoring professionals.

Mr. Altshuler inquired if the trend in the Transportation Fund for Clean Air (TFCA) project allocations toward bicycle rather than clean air vehicles is reflective either of a change in the types of project applications submitted or the scoring criteria now applied toward their evaluation. Mr. Norton replied that the projects now submitted differ from those in the past. These may differ because projects must come up with matching funds to make them cost-effective, without which they cannot be successfully submitted. Matching fund availability appears to have declined.

10. Time and Place of Next Meeting: 10:00 a.m., Wednesday, November 12, 2003, 939 Ellis Street, San Francisco, California.

11. Adjournment: The meeting was adjourned at 11:35 a.m.

James N. Corazza  
Deputy Clerk of the Boards

Bay Area Air Quality Management District  
Memorandum

To: Chairperson Haggerty and Members of the Board of Directors Executive Committee  
 From: Stan Hayes, Chairperson, Advisory Council Applicant Selection Working Group  
 Date: October 20, 2003  
 Re: Appointment of four new Advisory Council Members

RECOMMENDED ACTIONS:

Appoint four new Advisory Council members: three members to two-year terms beginning January 1, 2004 and ending December 31, 2005, and one member to complete an unexpired term ending December 31, 2004:

<u>New Member</u>	<u>Category Assigned</u>	<u>Term Expires</u>
Jeffrey Bramlett	Park & Recreation	12/31/05
Diane Bailey	Conservation Organization	12/31/05
Robert Bornstein, Ph.D.	Colleges & Universities	12/31/04
Emily Drennen	Conservation Organization	12/31/05

BACKGROUND:

By the end of this year, there will be a total of four vacancies on the Advisory Council:

<u>Member</u>	<u>Resignation Date</u>	<u>Term Expires</u>	<u>Category</u>
Rob Harley	12/31/03	12/31/04	Colleges & Universities
Ignatius Ding	12/31/03	12/31/03	Conservation Organization
Jane Kelly	05/27/03	12/31/03	Conservation Organization
Patrick Congdon	12/31/03	12/31/03	Park & Recreation

Ignatius Ding and Patrick Congdon have elected not to request reappointment when their terms expire. Jane Kelly resigned from the Council on May 27, 2003. Colleges & Universities category member Robert Harley, Ph.D., whose term will expire on December 31, 2004, has tendered his resignation effective December 31, 2003. Resulting new appointments would therefore be for three new two-year terms and the filling of one unexpired term for a one-year period.



DISCUSSION:

A Press Release soliciting applications for the vacancies on the Advisory Council was issued on September 16, 2003. It was posted on the District's website and forwarded to the Board of Directors, Advisory Council and Hearing Board. General advertisement and targeted mailings of the Press Release were conducted.

On October 14, 2003, the Working Group reviewed eight new applications, along with those of qualified pool applicants, and selected six individuals for interview: two for the Conservation Organization category, three for the Colleges & Universities category, and one for the Park & Recreation category. On October 17, 2003, the Working Group interviewed the six candidates.

The resumes of each of the candidates recommended by the Applicant Selection Working Group for appointment to the Advisory Council are attached. I will be attending the Executive Committee meeting to answer any questions that you may have.

Respectfully submitted,

Stan Hayes  
Chairperson  
Applicant Selection Working Group

Prepared by: James N. Corazza

FORWARDED BY: \_\_\_\_\_

SH:jc

Bay Area Air Quality Management District  
Memorandum

To: Chairperson Haggerty and Members of the Board of Directors Executive Committee  
From: Stan Hayes, Chairperson, Advisory Council Applicant Selection Working Group  
Date: October 20, 2003  
Re: Reappointment of seven Advisory Council Members to a two-year term beginning January 1, 2004 and ending December 31, 2005

RECOMMENDED ACTION:

Recommend the Board reappoint seven Advisory Council members to a two-year term.

BACKGROUND:

At the end of each calendar year, the Board reviews the attendance record of the Advisory Council members whose two-year terms expire and who request appointment to another two-year term.

DISCUSSION:

Seven members request reappointment to a two-year term beginning January 1, 2004 and ending December 31, 2005. The chart below sets forth the total Regular and Committee meetings that these members were assigned, and how many they attended, between January 1, 2002 and October 20, 2003, and lists the total attendance percentage of each. Their attendance is well above the 50% threshold that the Board has used as the point at which concern over a Council member's attendance is triggered.

