

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

APPROVED 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

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.