

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

Approved Minutes: Board of Directors Regular Meeting – January 7, 2004

Call To Order

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

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

Roll Call: Present: Scott Haggerty, Chair, Roberta Cooper, Jerry Hill, Liz Kniss (10:20 a.m.), Patrick Kwok, Nate Miley, Julia Miller, Mark Ross, Tim Smith (9:57 a.m.), Pam Torliatt, Marland Townsend, Gayle Uilkema (9:52 a.m.), Brad Wagenknecht, Shelia Young.

Absent: Harold Brown, Willie Brown, Jr., Chris Daly, Mark DeSaulnier, Jake McGoldrick, Dena Mossar, John Silva.

Commendations/Proclamations: There were none.

Public Comment Period: Speaker: There were none.

Consent Calendar (Items 1 – 5)

1. Minutes of December 3, 2003
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 November 2003.*
5. Notice of Proposed Amendments to Administrative Code Division I, Section 2.1: Officers of the Board

Notice of proposed amendments to Administrative Code Division I, Section 2.1: Officers of the Board. This amendment clarifies the reference to term limit in the same Board office.

Board Action: Director Townsend moved approval of Consent Calendar Items 1 through 5; seconded by Director Wagenknecht; carried unanimously without objection.

Committee Reports and Recommendations

6. Report of the Budget and Finance Committee Meeting of December 16, 2003

Action: The Committee recommends approval of a purchase order to Allsteel in the amount of \$105,825 for the purchase of 17 modular workstations to be funded with a transfer from the reserve for furniture replacement.

Director Miller presented the report and stated that the Committee met on Tuesday, December 16, 2003 and staff presented the First Quarter Financial Report for Fiscal Year 2003/2004. Staff reviewed the Statement of Revenue and noted that the District received \$84,000 from the Tesoro refinery, which is why the Miscellaneous Revenue is high at this time. Staff reviewed the Statement of Expenditures and noted that the Capital Outlay would even out as the roof repair, the HVAC system and other expenditures are completed.

Staff reviewed the income and expenditures of the Transportation Fund for Clean Air (TFCA) fund and noted the additional expenditure of \$90,000 for payroll was due to an extra pay period in August. The variance for the Personnel Expenditures in the TFCA program is due to several unfilled positions. Staff stated that the Governor will have a budget briefing on January 10, 2004 and more information will be available at that time regarding the extent of any additional cuts that would affect the Air District.

Staff presented a report on and the Committee recommended approval of a purchase order to Allsteel in the amount of \$105,825 for the purchase of workstation partitions and office furniture; the transfer of funds in that amount from the Furniture Reserves; and to amend the fiscal year 2003/2004 Capital Budget.

The Committee discussed the start time of the meetings and determined that future meetings would start at 9:45 a.m. The next meeting of the Committee is scheduled for 9:45 a.m., Wednesday, January 28, 2004. Director Miller noted that there is a possibility this meeting may be cancelled, but that will be determined after staff has had an opportunity to review the Governor's budget, which comes out on Friday.

Board Action: Director Miller moved the Board approve the report and the recommendations of the Budget and Finance Committee; seconded by Director Cooper; carried unanimously without objection.

7. Report of the Executive Committee Meeting of December 19, 2003

Chairperson Haggerty presented the report and stated that the Committee met on Wednesday, December 19, 2003, and received and filed the Report of the Advisory Council. William Hanna, Chairperson of the Advisory Council, announced the officers for 2004 as follows: Elinor Blake, Chairperson; Brian Zamora, Vice-Chairperson; and Kraig Kurucz, Secretary.

Mr. Hanna presented the Advisory Council's recommendations on refinery flaring and the primary recommendations are:

1. District staff works collaboratively with refineries to develop improved estimates of Hydrocarbon (HC) emissions from flares at refineries. In addition, District staff should collaborate with the staff of the Contra Costa and/or Solano County health departments regarding data epidemiology and hospital admission that they can correlate with major flaring events.

2. District staff and refiners should investigate further the use of optical remote sensing or other appropriate plume monitoring techniques to measure the destruction efficiency in flare systems.
3. The adoption of any control rule directed at refinery flares should incorporate and be based upon data gathered under the recently adopted flare-monitoring rule.

The Committee discussed the release of the Technical Assessment Document, which was to be released on Monday, December 22, 2003. The Committee discussed the need to have the District and refineries agree on the inventory numbers before the document is released. There was discussion on the 98% destruction efficiency and that the remaining emissions (2%) that come out the stack could be either the most toxic or the least toxic. The Committee noted that it is important to get the most accurate refinery flare emissions estimates. The District should move expeditiously and the refinery representatives should give the District staff the data as soon as possible so the District can meet its obligation under the Plan. The report would then be done in January 2004. The Committee recommendation is to encourage the expeditious completion of the work in collaboration with the refineries so that the report can be moved forward.

