

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET – SAN FRANCISCO, CA 94109

Approved Minutes: Board of Directors Regular Meeting – December 15, 2004

Call To Order

Opening Comments: Chairperson Scott Haggerty called the meeting to order at 1:35 p.m.

Roll Call: Present: Scott Haggerty, Chair, Roberta Cooper, Mark DeSaulnier, Erling Horn, Nate Miley, Julia Miller, Pam Torliatt, Marland Townsend, Gayle Uilkema, Brad Wagenknecht (1:51 p.m.), Shelia Young.

Absent: Harold Brown, Chris Daly, Dan Dunnigan, Erin Garner, Jerry Hill, Liz Kniss, Patrick Kwok, Jake McGoldrick, Mark Ross, John Silva, Tim Smith.

Pledge of Allegiance: Jean Roggenkamp, Deputy APCO, led the Board in the Pledge of Allegiance.

Public Comment Period: There were none.

Commendation/Proclamations:

The Board of Directors recognized employees who have completed the milestone levels of twenty-five (25), thirty (30), thirty-five (35) and forty (40) years of service to the District.

The Board of Directors recognized the following employees who have completed 25 years of service with the District: Virginia Manalo, Debra Mehlos, and Mohamad Moazed. The Board of Directors recognized the following employees who have completed 30 years of service with the District: Ruth Argueta, Allan Chiu, Peter Hess, Jim Karas, Terry Lee, Carolyn Moore, and Ron Raimondi. The Board of Directors recognized the following employee who has completed 35 years of service with the District: Tom Story. The Board of Directors recognized the following employee who has completed 40 years of service with the District: Daniel Borst.

Director Wagenknecht arrived at 1:51 p.m.

Consent Calendar (Items 1 – 6)

1. Minutes of December 1, 2004
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council.
 1. Monthly Activity Report

Report of Division Activities for the months of October and November, 2004.

5. 2005 Regulatory Calendar

Section 40923 of the California Health and Safety Code requires Districts to publish a list of regulatory measures scheduled or tentatively scheduled for consideration during the next calendar year. The list of regulatory measures that may be considered during 2005 is included in the packet.

6. Report of District Personnel on Out of State Business Travel

Board Action: There being no quorum, Consent Calendar items 1 through 6 were deferred to the next Board meeting and the Board took no action.

Committee Reports and Recommendations

7. Report of the Executive Committee Meeting of November 29, 2004

Action(s): The Committee recommends Board of Director approval of the following items:

- A) Approve reappointment of nine (9) Advisory Council members to serve an additional two-year term of office on the Council, effective January 1, 2005 and ending December 31, 2006; and*
- B) Appointment of Cassandra Adams to the vacant "Architect" category on the Advisory Council to serve a two-year term of office, effective January 1, 2005 and ending December 31, 2006.*

Board Action: There being no quorum, agenda item 7 was deferred to the next Board meeting and the Board took no action.

8. Report of the Mobile Source Committee Meeting of December 6, 2004

Action(s): The Committee recommends Board of Director approval of the following items:

- A) Additional fiscal year 2004-2005 Transportation Fund for Clean Air (TFCA) Regional Fund grant awards to three airport shuttle projects; and*
- B) Approval of the expenditure plan for the \$2 increase in the motor vehicle registration fee surcharge within the Bay Area Air Quality Management District.*

Board Action: There being no quorum, agenda item 8 was deferred to the next Board meeting and the Board took no action.

Other Business

10. Report of the Executive Officer/APCO – Jack Broadbent, Executive Officer/APCO noted there was an Air District portfolio at each Board member’s place.
11. Chairperson’s Report – Chairperson Haggerty announced the following Air District appointments to the Joint Policy Committee (JPC): Directors Uilkema, Daly, Garner, Kwok, Torliatt, and Haggerty. There is one vacancy. Chairperson Haggerty announced the next meeting of the JPC is scheduled for 10:00 a.m., Friday, December 17th at Preservation Hall in Oakland.

Closed Session (The Board convened to Closed Session at 1:55 p.m.)

12. 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) ***Oakland Color Service a sole proprietorship of Duane Sitter v. Bay Area Air Quality Management District, Damian Breen, Jorge Franco and Ellen Garvey, et al., California Court of Appeals, First Appellate District, Case No. A102209, (on Appeal from Summary Judgment in Alameda County Superior Court, Case No. 836676-0)***
- B) ***Bay Area AQMD v. Oakland Color Service, Alameda County Superior Court, Case No. 2002-070791***
- C) ***New United Motor Manufacturing Inc. v. Bay Area AQMD, et al., Alameda County Superior Court, Case No. RGO 04-140445***
- D) ***Communities for a Better Environment v. Bay Area AQMD, et al. (Mirant Potrero LLC, Real Parties in Interest), San Francisco Superior Court, Case No. CPF-04-503883***
- E) ***Stonelight Tile, Inc., et al. v. Bay Area AQMD, et al., United States District Court, Case No. CV 98-21060 (JW)***

Open Session (The Board reconvened to Open Session at 2:13 p.m.)

Brian Bunger, Counsel, stated that the Board received status reports on items A through E under agenda item 12 and the Board provided general direction to Counsel.

Public Hearing

9. Public Hearing to Consider Amendments to District Regulation 2: Permits, Rule 1: General Requirements, Rule 2: New Source Review, and Rule 4: Emissions Banking; and Approval of a Notice of Exemption pursuant to the California Environmental Quality Act

The primary purpose of these amendments is to conform to changes in State regulations that lower the emissions threshold at which facilities must offset emission increases from new and modified sources. A number of other miscellaneous amendments to permit requirements have also been proposed.

Chairperson Haggerty opened the Public Hearing at 2:14 p.m.

Steve Hill, Manager of Permit Evaluation, presented the report and reviewed the proposed revisions. Mr. Hill discussed the No Net Increase program and reviewed the District's New Source Review Requirements and the recent change in state law that lowers the threshold for offsets. Mr. Hill reported on proposed changes relating to the District's Small Facility Bank and lowering the offset threshold for small facilities.

Mr. Hill reviewed the miscellaneous revisions, which includes the following: 1) an obligation to obtain a permit; 2) clarification of requirements for submittal and protecting trade secret information; and 3) compliance with the Authority to Construct.

Speakers:	Pat Sullivan	Ken Wells
	SLS Engineers	Sonoma County/Integrated Waste Management
	Sacramento, CA 95827	Santa Rosa, CA

Board Action: There being no quorum, the Board took no action on this item and Chairperson Haggerty continued the public hearing to the next Board meeting.

13. Board Members' Comments – There were none.
14. Time and Place of Next Meeting – 9:00 a.m., Tuesday, December 21, 2004.
15. Adjournment – The meeting adjourned at 2:45 p.m.

/s/ Mary Romaidis

Mary Romaidis
Clerk of the Boards