



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

February 18, 2004

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. at the Metropolitan Transportation Commission MetroCenter located at 101 Eight Street, Oakland, California in the Lawrence D. Dahms Auditorium.

Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING A G E N D A

WEDNESDAY
FEBRUARY 18, 2004
9:45 A.M.

LAWRENCE D. DAHMS AUDITORIUM
METROCENTER - 101 EIGHT STREET
OAKLAND, CALIFORNIA

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance
Commendations/Proclamations

Scott Haggerty, Chairperson
Clerk of the Boards

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 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 Board's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.

CONSENT CALENDAR (ITEMS 1 – 7)

Staff/Phone (415) 749-

1. Minutes of January 21, 2004
M. Romaidis/4965
mromaidis@baaqmd.gov
2. Communications
J. Broadbent/5052
jbroadbent@baaqmd.gov
Information only
3. Report of the Advisory Council
E. Blake/4962
eblake@igc.org
4. Monthly Activity Report
P. Hess/4971
phess@baaqmd.gov
Activities for the month of January, 2004
5. Consider Establishing a New Classification of Principal Air Quality Chemist and Allocate the New Classification to Range 139 on the Professional Salary Schedule
J. Broadbent/5052
jbroadbent@baaqmd.gov
Consider approval of establishment of a new classification of Principal Air Quality Chemist and allocate the new classification to Range 139 on the Professional Salary Schedule.

6. Consider Authorizing Executive Officer/APCO to Execute Agreements to Continue Participation in the Congestion Mitigation and Air Quality Improvement (CMAQ) Program

J. Broadbent/5052

jbroadbent@baaqmd.gov

Consider approval of Resolution authorizing the Executive Officer/APCO to execute agreements necessary to continue receiving CMAQ funding used by the Air District to fund the public outreach and related components of the Spare the Air program.

7. District Personnel on Out of State Travel

W. Tanaka/5066

wtanaka@baaqmd.gov

COMMITTEE REPORTS AND RECOMMENDATIONS

8. Report of the **Regional Agency Coordinating Committee** Meeting of January 23, 2004

CHAIR: M. DeSAULNIER

J. Broadbent/5052

jbroadbent@baaqmd.gov

9. Report of the **Stationary Source Committee** Meeting of January 26, 2004

CHAIR: M. DeSAULNIER

J. Broadbent/5052

jbroadbent@baaqmd.gov

10. Report of the **Public Outreach Committee** Meeting of February 9, 2004

CHAIR: M. ROSS

J. Broadbent/5052

jbroadbent@baaqmd.gov

Action: The Committee recommends Board of Directors approval of the following:

A) Referral of a transfer in the amount of \$130,000 from Reserves for Contingencies to implement the Lawn Mower Buyback Programs for the 2004 Spring time campaign to the Budget and Finance Committee for consideration.

B) Staff recommendations of contractors for media, advertising, youth, measurement and community outreach programs for a one-year period with the possibility of continuing the contracts for two additional one-year periods.

OTHER BUSINESS

11. Report of the Executive Officer/APCO

12. Chairperson's Report

OPEN SESSION

13. Board Members' Comments

Any member of the Board, 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)

14. Environmental Community Tour of Oakland: **Itinerary**

10:00 a.m.

Bus departs **MTC** for **West Oakland**

10:10 a.m.

Bus arrives 1384 5th Street at Mandela Parkway, next to the former LeSaffre/Red Star Yeast building. We will view the neighborhood next to the former Yeast plant and take a short walk in the neighborhood while discussing Red Star, vinyl chloride contamination site, South Prescott Park, freeway and diesel issues.

10:40 a.m.

Bus departs for the **Port of Oakland** for a quick drive by the area surrounding the port facilities. From 5th & Mandela Parkway, proceeding down Mandela to 7th Street then afterwards turning left onto 7th; down 7th Street to Maritime Street; turning right on Maritime, heading down Maritime to West Grand Avenue; turning right on West Grand, going down West Grand to Mandela Parkway; turning right onto Mandela, then going down Mandela to 7th Street; turning left onto 7th, heading to East Oakland (via 7th Street); continuing down 7th Street past Broadway to 14th Avenue; going left two blocks and making a right on East 14th/International Boulevard; proceeding through the Fruitvale District on East 14th/International, then making a right onto High Street and getting onto 880 South; going down 880 South and exit at Hegenberger (turn left onto Hegenberger, headed north). During this part of the tour the participants will discuss **Owens Brockway** and **IES** issues and see the community near to the industrial facilities and the freeway.

Off Hegenberger, the bus will turn right onto San Leandro Avenue, then go down San Leandro to the American Brass & Iron Company, 7825 San Leandro Avenue, (just past 77th Avenue, but before 81st St).

11:25 a.m.

Arrive at **American Brass & Iron Company**, 7825 San Leandro Avenue, near 81st Street

11:35 a.m.

Bus drives one block to **ACORN Woodland School**

11:40 a.m.

Arrives **ACORN Woodland School**, 1025 81st Avenue, for a community presentation about the nearby pollution sources and cumulative impacts.

Noon

Return to **MTC**, via 880 North.

15. Place of Next Meeting - 9:45 a.m., Wednesday, March 3, 2004 -939 Ellis Street, San Francisco, CA 94109
16. Adjournment

JPB:mag

CONTACT CLERK OF THE BOARD - 939 ELLIS STREET SF, CA 94109

(415) 749-4965
FAX: (415) 928-8560
BAAQMD homepage:
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 3 working days prior to the date of the meeting, so that arrangements can be made accordingly.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 4, 2004

Re: Board of Directors' Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Board of Directors meeting of January 21, 2004.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors' meeting of January 21, 2004.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Draft Minutes: Board of Directors Regular Meeting – January 21, 2004

Call To Order

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

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Chris Daly, Mark DeSaulnier, Jerry Hill, Liz Kniss (10:06 a.m.), Patrick Kwok, Jake McGoldrick (10:02 a.m.), Nate Miley, Julia Miller (9:54 a.m.), Dena Mossar, Mark Ross, Marland Townsend, Gayle Uilkema, Brad Wagenknecht.

Absent: Willie Brown, Roberta Cooper, John Silva, Tim Smith, Pam Torliatt, Shelia Young.

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

Commendations/Proclamations: There were none.

Chairperson Haggerty made the following announcements: 1) Based on the results received from a survey of the Board members, the Standing Committee assignments will remain the same for 2004, with the exception of the Personnel Committee. Director Hal Brown has been appointed Chair of the Personnel Committee, Director Kwok has been appointed Vice-Chair, and Director Ross has been added to the Committee. 2) Director Mossar's term ends on March 6, 2004 and she has elected not to seek re-appointment to the Air District Board. An item will be put on the March 3, 2004 agenda in honor of Director Mossar's service to the District. 3) The Santa Clara County City Selection Committee has appointed Mayor Erin Garner to the Air District's Board to replace Director Mossar and he will be sworn in at the March 17, 2004 Board meeting. 4) Deputy Director Maria Ayerdi has resigned from the Board as of January 16, 2004. A plaque will be sent to Ms. Ayerdi for her service to the District.

Public Comment Period: There were none.

Consent Calendar (Items 1 - 7)

1. Minutes of January 7, 2004
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council. *There was no report.*
4. Monthly Activity Report – *Activities for the month of December 2003.*
5. Quarterly Report of Air Resources Board Representative Director Mark DeSaulnier

6. Quarterly Report of the Clerk of the Boards
7. Approval of Proposed Amendment to Administrative Code Division I, Section: 2.1: Officers of the Board

Considered approval of proposed amendment to Administrative Code Division I, Section 2.1: Officers of the Board as noticed at the January 7, 2004 meeting. The proposed amendment clarifies the reference to term limits in the same Board office.

Board Action: Director Townsend moved approval of the above Consent Calendar items, seconded by Director Wagenknecht; carried unanimously by acclamation.