<u>NAME</u>	<u>CATEGORY</u>	<u>Meetings Assigned and Attended</u>
Harold Brazil	Mass Public Transportation	12/11 (92% attendance)
Fred Glueck	General Contractor	26/19 (73% attendance)
William Hanna	Agriculture	34/31 (91% attendance)
Kraig Kurucz	Industry	24/20 (83% attendance)
Norman Lapera, Jr.	Regional Park District	22/19 (86% attendance)
Victor Torreano	Organized Labor	6/4 (67% attendance)
Brian Zamora	Public Health Agency	31/29 (94% attendance)

Respectfully submitted,

Stan Hayes  
Chairperson  
Applicant Selection Working Group

Prepared by: James N. Corazza

FORWARDED BY: \_\_\_\_\_

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Haggerty and Members  
of the Executive Committee

From: William C. Norton  
Chief Executive Officer

Date: October 20, 2003

Re: Consideration of Board of Directors Term of Office Effective 2005

RECOMMENDED ACTION:

The Committee will consider Board Officers term of office effective calendar year 2005. The Committee may notice the attached proposed revised amendments to the Administrative Code, Division I, Section 2.1: Officers of the Board.

BACKGROUND

The term of office for Board Officers was changed from one year to two years on December 15, 1999. When the term of office was changed, the Board indicated that it intended to review the policy at a future date.

The Executive Committee discussed this issue at its meeting of October 30, 2002, it was moved and properly seconded that the term of office for Board Officers remain a two-year term, but that the issue of changing the term of office for Officers, effective calendar year 2005, be continued to this Executive Committee meeting.

DISCUSSION

The Committee will discuss and may consider recommending to the Board that it amend the District's Administrative Code Division 1, Section 2.1: Officers of the Board to change the current 2 year term of office for Board Officers to one year.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

William C. Norton  
Executive Officer/APCO

Proposed Amendments to Division I Operating Policies and Procedures,  
Section 2.1: Board of Directors, Officers of the Board

**2.1 OFFICERS OF THE BOARD. (Revised 12/15/99)**

The presiding officer of the Board is the Chairperson of the Board of Directors. The Chairperson, Vice Chairperson and Secretary shall, no later than the first meeting in December of each year, be elected by the Board of Directors and assume office January 1, (effective January 1, 2005). ~~The Board of Directors shall elect a Chairperson, Vice-Chairperson and Board Secretary every two years from its membership with such term to begin January 1, 2001.~~ The Chairperson shall preserve order and decorum at regular and special meetings of the Board. The Chairperson shall state each question, shall announce the decision, shall decide all questions of order subject to an appeal to the Board. The Chairperson shall vote on all questions, last in order of the roll, and shall sign all ordinances and resolutions adopted by the District Board while the Chairperson presides. (see Section II-4.3)

In the event that the Chairperson is unable, for whatever reason, to fulfill his or her ~~two~~ one year term of office, the Vice-Chairperson shall succeed the Chairperson and the Secretary shall succeed the Vice-Chairperson. Section 2.3 below shall determine the filling of the Secretary vacancy. In any event, no Board Officer shall serve more than three (3) years in any Board office.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Inter Office Memorandum

To: Chairperson Haggerty and  
Members of the Executive Committee

From: Peter Hess  
Deputy Air Pollution Control Officer

Date: October 22, 2003

Re: Monitoring Record: National 1-Hour and 8-Hour Ozone Standards

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

The San Francisco Bay Area Air Basin is currently designated as a non-attainment area for the 1-hour ozone national ambient air quality standard based on past violations of the standard. A region has an attainment record for this standard when each monitoring station records no more than three exceedances of the standard in three years.

The U. S. Environmental Protection Agency expects to make attainment and nonattainment designations with regard to the national 8-hour ozone standard in April 2004. A region has an attainment record for this standard when the 3-year average of the 4<sup>th</sup> high 8-hour ozone reading at each monitoring station is below the standard.

DISCUSSION

Based on monitoring data for the past three ozone seasons (2001, 2002, 2003), no monitoring station has recorded more than three exceedances of the national 1-hour ozone standard. Most have recorded no exceedances. Consequently, the Bay Area has an attainment record for the national 1-hour ozone standard. We informed Catherine Witherspoon, ARB Executive Officer, of this record via a letter dated October 16, 2003 (attached). The 1-hour ozone monitoring record for the region from 1968 through 2003 is also attached.