Staff provided an overview of the District's Air Pollution Complaint Program revisions and highlighted the following:

- Compliant investigation and resolution is one of the District's most important responsibilities.
- Community meetings were held to receive input from the Environmental Justice communities.
- The five highest priority needs for change from the Community members.
- State and national surveys were conducted for Best Practices.
- Staff discussed ways for the public to register complaints or provide additional information, in addition to other improvements such as translation for non-English-speaking communities, listings in Bay Area telephone books, and training of office and field staff.
- Future changes include improved computer infrastructure for complaint processing and increased information flow to the community through web access.
- There was also discussion on a brochure that is provided to the public and the possibility of a PG&E mail stuffer to educate people.

Staff updated the Committee on the Enterprise Resource Planning (ERP) implementation status and reviewed the following:

1. The ERP implementation components.
2. The pre-contract projected dollars from Deloitte & Touche.
3. The actual dollars.

Staff noted that when the District goes live with J.D. Edwards, several functions, including accounts receivable, would be taken out of the IRIS system and brought into J.D. Edwards. The project is on time and within budget.

Staff provided a status report on four aspects of the 2003-04 Ozone Planning process and reviewed the following:

- Public comments on EPA's proposed finding of attainment.

- Upcoming EPA action on the 2001 Ozone Attainment Plan.
- Re-designation request and maintenance plan.
- Control measure evaluations.

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

Board Action: Chairperson Haggerty moved the Board approve the Executive Committee Report; seconded by Director Townsend; carried unanimously without objection.

Closed Session (The Board adjourned to Closed Session at 10:00 a.m.)

8. 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 AOMD, et al.**, *United States District Court, N.D. Cal., Case No. C 02 1501 VRW*
- B) **Carl W. Gabler v. Bay Area Air Quality Management District.** *Santa Clara County Superior Court, Small Claims Division, Case No. 2-03-SC000606*
- C) **Communities for a Better Environment and Transportation Defense and Education Fund v. Bay Area AOMD, Metropolitan Transportation Commission, Association of Bay Area Governments, and California Air Resources Board.** *San Francisco Superior Court, Case No. 323849*

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

Brian Bunger, Counsel, reported on agenda Items 8A, 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.

Other Business

- 9. Report of the Executive Officer/APCO. Mr. Broadbent stated he had no report.
- 10. Chairperson's Report. Chairperson Haggerty stated that an Environmental Community Tour of three facilities in San Francisco will be conducted today. The Board will continue this meeting to the bus that is waiting in front of the building. When the Board returns from the Tour, the meeting will be adjourned at that time.
- 11. Board Members' Comments: There were none.
- 12. Time and Place of Next Meeting - 9:45 a.m., Wednesday, January 21, 2004, 939 Ellis Street, San Francisco, California.
- 13. Environmental Community Tour.

The Board of Directors participated in a tour that visited some of the communities in the vicinity of the following facilities:

1. Mirant Corporation's Potrero Power Plan, 1201 Illinois Street (at Humboldt Street, South of 22nd Street and North of 23rd Street)
2. PG&E's Hunters Point Power Plant, 100 Evans Avenue (@ India Basin Park on Evans, just East of Jennings Street)
3. Shell Gas Station, Excelsior District, (@ Mission and Silver)

The following individuals spoke during the tour:

Bradley Angel
Greenaction

Ina Mundine
Hunter's Point Mothers Association

Marie Harrison
Greenaction

Gordon Mar
Chinese Progressive Association

Steven Moss
San Francisco Community Power Cooperative

Antonio Diaz
People Organizing to Demand
Environmental & Economic Rights

Greg Karras
Communities for a Better Environment

Amy Cohen
Environmental Law & Justice Clinic

Karen Pierce
Bayview Hunter's Point Advocates

Teresa Almaguer
People Organizing to Demand
Environmental & Economic Rights

Joshua Abraham
Literacy for Environmental Justice

Yen May Wong
San Francisco Community School parent

Tessie Ester
Hunter's Point Mothers Association

Ruth
San Francisco Community School parent

Connie Wilson
Hunter's Point Mothers Association

Sherman Ho
Common Roots

Subrena Warren
Hunter's Point Mothers Association

A J Napolis
Communities for a Better Environment

14. Adjournment: The meeting was adjourned at 12:25 p.m.

Mary Romaidis

Mary Romaidis
Clerk of the Boards

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