Committee Reports and Recommendations

8. Report of the Mobile Source Committee Meeting of January 8, 2004

Action(s): The Committee recommended approval of the following:

- A) *Modification to the Transportation Fund for Clean Air (TFCA) Policies and Evaluation Criteria for the FY 2004/2005 funding cycle, as proposed by staff, and an additional modification, to delete the work "diesel" from the second line of paragraph (c) of proposed Policy Number 33;*
- B) *Approved selection of Macias, Gini & Company as the auditor to conduct fiscal audits of 54 TFCA Program Manager projects;*
- C) *Approved selection of Environmental Engineering Studies, Pick-N-Pull, and Pick Your Part as contractors for the FY '03/04 Vehicle Buy Back Program and authorized the Executive Officer/APCO to execute contracts up to \$900,000 with Environmental Engineering Studies; \$1,300,000 with Pick-N-Pull; and \$1,300,000 with Pick Your Part to provide vehicle scrapping and related services; and*
- D) *Approved allocation of \$60,000 in TFCA funds as an amendment to the FY '03/04 Santa Clara County Program Manager TFCA expenditure program for Santa Clara County Transportation Authority's Downtown Area Shuttle (DASH) Retrofits.*

Director Hill presented the report and stated that the Committee met on Thursday, January 8, 2004 and staff presented a report on the Transportation Fund for Clean Air (TFCA) Policies and Evaluation Criteria for FY 2004/05. Staff reviewed proposed policy revisions for Policy # 27 (Clean Air Vehicle Weights), Policy # 32 (Heavy-Duty Vehicle Replacement), and Policy # 33 (Reducing Emissions from Existing Heavy-Duty Diesel Engines). Staff reviewed the proposed New Policy # 39 (Ridesharing). After considering comments received on Policy #39, staff proposes to delete the new ridesharing policy in order to allow for additional analysis and discussion. There were five public speakers on this agenda item. Staff will prepare guidelines and report back to the Board should issues develop.

There was discussion on a list of alternative fuels to diesel and which would qualify under the California Air Resources Board (CARB) criteria. Once the fuels are verified by CARB,

they can be included in the list. Staff agreed to delete the word “diesel” in the first sentence of TFCA Policy #33, c).

Staff presented a report on the selection of an auditor for the Transportation Fund for Clean Air County Program Manager Fund Projects. The Committee recommends the Board approve the selection of Macias, Gini & Company as the auditor to conduct fiscal audits of 54 TFCA Program Manager Projects.

Staff presented a report on the contractor selection for the Vehicle Buy Back Program vehicle dismantlers. The Committee recommends the Board 1) approve Environmental Engineering Studies, Pick-N-Pull, and Pick Your Part as the contractors for the FY 03-04 Vehicle Buy Back Program, and 2) authorize the Executive Officer/APCO to execute contracts up to \$900,000 with Environmental Engineering Studies; \$1,300,000 with Pick-N-Pull; and \$1,300,000 with Pick Your Part to provide vehicle scrapping and related services.

Staff presented a report on an Amendment to the Santa Clara County Program Manager Expenditure Program to add the Santa Clara Valley Transportation Authority (VTA) Downtown Area Shuttle (DASH) Retrofits project. The project will retrofit four buses with Cleaire Longview particulate filters. The Committee recommends the Board approve the allocation of \$60,000 in TFCA funds as an amendment to the FY 2003/04 Santa Clara County Program Manager TFCA expenditure program for VTA’s DASH retrofits.

It was noted that the follow-up item for staff from the November 13, 2003 meeting will be presented to the Committee in February. The next meeting of the Committee is scheduled for 9:30 a.m., Thursday, February 26th.

Board Action: Director Hill moved the Board approve the recommendations of the Mobile Source Committee; seconded by Director Mossar; carried unanimously without objection.

9. Report of the Legislative Committee Meeting of January 14, 2004

Action: The Committee recommended approval of co-sponsoring legislation to improve the Smog Check program

Director Wagenknecht presented the report and stated that the Committee met on Wednesday, January 14, 2004 and staff presented a summary of the Governor’s Proposed Budget, and emphasized that the impact of California’s Fiscal Year 2004-05 budget on the District is unclear. This is both because the impact of the Governor’s proposal on the District is ambiguous, and because the Governor’s proposal is not the final, adopted budget. Some of the major points in the budget timeline were presented:

- The \$15 billion bond measure will be on the March 2nd ballot, and its fate will dramatically affect the final budget.
- About May 14th the Governor will release a revised version of his budget proposal.
- From May to June, the Senate and Assembly will finalize their budgets, which are consolidated in Conference Committee.
- June 15th is the deadline for the Legislature to enact the Budget bill.
- Recent budgets have actually been enacted in July, August, and September.

Staff noted that the Governor's proposal keeps subvention at the same level as the previous two years. The District's share would be \$1.8 million, which is down from \$2.6 million in fiscal year 01-02. The Governor does not propose an increase in fees that stationary sources pay to the Air Resources Board.

Most significantly, staff reported that the Governor's proposal would shift \$1.3 billion of property taxes from local governments to the State. The Governor's proposal does not specify that the District is included in this shift, and if the District is, how much property tax would be taken. Property tax revenues of \$15.5 million are 37% of the Air District's current operating budget. Staff also noted that there is little support in the Legislature for any additional Educational Reimbursement Augmentation Fund (ERAF) shifts.

Staff presented a proposal that the Air District co-sponsor a bill to end the rolling 30-year exemption for Smog Check. The measure would simply require that all vehicles currently in the Smog Check program remain in the Smog Check program in the future. The Planning and Conservation League and the California Council for Economic and Environmental Balance would like to join the District in sponsoring such a bill. The Committee recommends the Board approve the staff recommendation. The next meeting of the Legislative Committee will be at the Call of the Chair.

Board Action: Director Wagenknecht moved the Board approve the recommendation of the Legislative Committee and accept the report; seconded by Director Daly.

Director Townsend noted that it is important to understand the \$15 billion bond will be on the March ballot as Proposition 57 with the companion piece as Proposition 58 and that if either one of them fails, the other also fails. The motion then passed without objection.

Public Hearings

10. Public Hearing 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 implement Control Measure SS-17 from the 2001 San Francisco Bay Area Ozone Attainment Plan 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).

Alex Ezersky, Air Quality Specialist, presented the report and stated that this proposed amended regulation is necessary to fulfill the Air District's obligation to adopt Control Measures SS-17 as specified in the Bay Area 2001 Ozone Attainment Plan.

Mr. Ezersky stated that this regulation is intended to control the emissions of organic compounds from process vessel depressurization during major turnarounds (major maintenance activities). Mr. Ezersky compared the existing rule with the proposed amendments and reviewed the emission reductions and costs associated with the amended rule. Mr. Ezersky noted that during the rule development process, the Air District conducted community informational meetings, developed a technical workgroup and held a public workshop at the end of October. The amended rule will prevent the potential

emissions of approximately one ton per day and the added monitoring requirements will allow the collection of emission data that will be useful for future planning. This is one of the last two rules that would complete the stationary source control measures discussed in the 2001 Ozone Attainment Plan.

Staff recommended that the Board adopt the proposed amendments to Regulation 8, Rule 10 and approve the California Environmental Quality Act (CEQA) Negative Declaration.

Director Townsend moved to open the Public Hearing at 10:06 a.m. There were no speakers. At 10:18 a.m., Director Mossar moved to close the Public Hearing for Agenda Item 10; seconded by Director Townsend; carried unanimously without objection.

Board Action: Director Townsend moved adoption of the proposed amendments to Regulation 8, Rule 10: Process Vessel Depressurization and approve the California Environmental Quality Act Negative Declaration; seconded by Director H. Brown; carried with the following Board members voting:

AYES: H. Brown, Daly, DeSaulnier, Hill, Kniss, Kwok, McGoldrick, Miley, Miller, Mossar, Ross, Townsend, Uilkema, Wagenknecht, Haggerty.

NOES: None.

ABSENT: W. Brown, Cooper, Silva, Smith, Torliatt, Young.