For the same period, the monitoring record for one Bay Area monitoring station, San Martien in the South Bay, violates the 8-hour standard. For the previous three-year period (2000, 2001, 2002), all Bay Area monitors showed attainment of the 8-hour standard.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Peter Hess  
Deputy Air Pollution Control Officer  
Prepared by: Jean Roggenkamp

FORWARDED: \_\_\_\_\_

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Inter-Office Memorandum

To: Chairperson Haggerty and  
Members of the Executive Committee

From: Peter Hess  
Deputy Air Pollution Control Officer

Date: October 22, 2003

Re: Status Report on 2003-04 Ozone Planning: Photochemical Modeling

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

This report provides the status of the photochemical modeling underway for the 2003/04 ozone planning process. This modeling effort will benefit from the extensive field data collected during the Central California Ozone Study. The District has contracted with ENVIRON Corporation's Air Sciences Office in Novato, CA to assist with the modeling effort. A Modeling Advisory Committee, convened by the District, is meeting regularly throughout the planning process to review the work of District staff and the consultants.

DISCUSSION

ENVIRON and District staff have been working intensively with meteorological, emissions, and photochemical models to simulate historical high ozone episodes from July 1999 and July/August 2000. ARB also has been working to simulate the July/August 2000 episode. Difficulties with the modeling (incomplete and inaccurate CCOS meteorological and emissions data, and under-representation of ozone levels by the modeling system) have plagued the process. ENVIRON, the District and ARB are working to resolve issues as they arise. Once the model performance for the historical episodes is satisfactory, the models will be used to assess the need for additional ozone precursor emission reductions and to assess transport to downwind regions.

The delays in achieving satisfactory model performance are affecting the Bay Area planning effort as well as the Sacramento Metropolitan Air Quality Management District and the San Joaquin Valley Air Pollution Control District planning efforts. The Sacramento and San Joaquin districts have indicated that the modeling delays will slow the development of their ozone attainment strategies. The Bay Area will also need to adjust our planning schedule to allow time for ENVIRON, District staff, ARB and the Modeling Advisory Committee to resolve the issues. Our planning process must be based on a sound technical foundation.

Staff will keep the Executive Committee informed of the status of the modeling effort.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Peter Hess  
Deputy Air Pollution Control Officer

Prepared by: Jean Roggenkamp

FORWARDED: \_\_\_\_\_

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Inter-Office Memorandum

To: Chairperson Haggerty and  
Members of the Executive Committee

From: Peter Hess  
Deputy Air Pollution Control Officer

Date: October 22, 2003

Re: Status Report on 2003-04 Ozone Planning: Public Involvement

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

This report provides the status of the public involvement process for the 2003/04 ozone planning process. Public involvement for this round of ozone planning includes multiple forums for participation by stakeholders and the public. The Modeling Advisory Committee and the Ozone Working Group are meeting regularly throughout the planning process. Staff have also held community scoping meetings and community training meetings regarding the ozone planning process. Information about the planning process is available on the District's website. We will also be holding community workshops and a public hearing during future stages of the planning process.

DISCUSSION

The Modeling Advisory Committee (MAC) reviews the work of the modeling consultants and District staff on a regular basis. The MAC includes representatives from BAAQMD, MTC, EPA, ARB, downwind air districts, industry, environmental groups, community groups, and transportation groups. The MAC has met 13 times to date.

The Ozone Working Group meets with staff of the BAAQMD, MTC, and ABAG throughout the planning process. All interested parties are encouraged to participate. Meeting notices are sent to an extensive list of city and county staff, elected officials, business/industrial groups, environmental and transportation organizations, social equity groups, state and national agencies, members of the public, and others. The agendas, meeting notes, handouts, and other notices are posted on the Air District website at <http://www.baaqmd.gov/pln/Plans/ozone/2003/workgroup/ozoneworkgrp.asp>.

To date, the Ozone Working Group has discussed the overall planning requirements and process, the public involvement process, suggestions for control measures, control measure evaluation criteria, and the ozone modeling process. The October 28, 2003 meeting will include a presentation and discussion regarding MTC's *Transportation 2030 Plan* and transportation-land use initiatives as well as further discussion regarding potential control measures.