Adopted Resolution No. 2004-01: A Resolution of the Board of Directors of the Bay Area Air Quality Management District Approving the Negative Declaration for Proposed Amended Regulation 8: Organic Compounds, Rule 10: Process Vessel Depressurization

A Resolution of the Board of Directors of the Bay Area Air Quality Management District Amending Regulation 8: Organic Compounds, Rule 10: Process Vessel Depressurization

11. Public Hearing to Consider Approval of Proposed Amendments to District Regulation 8, Rule 18: Equipment Leaks

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

Victor Douglas, Air Quality Specialist, presented the report and reviewed the sources and possible causes of fugitive emissions; and noted that each refinery has thousands of valves and connections, hundreds of pumps and compressors, and numerous other components. Mr. Douglas reviewed the proposed amendments, the emission reductions, and the costs.

Mr. Douglas noted this rule-making process was initiated by a commitment in the District's 2001 Ozone Attainment Plan to include Best Available Control Technology (BACT) replacement for valves. During the rule development process, the Air District conducted community informational meetings, developed a technical workgroup, and held a public

workshop. This is the final measure to fulfill the District's 2001 Ozone Attainment Plan commitments. Adoption of these amendments implements Control Measure SS-16 and would reduce organic emissions by 0.2 tons per day.

Staff recommended the Board adopt the proposed amendments to Regulation 8, Rule 18: Equipment Leaks as proposed and approve the CEQA Negative Declaration.

Board Action: Director H. Brown moved the Board adopt the proposed amendments to Regulation 8, Rule 18: Equipment Leaks and approve the CEQA Negative Declaration; seconded by Director Townsend.

In reply to a question from Director H. Brown, Jack Broadbent, Executive Officer/APCO, stated that the District is at a point where there are not many reductions that can come from stationary sources. The amendments to these two regulations, although they may be expensive with respect to cost-effectiveness, are the last commitments as part of the Ozone Attainment Plan.

Chairperson Haggerty opened the Public Hearing at 10:17 a.m. There being no speakers, Director H. Brown moved to close the Public Hearing at 10:18 a.m.; seconded by Director Townsend; carried. The motion to adopt the staff recommendation on the proposed amendments to Regulation 8, Rule 18 carried with the following Board members voting:

AYES: H. Brown, Daly, DeSaulnier, Hill, Kniss, Kwok, McGoldrick, Miley, Miller, Mossar, Ross, Townsend, Uilkema, Wagenknecht, Haggerty.

NOES: None.

ABSENT: W. Brown, Cooper, Silva, Smith, Torliatt, Young.

Adopted Resolution No. 2004-02: A Resolution of the Board of Directors of the Bay Area Air Quality Management District Approving the Negative Declaration for Proposed Amended Regulation 8: Organic Compounds, Rule 18: Equipment Leaks at Petroleum Refineries, Chemical Plants, Bulk Plants and Bulk Terminals

A Resolution of the Board of Directors of the Bay Area Air Quality Management District Amending Regulation 8: Organic Compounds, Rule 18: Equipment Leaks at Petroleum Refineries, Chemical Plants, Bulk Plants and Bulk Terminals

The Public Hearing on Agenda Item 10 was also closed at 10:18 a.m.

Presentation

12. Summary of Environmental Community Tour

Staff provided a summary of the Environmental Community tour and the Air District's response to questions raised during the tour.

Mr. Broadbent updated the Board on issues raised at the January 7, 2004 Environmental Community tour and briefly summarized how the Air District is addressing the concerns. The issues included the following:

1. Title V Permits.
2. Interchangeable emission credits (IERCs).
3. Toxic risk at gasoline stations/communicating in multiple languages.
4. Local air quality monitoring.
5. Cumulative risk assessment.
6. Dioxin emissions from a local steel drum facility.
7. Diesel truck emissions.

The following members of the public spoke on this item:

Terrence Valen
Communities for a Better Environment
Oakland, CA 94612

Marie Harrison
Greenaction
San Francisco, CA 94109

Joshua Abraham
Literacy for Environmental Justice
San Francisco, CA 94587

William Deloatch
PUEBLO

Bradley Angel
Greenaction
San Francisco, CA 94102

There was discussion on what steps the Air District could take to facilitate the closure of the Pacific Gas & Electric Plant.

Chairperson Haggerty stated that the District staff would work with the community groups to set up an Environmental Community tour in Oakland as soon as possible.

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

Other Business

13. Report of the CEO/Executive Secretary - Mr. Broadbent reported on the new security badges at each Board members' place and noted they are part of the new upgrade to the security of the building.
14. Chairperson's Report – Chairperson Haggerty stated he had no additional report to make.

Director Kniss introduced Aaron Starr, her new land-use policy aide.

Closed Session (The Board adjourned to Closed Session at 10:49 a.m.)

15. 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:

- A. **Alvin J. Greenberg, Ph.D. v. Bay Area AQMD**, United States District Court, N.D. Cal., Case No. C 02 1501 VRW
- B. **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
- C. **Communities for a Better Environment v. Bay Area AQMD, Dow Chemical, Real Party in Interest**, San Francisco County Superior Court, Case No. _____ (New Case)

Open Session (The Board reconvened to Open Session at 11:12 a.m.)

Brian Bunger, Counsel, reported that the Board met in Closed Session on agenda Items 15A, B and C and stated that the Board heard a status report from Counsel on each of the cases and provided general direction to Counsel on each of the items.

- 16. Board Members' Comments: Director Daly stated that the City and County of San Francisco is looking at hydrogen fuel cell vehicles and requested if staff could do a comparison of the alternative technologies for vehicles that would help in the City's decision making. Mr. Broadbent noted that the District has already done some work on this issue and that the state has approached the Air District to be a part of the California Fuel Cell Partnership. Staff will provide a report to Director Daly.
- 17. Time and Place of Next Meeting - 9:30 a.m., Wednesday, February 4, 2004, 939 Ellis Street, San Francisco, California.
- 18. Adjournment: The meeting was adjourned at 11:14 a.m.

Mary Romaidis
Clerk of the Boards

mr

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and Members of the Board of Directors

From: Elinor Blake, Advisory Council Chairperson

Date: February 10, 2004

Re: Advisory Council Work Plan for 2004

RECOMMENDED ACTION: Receive and file.

DISCUSSION:

Set forth below for your information is the Advisory Council work plan for 2004 as developed at the January 14, 2004 Retreat:

- 1) Review the control measures for volatile organic compounds (VOCs), nitrogen oxides (NO_x) and particulate matter (PM) in the South Coast AQMD attainment plan recently approved by the Air Resources Board (ARB) and make recommendations to the Air Pollution Control Officer (APCO) for implementing them in the Bay Area. *Assigned jointly to the Air Quality Planning and Technical Committees. Comments due in the spring.*
- 2) Review and provide comments to the APCO on the draft Bay Area AQMD State and Federal Air Quality Attainment and Maintenance Plans. Continue participation on the Modeling Advisory Committee and the Ozone Working Group. *Assigned to the Air Quality Planning and Technical Committees. Comments due in the Spring.*
- 3) Review and provide comments to the APCO on the ARB mobile source emission calculation model and its impact on the development of Bay Area attainment plans for ozone. *In addition to hydrocarbons (HC) and nitrogen oxide (NO_x), nitrogen dioxide (NO₂) and other reactive organics such as formaldehyde may be evaluated to better assess relative reactivity. Assigned to the Technical Committee with a long-range time frame for study and use in future plan development.*
- 4) Review studies and provide comments to the APCO on the impact of further NO_x emission reductions on the attainment of the National and State ozone standards in the Bay Area. *Assigned to the Technical Committee with a long-range time frame for use in air quality management planning.*
- 5) Review and provide comments to the APCO on the Toxic New Source Review (NSR) Rule amendments. *Assigned to the Public Health Committee. Recommendations to the full Council due in May.*

- 6) Review and provide comments to the APCO on the draft California Environmental Protection Agency (Cal-EPA)/ARB Environmental Justice implementation protocols. *Assigned to the Public Health Committee. Comments due during the first half of 2004.*
- 7) Review the role of fuel cells, hydrogen, liquid natural gas (LNG) and compressed natural gas (CNG) in fueling the transportation sector of California and the Bay Area. Make recommendations pertaining to the benefits and disadvantages of each technology. *Assigned to the Air Quality Planning and Technical Committees for longer-term analysis.*
- 8) Consider the role of the District in evaluating indoor air quality. What does regulatory authority provide, or is the District's role advisory? *Assigned to the Public Health Committee for long-term review.*
- 9) Complete the review of whether the optical fence line monitoring technology in operation at the ConocoPhillips Refinery in Rodeo should be applied to other refineries and chemical plants in the Bay Area. *Public Health Committee assignment continued from 2003, due mid-year or during the second half of 2004.*
- 10) Identify communities disproportionately impacted by air pollution, and evaluate the air pollution impacts of construction site activities on communities. *Assigned to the Public Health Committee for review in the second half of 2004.*
- 11) Receive an update on Smog Check II and on the implementation of Advisory Council recommendations adopted in 2003 to improve the state's vehicle inspection and maintenance program. *Assigned to the Air Quality Planning Committee for review at mid-year or thereafter.*
- 12) Review Smart Growth implementation and its connection with transit mode shift and regional transportation planning. *Assigned to the Air Quality Planning Committee for review at or after mid-2004.*
- 13) Review and provide comments to the APCO on the impact of daylight savings time on peak ozone concentrations with respect to the one hour and eight hour ozone standards. This topic will be deferred to later in the year pending completion of other topics.

Respectfully submitted,

Elinor Blake
Advisory Council Chairperson

Prepared by: James N. Corazza

FORWARDED BY: _____

EB:jc

Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 18, 2004

Re: Report of Division Activities for the month of January 2004

RECOMMENDED ACTION:

Receive and file.

Reviewed by: Peter Hess

ADMINISTRATIVE SERVICES DIVISION – W. TANAKA, DIRECTOR

Work on the annual independent financial audit was conducted during the month with 90% of the work completed. Staff prepared and collected information for the auditors as needed. The results of the audit will be presented to the Budget and Finance Committee at a future meeting.

Budget preparations continued with no additional guiding information from the State other than what was released by the Governor on January 9, 2004. Though nothing specific pertaining to Special Districts was presented, staff began budget preparations after receiving prep packages. Guidelines and possible scenarios and contingency plans will be discussed at a senior staff meeting on February 3, 2004.

Status of various capital projects in process:

	<u>Started</u>	<u>% Complete</u>	<u>Estimated Completion</u>
➤ Phase II HVAC upgrade	3/2003	75%	3/2004
➤ Main Entry Upgrade	10/2003	99%	2/2004
➤ Photo ID & Security System	9/2003	100%	
➤ Roof Replacement	11/2003	95%	2/2004

COMPLIANCE & ENFORCEMENT DIVISION – K. WEE, DIRECTOR

The Gasoline Dispensing Facility (GDF) staff continues to distribute Compliance Assistance Advisories for operators of underground gasoline tanks. This Advisory is to alert all facilities of the April 1, 2005 deadline for meeting the California Air Resources Board Phase I Emission Vapor Reduction (EVR) and On-Board Refueling Vapor Recovery (ORVR) Compatibility requirements. Nine hundred (900) copies of the Advisory were sent out on January 7, 2004 to the permitted non-retail GDF operators. Staff expects to mail an additional

4,000 advisories to retail, non-retail, and possible unpermitted, non-retail stations, source-testing contractors, California Unified Program Agency's, and GDF engineering and parts suppliers. City and county public works and corporation yards are likely subject to the state requirements and may need upgrades to comply.

The Director provided testimony at a January 9 hearing of the Assembly Select Committee on California Ports, regarding idling diesel truck inspections at the Port of Oakland. Ambient air canister sampling was conducted on January 9 and 22 in Pleasanton related to ongoing asphalt odors in the area. The Dry Cleaners workgroup met on January 14 and continued discussion on the proposed Regulation 2, Rule 5, Toxics NSR, the pending changes to the State ATCM, and the Green Earth alternative solvent. Two county green business coordinators (San Francisco and Contra Costa) also attended to present their pending initiative, a Green Business certification for non-perc and non-Green Earth garment cleaners. Staff attended the ABAG Green Business County Coordinators' Meeting on January 16. A review of each active county's procedures with the District was conducted, including Contra Costa, Alameda, Santa Clara and Marin. San Francisco is starting up a new program. Staff met with District Counsel on January 23rd to discuss appropriate strategy for further investigation into an asbestos failure to notify case. Staff participated in a conference call to the joint ARB Federal Land Managers Smoke Management Program Status Meeting in Sacramento on January 27, 2004. Staff plans to voluntarily submit the District's updated Smoke Management Program to the State but continue to exercise the District's exemption from the provisions of Title 17 regarding open burning.

(See Attachment for Activities by County)

ENGINEERING DIVISION – B. BATEMAN, DIRECTOR

Permit Evaluation Activity

Work continued in January on making improvements to the Title V permits issued to Bay Area refineries. The District plans to reopen and reissue these Title V permits. Presentations on trichloroethylene (TCE) in ambient air, and risk analysis of known TCE sources, were made to the Northeast Mountain View Advisory Council and the Restoration Advisory Board, NAS Moffett Field. A health risk assessment was completed for a crematory in Emeryville due to changes in land-use that have resulted from a Brownfield redevelopment project. A health risk assessment was initiated for a drum reconditioning facility located in the Bayview area of San Francisco. Rule development activities continued on Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants. Due to delays in the release of health risk assessment software tools by CAL/EPA, this rule is not expected to be presented for adoption by the District's Board of Directors until the second half of 2004.

Toxics Program

Presentations on trichloroethylene (TCE) in ambient air, and risk analysis of known TCE sources, were made to the Northeast Mountain View Advisory Council and the Restoration Advisory Board, NAS Moffett Field. A health risk assessment was completed for a crematory in Emeryville due to changes in land-use that have resulted from a Brownfield redevelopment project. A health risk assessment was initiated for a drum reconditioning facility located in the Bayview area of San Francisco. Rule development activities continued on Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants. Due to delays in the release of health risk assessment software tools by CAL/EPA, this rule is not expected to be presented for adoption by the District's Board of Directors until the second half of 2004.

INFORMATION SYSTEMS DIVISION – J. McKAY, DIRECTOR**Enterprise Resource Planning (ERP) Project for Air District Financial Systems**

JDE Budgeting is in use. The Administration Mitchell Humphrey cutover will occur at the beginning of the new fiscal year.

Meanwhile, Administration and Human Resources focus on modeling of business processes. Modeling Design for HR and Payroll involves significant innovation because these systems are currently paper based.

The first phase of implementation will not only replace the old Mitchell Humphrey's financial system, but will also absorb a small portion of the function currently in the IRIS/Databank system. The interfaces between JDE and the Districts' Engineering/Production systems (IRIS/Databank) have shown initial successful trials. Determination of appropriate tool sets and functional design for the Districts' future Engineering/Production Systems (used by Permits, Enforcement and Legal) continues as a separate, but linked, process.

Toolsets for Permits/Enforcement/Legal

High-level functional design and toolset evaluations are ongoing with Engineering. The process of determining high-level system architecture will continue concurrent with the ERP implementation. This process will further mature in the first half of the calendar year, and will then receive full staffing as the ERP implementation completes.

Web Site Development

The roadmap for the next phase of the new site is under development. Infrastructure Development for web based query capability has initiated.

LEGAL DIVISION – B. BUNGER, DISTRICT COUNSEL

The District Counsel's Office received 96 Violations reflected in Notices of Violation ("NOVs") for processing.

Mutual Settlement Program staff initiated settlement discussions regarding civil penalties for 139 Violations reflected in NOVs. In addition, Mutual Settlement Program staff sent 24 Final 30 Day Letters regarding civil penalties for 45 Violations reflected in NOVs. Finally, settlement negotiations by Mutual Settlement Program staff resulted in collection of \$77,986 in civil penalties for 141 Violations reflected in NOVs.