## AGENDA NO 8b

Six community scoping meetings were held in September 2003. These meetings provided an opportunity for residents to meet with staff of the Air District, MTC, and ABAG to discuss the ozone planning process and provide suggestions for control measures. The scoping meetings were specifically requested by the Environmental Justice Air Quality Coalition. The meetings were held in Rodeo, Richmond, West Oakland, East San Jose, South East San Francisco, and East Palo Alto from 6:30 – 8:30 p.m. Representatives of the county health departments participated in the meetings in Richmond, Rodeo, East Palo Alto and San Francisco. Approximately 125 residents attended the community scoping meetings.

Participants at the community meetings suggested 50 control measure ideas. Stationary source measure ideas focused primarily on reducing refinery emissions. Mobile source measure ideas focused primarily on promoting alternative fuel vehicles and reducing diesel emissions. Transportation control measure ideas focused mainly on improving transit service and reducing transit fares. Staff will evaluate each suggested measure.

Other key issues raised at several of the community meetings included:

- Concerns about local health impacts of air pollution, particularly asthma
- Criteria for evaluating control measure suggestions
- Schedule for district rule development for refinery controls
- Schedule for ozone plan
- Health effects of diesel exhaust
- Charging for parking and higher bridge tolls
- Roles of the various agencies, e.g. EPA, ARB, BAAQMD, MTC
- Refinery flare emissions and flare controls
- Indoor air quality
- Cumulative impacts of air pollution in communities of color
- Reducing diesel truck emissions and impacts on neighborhoods
- Lack of health care data and services in communities near refineries, ports
- Access to information about air quality monitoring
- Need for more training and information about the District and its programs
- Freeways as air pollution hot-spots
- More focus on reducing particulate matter emissions

Staff recorded the comments made at each community meeting. We are currently preparing responses and will post the comments and staff responses on the District website and send a copy to the participants at the community meetings.

At the request of local groups, staff also conducted two community training sessions regarding ozone and ozone planning. These training sessions were held in Richmond and San Jose prior to the community scoping meetings in those locations. The training sessions were designed to help residents learn background information about ozone and the planning process to prepare for participation in the community scoping meetings.

Staff will hold additional community meetings when draft ozone strategies are available for public review.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Peter Hess  
Deputy Air Pollution Control Officer

Prepared by: Jean Roggenkamp

FORWARDED: \_\_\_\_\_

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Inter-Office Memorandum

To: Chairperson Haggerty and  
Members of the Executive Committee

From: Peter Hess  
Deputy Air Pollution Control Officer

Date: October 22, 2003

Re: Status Report on 2003-04 Ozone Planning: Control Measure Evaluation

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

This report provides the status of the control measure evaluation process for the 2003/04 ozone planning process.

DISCUSSION

District staff continue to evaluate the wide range of control measure ideas for stationary and mobile sources. MTC staff are evaluating the transportation control measure ideas (approximately 120). Approximately 350 stationary and mobile source measures have been compiled from the following sources:

- Ozone Working Group
- Community meetings
- Other air districts's regulations, control measures and suggestions
- District Board members and Advisory Council
- Members of the public
- Previous Bay Area air quality plans
- District staff

The evaluation criteria are based on state and federal clean air laws, regulations, and guidance. These criteria include:

- Technological feasibility
- Total likely emission reductions
- Real, quantifiable, permanent, enforceable, and surplus
- Cost-effectiveness
- Rate (and timing) of emission reduction
- Potential adverse environmental impacts
- Socioeconomic impacts
- Public acceptability, including interests and concerns of community members

**AGENDA NO 8c**

To date, staff have conducted a preliminary review of over half of the measures. The breakdown of the control measure evaluation process is as follows:

	<u># of measures</u>
Already implemented	18
Potentially viable measures	12
Further study needed	7
State or Federal Jurisdiction	67
Need funding	28
Need legislative authority	3
Negligible emission reductions	37
Not technically feasible	8
Not cost-effective	8
Under evaluation	162
TOTAL	350

Staff expect to complete a preliminary evaluation of all control measure ideas by the end of December 2003.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Peter Hess  
Deputy Air Pollution Control Officer

Prepared by: Jean Roggenkamp

FORWARDED: \_\_\_\_\_