Counsel in the District Counsel's Office initiated settlement discussions regarding civil penalties for 1 Violation reflected in NOVs. Settlement negotiations by counsel in the District Counsel's Office resulted in collection of \$95,070 in civil penalties for 29 Violations.

PLANNING DIVISION – J. ROGGENKAMP, DIRECTOR

Planning staff hosted two Ozone Working Group meetings to present and discuss preliminary findings regarding 370 ozone control measure suggestions. Staff attended the California Air Resources Board's State Implementation Plan Summit. Staff presented a report to the Stationary Source Committee regarding the implementation status of the ozone control measures in the Bay Area 2001 Ozone Attainment Plan (implementation complete with the adoption by the Board of amendments to Regulation 8-10 and Regulation 8-18 on January 21,

2004), the refinery further study measures in the 2001 Plan, and the evaluation of the 370 ozone control measure suggestions. Staff presented a status report to the Regional Agency Coordinating Committee regarding the current ozone planning process. Staff presented for Board approval the FY 2004/05 Policies and Criteria for the Transportation Fund for Clean Air (TFCA), the selection of an auditor for the TFCA County Program Manager projects, and the selection of contractors to continue the vehicle buy back program. The District's current vehicle buy back contractors purchased 276 vehicles in January 2004. Staff wrote five comment letters regarding air quality impacts of development projects and plans in the Bay Area: Vineyards at Marsh Creek (City of Brentwood), Crow Canyon Specific Plan (City of San Ramon), Northeast Area Specific Plan (City of Rohnert Park), Gilroy Super Wal-Mart (City of Gilroy), and Housing Opportunities Study III General Plan Amendments (City of San Jose). Staff also requested an update from the Port of Oakland on the Port's air quality mitigation program for the Oakland International Airport Development Program.

PUBLIC INFORMATION & OUTREACH – T. GALVIN LEE, DIRECTOR

The District's wintertime outreach program continued its efforts to educate the public and reduce pollution from wood smoke. The wintertime advertising campaign and the Santa Clara Woodsmoke Program continued into January with placement on local radio and print media. Numerous Santa Clara newspapers featured articles about the program throughout the month. Several cities also displayed program information on their websites and distributed brochures. A bill insert about the program was mailed to City of San Jose residents, and customers of Silicon Valley Power.

Coordination continued on the spring lawn mower buy-back programs. Thus far six counties would like to participate including San Francisco, San Mateo, Contra Costa, Solano, Napa, and Sonoma Counties, and the City of Sunnyvale. The buy-back programs will be one-day events beginning in April and continuing through May at local Home Depot stores. A \$100 rebate will be offered to residents who recycle their old gas mowers and purchase one of the featured Black & Decker electric models.

During the month, filming and script revisions for the District video were completed. Staff reviewed 24 Spare the Air RFP proposals, and interviews were conducted with sixteen finalists. Winners were selected, and are undergoing certification by the District's accountants. The District received \$318,287 reimbursement of CMAQ funds.

TECHNICAL DIVISION – G. KENDALL, DIRECTOR

Air Monitoring

Particulate monitors for PM_{2.5}, including six BAM (continuous PM_{2.5}) monitors, continued their enhanced wintertime sampling schedules at all designated stations. Ozone monitors at eight stations are shut down during the low ozone winter period as authorized under a waiver granted by the EPA.

Meteorology and Data Analysis

October 2003 air quality data were input into the EPA AQS system. A new meteorological station was installed in Napa, but is not yet operational, because the electric power service has

not been connected. The Livermore upper air profiler was not operational, due to an amplifier failure; the amplifier has been sent to the factory for repair.

Quality Assurance

Mobile air monitoring for sulfur compounds was performed in the vicinity of Vulcan Materials and Granite Construction in Pleasanton on 1/9/04 at the request of Enforcement Division. System audits were completed at the San Rafael and San Francisco-Arkansas air monitoring stations.

Air Quality

There were no days in January when the air quality reached the Unhealthful category (AQI >150) for PM_{2.5}. After a strong storm passed through the District on New Years Day, the next 22 days had light easterly surface winds and strong high pressure over the area, which allowed particulate air quality levels to increase. This resulted in 22 days of Moderate air quality levels (51-100 AQI) across the District. In addition, Unhealthful for Sensitive Groups air quality levels (101-150 AQI) were experienced at San Francisco on the 12th, and San Jose on the 13th. Air quality improved during the last week of the month when several cold fronts passed through the District reducing the particulate levels to Good (AQI < 51) or very low-Moderate categories.

Laboratory

In addition to the ongoing, routine analyses performed by the lab, four ambient air samples collected on two separate occasions from the vicinity of Vulcan Materials and Granite Construction in Pleasanton were analyzed for reduced sulfur compounds and total hydrocarbons.

Source Test

Ongoing Source Test activities included Continuous Emissions Monitoring (CEM) Field Accuracy Tests, source tests, gasoline cargo tank testing, and evaluations of tests conducted by outside contractors. The ConocoPhillips Refinery's open path monitor monthly report for the month of December was reviewed. The Source Test Section continued to participate in the District's Further Studies Measures for refineries.

These facilities have received one or more Notices of Violations Report period: January 1, 2004 – January 31 2004

Alameda County

Status Date	Site Name	City	Regulation Title
1/6/2004	Warmington Homes	Alameda	Asbestos Demolition, Renovation and Manufacturing
1/9/2004	Campus Mini-Mart	Berkeley	Gasoline Dispensing Facility
1/29/2004	Bel Aire Displays	Emeryville	Permit to Operate
1/6/2004	P. W. Stephens, Inc.	Fremont	Asbestos Demolition, Renovation and Manufacturing
1/20/2004	Smart Cleaners	Fremont	Perchloroethylene & Synthetic Solvent Dry Cleaning Operations
1/6/2004	98th Ave Gas & Food	Oakland	Authority to Construct; Permit to Operate and Gasoline Dispensing Facility
1/6/2004	Auto Passion	Oakland	Motor Vehicle and Mobile Equipment Coating Operations
1/6/2004	W H Strehle Company, Inc	Oakland	Motor Vehicle and Mobile Equipment Coating Operations
1/29/2004	California Readymix Inc	Oakland	Failure to Meet Permit Conditions
1/12/2004	Valleycare Medical Center	Pleasanton	Failure to Meet Permit Conditions

Contra Costa County

Received Date	Site Name	City	Regulation Title
1/29/2004	American Roofing Industries Corp	Antioch	Failure to Meet Permit Conditions
1/29/2004	West Cleaners	Antioch	Petroleum Dry Cleaning Operations
1/14/2004	SFPP, L P	Concord	Parametric Monitoring & Recordkeeping Procedures; Failure to meet Permit Conditions
1/14/2004	ConocoPhillips Corporation	Martinez	Failure to Meet Permit Conditions; Storage of Organic Liquids
1/6/2004	Shell Martinez Refinery	Martinez	Failure to Meet Permit Conditions; Gasoline Dispensing Facility
1/14/2004	Tesoro Refining and Marketing Co.	Martinez	Equipment Leaks
1/6/2004	Chevron Inc	Richmond	Equipment Leaks
1/14/2004	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
1/29/2004	Tosco Refining Company	Rodeo	Failure to Meet Permit Conditions
1/7/2004	San Pablo Chevron	San Pablo	Authority to Construct; Permit to Operate

Marin County

Received Date	Site Name	City	Regulation Title
NONE			

Napa County

Received Date	Site Name	City	Regulation Title
1/6/2004	Clos Duval Vineyard	Napa	Open Burning

San Francisco County

Received Date	Site Name	City	Regulation Title
1/6/2004	AJC Autobody	San Francisco	Motor Vehicle and Mobile Equipment Coating Operations
1/6/2004	EC Auto Body	San Francisco	Motor Vehicle and Mobile Equipment Coating Operations
1/6/2004	Louis Roesch Company	San Francisco	Graphics Arts Printing and Coating Operations
1/9/2004	Monnachie Tamraz	San Francisco	Asbestos Demolition, Renovation and Manufacturing

San Mateo County

Received Date	Site Name	City	Regulation Title
1/8/2004	Silver Star Auto Body	Belmont	Motor Vehicle and Mobile Equipment Coating Operations
1/27/2004	Legacy Auto Body and Paint	Redwood City	Permit to Operate
1/6/2004	Michael Yurovitsky	Redwood City	Asbestos Demolition, Renovation and Manufacturing
1/28/2004	Magic Color Auto Body Shop Inc	San Bruno	Motor Vehicle and Mobile Equipment Coating Operations
1/12/2004	Acteron Corporation	San Carlos	Authority to Construct; Permit to Operate

Santa Clara County

Received Date	Site Name	City	Regulation Title
1/9/2004	Z-Best Composting Facility	Gilroy	Particulate Matter and Visible Emissions
1/23/2004	Andpak EMA Inc	Morgan Hill	Solvent Cleaning Operations
1/28/2004	NASA-AMES Research Center	Mountain View	NOx and CO from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters
1/28/2004	Genencor International	Palo Alto	Failure to Meet Permit :Conditions; NOx and CO from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters
1/14/2004	Camaro Cleaners	San Jose	Perc and Synthetic Solvent Dry Cleaning Operations
1/9/2004	Gas Recovery Systems, Inc	San Jose	Failure to Meet Permit Conditions; Solid Waste Disposal Sites

1/9/2004	HSR, Inc.	San Jose	Asbestos Demolition, Renovation and Manufacturing
1/20/2004	MMC Technology	San Jose	Failure to Meet Permit Conditions
1/22/2004	Service Station Systems, Inc	San Jose	Failure to Meet Permit Conditions
1/9/2004	USA Petroleum	San Jose	Authority to Construct; Permit to Operate
1/6/2004	Champion Auto Body & Repair	Santa Clara	Motor Vehicle and Mobile Equipment Coating Operations
1/9/2004	Global Satcom Technology	Santa Clara	Authority to Construct; Permit to Operate
1/9/2004	Italix Company, Incorporated	Santa Clara	Failure to Meet Permit Conditions
1/6/2004	Nelson's Cleaners	Santa Clara	Perc and Synthetic Solvent Dry Cleaning Operations
1/9/2004	Exact Image Printing	Sunnyvale	Failure to Meet Permit Conditions
1/9/2004	Valero Refining Co SS#7370	Sunnyvale	Gasoline Dispensing Facility

Solano County

Received Date	Site Name	City	Regulation Title
1/21/2004	Bonfare Market #36	Vallejo	Gasoline Dispensing Facility
1/6/2004	Rodriguez Hauling	Vallejo	Asbestos Demolition, Renovation and Manufacturing

Sonoma County

Received Date	Site Name	City	Regulation Title
1/27/2004	USA Petroleum	Cotati	Permit to Operate
1/20/2004	Ball Metal Beverage Container Corp	Fairfield	Failure to Meet Permit Conditions
1/28/2004	Gas Club	Petaluma	Failure to Meet Permit Conditions
1/20/2004	Applied Industrial Coatings	Rohnert Park	Surface Coating of Miscellaneous Metal Parts and Products
1/6/2004	Advanced Tech Collision	Santa Rosa	Motor Vehicle and Mobile Equipment Coating Operations
1/6/2004	Al Binder	Santa Rosa	Open Burning
1/6/2004	Brad Fruiht	Santa Rosa	Open Burning
1/28/2004	Empire Waste Management	Santa Rosa	Solvent Cleaning Operations
1/28/2004	Empire Waste Management	Santa Rosa	Surface Coating of Miscellaneous Metal Parts and Products
1/30/2004	Exchange Bank	Santa Rosa	Authority to Construct; Permit to Operate
1/6/2004	Sweetheart Cabinet Makers Inc	Santa Rosa	Wood Products Coatings
1/29/2004	Miller Oil Company	Sebastopol	Gasoline Dispensing Facility
1/30/2004	Taylor Maid Farms	Sebastopol	Authority to Construct
1/30/2004	Taylor Maid Farms	Sebastopol	Authority to Construct; Permit to Operate
1/6/2004	Rodriguez Hauling	Vallejo	Asbestos Demolition, Renovation and Manufacturing

January 2004 Closed NOVs with Penalties by County

Alameda				
Site Name	Site Occurrence	City	Penalty	# of Violations Closed
ARCO Facility #00601 - ARVIND&ARUNA SHAH	C0979	San Leandro	\$300	1
Auto World Body & Frame	B2566	Oakland	\$500	1
Bill Toomey	P2994	Pleasanton	\$875	2

Chrisp Company	L5678	Fremont	\$500	1
David Gonsalves	P3893	Pleasanton	\$1,000	1
Dollar Cleaners	A3963	Oakland	\$500	1
Hopyard Shell	C5824	Pleasanton	\$500	1
Lascon's Auto Body	B1554	Hayward	\$1,250	1
Marfield Corporation	P5600	Berkeley	\$500	1
MoZ Designs Incorporated	B4237	Oakland	\$5,000	3
Portola Food and Liquor	C9998	Livermore	\$500	1
Quikrete Northern California	B2001	Fremont	\$1,000	1
RINO - A and G Company	C9440	Hayward	\$1,500	2
Safeway Store #1257	P5544	Livermore	\$500	1
Tosco Northwest Company	C9279	Hayward	\$1,000	1
Tri-Valley AutoBody	A7981	Livermore	\$1,000	2
		Total Closed Violations:		21
Contra Costa				
Site Name	Site Occurrence	City	Penalty	# of Violations Closed
7-Eleven #23837	C5685	Martinez	\$750	1
ARCO	C7876	Concord	\$2,500	2
ARCO Facility #02030 - SAN PABLO AUTO SVC	C8886	San Pablo	\$1,000	1
Butler-Conti Dodge	A9158	Lafayette	\$3,500	4
Chevron SS #9-5890	C8896	Lafayette	\$500	1
Chevron SS# 9-2075	C8318	Danville	\$750	1
Classic Auto Body & Painting	A8390	Walnut Creek	\$5,000	5

Five Star Cleaners	A4790	San Pablo	\$750	1
Golden Gate Express	A0061	Martinez	\$750	1
Janus Corporation	P5605	Concord	\$1,000	1
Shanks Chevron	C9751	Brentwood	\$250	1
Shore Terminal LLC	A0745	Richmond	\$36,070	16
Shore Terminals - Martinez	A7034	Martinez	\$29,000	5
Shore Terminals - Selby	A0581	Crockett	\$30,000	8
Sierra Process Systems Inc	B1973	Rodeo	\$1,000	1
Simply Superior Auto Body	A5222	Concord	\$1,000	1
Southland 7-11	C9745	Martinez	\$750	1
Southland 7-Eleven Store #32305	C9952	Antioch	\$750	1
Tosco Northwest Company	C9301	Danville	\$500	1
		Total Closed Violations:		53
Marin				
Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Jason Mc Clean	J3867	Point Reyes Station	\$500	1
Strawberry Chevron	C9692	Mill Valley	\$1,400	1
Woodside Chevron	C8878	Woodside	\$300	1
		Total Closed Violations:		3
Napa				
Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Rental Property	P1919	Napa	\$300	1

		Total Closed Violations:		1
Santa Clara				
Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Andy's Auto Sport	A2369	Milpitas	\$500	1
Beacon	L5062	Gilroy	\$1,500	2
Celeritek Inc	A8810	Santa Clara	\$2,000	2
Coffee Factory	B0164	Santa Clara	\$315	1
Debonair Auto Body	B1980	Campbell	\$500	1
Gas N' Go	C9723	San Jose	\$2,000	1
Louis Saavedra	P5111	San Jose	\$750	2
Maaco Auto Paint & Body Works	A5246	Sunnyvale	\$500	1
Proper Wood Finishing	B1182	Sunnyvale	\$500	13
Radiatorland	A9851	Santa Clara	\$500	1
San Jose State University	A9339	San Jose	\$300	1
Teledyne Electronic Technologies	A1127	Mountain View	\$3,000	1
United Technologies Corporation	A0710	San Jose	\$3,000	1
USA Petroleum	C9669	Campbell	\$500	1
Vineyard Cleaners	B2747	Morgan Hill	\$1,040	1
		Total Closed Violations:		30
San Francisco				
Site Name	Site Occurrence	City	Penalty	# of Violations Closed
AJC Autobody	A8886	San Francisco	\$1,000	13

Andy Blackwood	N4229	San Francisco	\$2,375	4
ConocoPhillips	C6886	San Francisco	\$250	1
Michael L. Brown	P4257	San Francisco	\$750	2
San Francisco Boatworks	A8253	San Francisco	\$1,500	1
		Total Closed Violations:		21
San Mateo				
Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Cleaning by Eddie	A4806	San Mateo	\$500	1
De Luxe Cleaners	A3351	Foster City	\$2,000	2
Hillsdale Auto Care & Gas	D0626	San Mateo	\$5,580	25
Penske Truck Leasing	C9444	South San Francisco	\$250	1
San Carlos Dry Cleaners	B1099	San Carlos	\$200	1
Seagate Properties Inc	B4226	San Mateo	\$250	1
Tosco Marketing Facility #4354	C6342	Menlo Park	\$500	1
United Auto Collision Center Corp	A9012	Burlingame	\$900	2
		Total Closed Violations:		34
Solano				
Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Bill Lang Pont Cad Inc	A5551	Vallejo	\$1,500	1
Cooper, Crane & Rigging	N3355	Mare Island	\$500	1
		Total Closed Violations:		2
Sonoma				

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Arnold Birky's Body & Paint	A8023	Santa Rosa	\$2,500	3
C Street Auto Body	B0280	Petaluma	\$750	1
Gulick's Auto Body	A5846	Petaluma	\$2,500	3
J H Pomeroy & Co, Inc	J6373	Petaluma	\$1,000	1
Morgan Med Design	B2745	Windsor	\$1,500	3
Plaza Carwash	C9754	Petaluma	\$1,000	1
Plaza Gas	C8093	Petaluma	\$500	1
			Total Closed Violations:	13

ACRONYMS AND TERMINOLOGY

ABAG	Association of Bay Area Governments
AC	Authority to Construct issued to build a facility (permit)
AMBIENT AIR	The surrounding local air
AQI	Air Quality Index
ARB	[California] Air Resources Board
ATCM	Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BANKING	Applications to deposit or withdraw emission reduction credits
BAR	[California] Bureau of Automotive Repair
BARCT	Best Available Retrofit Control Technology
BIODIESEL	A fuel or additive for diesel engines that is made from soybean oil or recycled vegetable oils and tallow. B100=100% biodiesel; B20=20% biodiesel blended with 80% conventional diesel
BTU	British Thermal Units (measure of heat output)
CAA	[Federal] Clean Air Act
CAL EPA	California Air Resources Board
CCAA	California Clean Air Act [of 1988]
CCCTA	Contra Costa County Transportation Authority
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CMA	Congestion Management Agency
CMAQ	Congestion Management Air Quality [Improvement Program]

CMP	Congestion Management Program
CNG	Compressed Natural Gas
CO	Carbon monoxide
EBTR	Employer-based trip reduction
EJ	Environmental Justice
EIR	Environmental Impact Report
EPA	[United States] Environmental Protection Agency
EV	Electric Vehicle
HC	Hydrocarbons
HOV	High-occupancy vehicle lanes (carpool lanes)
hp	Horsepower
I&M	[Motor Vehicle] Inspection & Maintenance ("Smog Check" program)
ILEV	Inherently Low Emission Vehicle
JPB	[Peninsula Corridor] Joint Powers Board
LAVTA	Livermore-Amador Valley Transit Authority ("Wheels")
LEV	Low Emission Vehicle
LNG	Liquefied Natural Gas
MPG	Miles per gallon
MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards (federal standards)
NO _x	Nitrogen oxides, or oxides of nitrogen
NPOC	Non-Precursor Organic Compounds
NSR	New Source Review
O ₃	Ozone
PM _{2.5}	Particulate matter less than 2.5 microns
PM ₁₀	Particulate matter (dust) less than 10 microns
PM _{>10}	Particulate matter (dust) over 10 microns
POC	Precursor Organic Compounds
pphm	Parts per hundred million
ppm	Parts per million
PUC	Public Utilities Commission
RFG	Reformulated gasoline
ROG	Reactive organic gases (photochemically reactive organic compounds)
RIDES	RIDES for Bay Area Commuters
RTP	Regional Transportation Plan
RVP	Reid vapor pressure (measure of gasoline volatility)
SCAQMD	South Coast [Los Angeles area] Air Quality Management District
SIP	State Implementation Plan (prepared for <i>national</i> air quality standards)
SO ₂	Sulfur Dioxide
TAC	Toxic Air Contaminant
TCM	Transportation Control Measure
TFCA	Transportation Fund for Clean Air [BAAQMD]
TIP	Transportation Improvement Program

TMA	Transportation Management Association
TOS	Traffic Operations System
tpd	tons per day
Ug/m ³	micrograms per cubic meter
ULEV	Ultra low emission vehicle
ULSD	Ultra low sulfur diesel
USC	United States Code
UV	Ultraviolet
VMT	Vehicle miles traveled (usually per <i>day</i> , in a defined area)
VTA	Santa Clara Valley Transportation Authority
ZEV	Zero Emission Vehicle

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack Broadbent
Executive Officer/APCO

Date: February 5, 2004

Re: Establish New Classification of Principal Air Quality Chemist and Allocate the
New Classification to Range 139 on the Professional Salary Schedule

RECOMMENDED ACTION

Approve recommendation to establish the new classification of Principal Air Quality Chemist with a Salary Range of 139 on the Professional Salary Schedule.

BACKGROUND

Over the past eight years, advances in laboratory instrumentation and methodologies and increasingly complex analytical requirements have created the need for a Principal level classification in the Air Quality Chemist series. The primary function of the Principal Air Quality Chemist will be to research, develop and implement significant and complex laboratory programs and projects. In addition to implementing and coordinating projects, the Principal Air Quality Chemist will be responsible for maintaining state-of-the-art knowledge of ever-changing new laboratory analytical methods and requirements in order to maintain and update the laboratory's standard operating procedures. The qualifications recommended for the Principal Air Quality Chemist are consistent with the Principal class concept and appropriate for the series and the salary range recommend is consistent with the District salary structure.

BUDGET CONSIDERATION/FISCAL IMPACT

There is no direct financial impact to establish this classification. Positions hired into this classification have been funded using salaries already budgeted for FY 2003-04.

Respectfully Submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Michael K. Rich

PRINCIPAL AIR QUALITY CHEMIST

DEFINITION

Under direction, performs the most complex and highly specialized professional laboratory work; may supervise staff on a project basis or lead project teams; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

This class provides the most complex and highly specialized professional laboratory work in support of the District's goals and objectives. Incumbents are responsible for providing project supervision and/or team leadership for developing, implementing, and monitoring new and/or revised methods or programs. Incumbents perform work that requires a high degree of initiative and independent judgement. The work performed has significant consequences on the operations of the Division in that it involves the development or revision of laboratory methods, programs, policies, and procedures, thus having a significant impact on the operations of the District. This class is distinguished from the Laboratory Services Manager, in that the latter has managerial responsibilities and supervises assigned staff on a continuing basis, including conducting performance evaluations. This class is distinguished from the Senior Air Quality Chemist in that the Principal Air Quality Chemist is responsible for lead direction and supervision of the most complex and highly specialized laboratory projects such as the National Voluntary Laboratory Accreditation Program (NVLAP) for asbestos analysis.

EXAMPLES OF DUTIES (Illustrative Only)

Coordinates and leads development, implementation, and monitoring of laboratory programs.

Provides supervision and team leadership on a project specific basis.

Researches, develops, and implements new laboratory methods and standard operating procedures.

Reviews and revises laboratory methods and standard operating procedures,

Performs the most complex and specialized laboratory analyses.

Confers with District staff, and staff from other Air Districts, regarding sample collection and purpose for the most complex sample analyses.

Provides direction in training and planning the work of laboratory staff to accomplish division and District goals and objectives.

Advises staff on exceptions in the application of technical and operating procedures and methods.

Evaluates air contaminant analysis issues and confers with other agencies, organizational representatives and groups.

Coordinates, monitors, and analyzes the results of studies to ensure that laboratory standards are maintained. Recommends corrective measures when analytical problems or errors are detected.

Maintains current knowledge of new analytical methods, instrumentation, and regulatory requirements.

Participates in section and division decisions, and development of goals and objectives.

Participates in the preparation of the laboratory budget.

Researches and recommends new instrumentation.

May appear in court as an expert witness during litigation of violators of air pollution laws.

Maintains records and prepares reports, correspondence and other written materials related to the work.

May represent the District at conferences and work groups with EPA, other governmental agencies, and professional groups.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods for developing and implementing laboratory projects and certification programs.

Principles, methods, and techniques of research methodology.

Principles, methods, and techniques of data analysis.

Principles and practices of organic, inorganic, analytical and environmental chemistry as related to air quality analysis.

Accepted methods used in the analysis of environmental contaminants.

Methodology, application, modification and repair of a wide range of chemical analysis instrumentation and equipment.

Applicable District, federal, state, and local laws, rules, and regulations.

Safety practices and safe work methods related to the work.

Reporting methods and techniques.

Professional technical writing techniques.

Computer applications and software.

Skill in:

Supervising, directing and reviewing the work of others on a project basis.

Planning, directing, and coordinating research projects.

Analyzing and interpreting laboratory data, reaching sound conclusions and making appropriate recommendations.

Chemical, microscopic and statistical analysis.

Training others in analytical and work procedures.

Recommending and implementing improved laboratory methods and procedures.

Interpreting and applying District, state and federal rules and regulations related to laboratory methods, practices, and requirements.

Preparing clear, concise, and complete technical reports, methods, procedures, correspondence, and other written materials.

Preparing and delivering oral presentations.

Using and modifying computer programs and software.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Exercising sound independent judgement within established guidelines.

Safe handling of chemicals.

Other Requirements:

Must obtain a certificate of completion of a course in identification of asbestos fibers after hire.

Must possess a valid California driver's license.

Education and Experience:

A typical way to obtain the knowledge and skills is:

Equivalent to graduation from a four (4) year college or university with major coursework in organic or analytical chemistry or a closely related field, and four (4) years of experience performing chemical analyses of environmental contaminants in an air quality test laboratory.

BAY AREA AIR QUALITY MANGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Teresa Lee, Director
Public Information and Outreach

Date: February 9, 2004

Re: Authorize the Executive Officer/APCO to Continue to Participate in the
Congestion Mitigation and Air Quality Improvement (CMAQ) Program

RECOMMENDED ACTION:

Approve the attached resolution authorizing the Executive Officer/APCO to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and amendments to such agreements with the California Department of Transportation (Caltrans) relating to the Air District's participation in the Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

BACKGROUND

The Air District first received CMAQ funding in September 1999 to assist with outreach and related components of the Spare the Air program. Since 1999, the Air District has received approximately one million dollars annually in CMAQ funds. In order to continue to receive and have the authority to spend CMAQ funds, the Air District's Board of Directors must approve a resolution stating its intent to continue to participate in the CMAQ program and authorizing the Executive Officer/APCO to execute appropriate funding agreements.

DISCUSSION

The Metropolitan Transportation Commission, as the Bay Area regional transportation planning organization, has approved an Air District application for funds from the CMAQ program. The Air District receives the funding through Caltrans, the local agency responsible for disbursing funds from the federal Department of Transportation. As a condition of receiving the funds, Caltrans requires the Air District to adopt a resolution authorizing the Executive Officer/APCO to execute all agreements regarding the funding. CMAQ funding has allowed the Air District to greatly expand the summertime Spare the Air program and to make the program more effective in improving air quality in the Bay Area.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Air District is responsible for providing local matching funds in the amount of \$140,000. These funds have been budgeted.

Respectfully submitted,

Teresa Lee, Director
Public Information and Outreach

FORWARDED: _____

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO.

**A resolution of the Bay Area Air Quality Management District Board of Directors
Authorizing District Participation in the Congestion Mitigation and Air Quality
Improvement program (“CMAQ”) for the San Francisco Bay Area.**

WHEREAS, the Bay Area Air Quality Management District has authority under Health & Safety Code 40701 and 40717 to participate in the Congestion Mitigation and Air Quality Improvement Program (CMAQ) for the San Francisco Bay Area as a part of its overall regional responsibility for air quality planning and control;

WHEREAS, eligible project sponsors wishing to receive CMAQ grants for a project shall submit an application first with the appropriate administering government agency;

WHEREAS, the Bay Area Air Quality Management District is an eligible project sponsor and has been offered funding for its “Spare the Air” Program to reduce motor vehicle emissions during high ozone days, under the CMAQ program administered by the Californian Department of Transportation (“Caltrans”);

WHEREAS, the CMAQ program administered by Caltrans has remitted the Master Agreement for Administering Agency-State-Agreement No. 046297, and will issue a new Program Supplemental Agreement to the District regarding funding for the Districts “Spare the Air” program; and

WHEREAS, the State of California, through Caltrans, requires official governing body authorization from the receiving government agency (in this case, the District) before entering into these CMAQ funding agreements.

NOW, THEREFORE, BE IT RESOLVED that the board of Directors of the Bay Area Air Quality Management District hereby authorizes the Executive Officer/Air Pollution Control Officer, or his designee, to execute a new Program Supplemental Agreement for the District’s “Spare the Air” program under Administering Agency-State Agreement No. 046297.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the _____ day of _____, 2003 by the following vote of the Board:

AYES:

NOES:

ABSENT:

Scott Haggerty
Chairperson of the Board of Directors

ATTEST:

Gayle B. Uilkema
Secretary of the Board of Directors

g:/legal/reso/2004/CMAQ2.doc

BAY AREA AIR QUALITY MANGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
Of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 10, 2004

Re: District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION:
Receive and file.

BACKGROUND

It is the District's policy to report all out-of-state travel to the Board of Directors.

DISCUSSION

Su-Tzai Soong, Atmospheric Modeler, Planning Division, attended the National Center for Atmospheric Research's tutorial class on mesoscale meteorological modeling held in Boulder, CO, from January 5 – 9, 2004.

Jinyou Liang, Atmospheric Modeler, Planning Division, attended the EPA sponsored PM Model Performance Workshop held in Research Triangle Park, NC, from February 9-11, 2004.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Ronald C. Raimondi
Reviewed by: Wayne Tanaka

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 5, 2004

Re: Report of the Regional Agency Coordinating Committee Meeting of January 23, 2004

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

The Committee met on Friday, January 23, 2004. The Committee received reports on *Transportation 2030*, the Ozone Attainment Strategy, the ABAG-MTC Task Force Recommendations, and the Smart Growth corridor planning program.

Chairperson Mark DeSaulnier will give an oral report.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 5, 2004

Re: Report of the Stationary Source Committee Meeting of January 26, 2004

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

The Committee met on Monday, January 26, 2004. The Committee received reports on: 1) Implementation of the requirements of Regulation 12, Rule 11: Flare Monitoring at Petroleum Refineries, the logistics, advantages and disadvantages of a real time web cast video image of refinery flares and a staff recommendation to proceed with a text-based approach; and 2) Status of 2001 Ozone Plan stationary source control measures, further study measures and preliminary evaluations of new control measure suggestions. The attached staff reports were presented to the Committee.

Chairperson Mark DeSaulnier will give an oral report.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Daniel Belik