



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
EXECUTIVE COMMITTEE MEETING**

COMMITTEE MEMBERS

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

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

**FRIDAY
APRIL 30, 2004
9:30 A.M.**

**FOURTH FLOOR CONFERENCE ROOM
DISTRICT OFFICES**

AGENDA

- 1. CALL TO ORDER – ROLL CALL**
- 2. PUBLIC COMMENT PERIOD** *(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.*
- 3. APPROVAL OF MINUTES OF MARCH 29, 2004**
- 4. U.S. EPA DESIGNATIONS FOR THE NATIONAL 8-HOUR OZONE STANDARD P. Hess/4971**
phess@baaqmd.gov
Staff will present a report on EPA's recent designation of attainment and nonattainment areas and implementation for the national 8-hour ozone standard rule.
- 5. CLOSED SESSION – CONFERENCE WITH DISTRICT LABOR NEGOTIATOR
(Government Code § 54957.6 (a))**
*Agency Negotiator: Jack P. Broadbent
Un-Represented Employees: Management*
- 6. COMMITTEE MEMBER COMMENTS/OTHER BUSINESS**
Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2).
- 7. TIME AND PLACE OF NEXT MEETING: 9:30 a.m., Wednesday, JUNE 30, 2004, 939 ELLIS STREET, SAN FRANCISCO, CA**
- 8. ADJOURNMENT**

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

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

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

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

DRAFT MINUTES

Summary of Board of Directors
Executive Committee Meeting
9:30 a.m., Monday, March 29, 2004

1. **Call to Order - Roll Call:** Vice-Chairperson Marland Townsend called the meeting to order at 9:32 a.m.

Present: Scott Haggerty, Chair (9:35 a.m.), Mark DeSaulnier, Jerry Hill, Julia Miller, Mark Ross, Pamela Torliatt, Marland Townsend, Gayle Uilkema.

Absent: Tim Smith.
2. **Public Comment Period:** There were no public comments.
3. **Approval of Minutes of December 19, 2003:** Director DeSaulnier moved approval of the minutes; seconded by Director Miller; carried unanimously without objection.
4. **Quarterly Report of the Hearing Board:** Hearing Board Chair Thomas Dailey, M.D., presented the *Hearing Board Quarterly Report – October 2003 – December 2003*. Dr. Dailey noted that Vice-Chair Christine Colline was up for reappointment and commented on the excellent work he has done for and with the Hearing Board.
5. **Report of the Advisory Council:**

- a) *Report of Council Meetings*
- b) *Recommendations for Architect Category*

Advisory Council Chair Elinor Blake presented item 5a, *Report of the Advisory Council: January 1 – March 10, 2004*, which summarized the activities of the Council and its Standing Committees. Ms. Blake noted that the Committees have met more than usual in the last couple of months.

In response to a question from Director Townsend, Peter Hess, Deputy APCO, stated that the Advisory Council has been asked to review Cumulative Risk Assessment and provide comments on the District's draft Toxics New Source Review rule.

Stan Hayes, Chairperson, Applicant Selection Working Group (ASWG) presented item 5b and stated that the ASWG met and interviewed five candidates for an unexpired term in the "Architect" category. The Working Group recommended Sanjiv Bhandari to fill the unexpired

term ending December 31, 2004. Mr. Hayes presented a chart, which showed the Advisory Council composition with respect to gender, ethnicity, and geography.

Committee Action: Director Hill moved that the Committee recommend the Board appoint Sanjiv Bhandari to the “Architect” category on the Advisory Council to fill an unexpired term, effective immediately and ending December 31, 2004; seconded by Director Townsend; carried unanimously without objection.

6. **Regional Agency Coordination:** *The Committee discussed the Air District’s role in the proposed creation of a joint policy committee proposed by the Metropolitan Transportation Committee and the Association of Bay Area Governments.*

Jack Broadbent, Executive Officer/APCO, stated that this item was discussed at the March 3rd Board meeting regarding what the District’s role should be if a joint policy committee was formed. A letter was sent to the Association of Bay Area Governments (ABAG) at the request of the Board. A response was received from ABAG and the issue was discussed at length at the March 19th Regional Agency Coordinating Committee (RACC) meeting.

The Committee discussed the overlap of responsibility between the three agencies on public transportation and land use issues. The Committee determined that the Air District should be a part of any joint policy committee because it has a statutory role in these areas. The Committee also discussed the role that the RACC currently has.

In response to a question from Director Townsend, Brian Bunger, Counsel, stated that the agencies can form an organization with the intent to try to coordinate their efforts in the areas they have jurisdiction over. Mr. Broadbent added, as an example, that there are efforts in the San Joaquin Valley to look at indirect source regulations that would provide a fee on developments for air quality mitigation. If this were done, then this Air District would be required to put in place something similar in the Bay Area. This will have a direct impact on land use. Each of the agencies would then want to take positions on this and a Joint Policy Committee could help address these types of issues.

Committee Action: The consensus of the Committee was for Chairperson Haggerty to send a letter to Senator Torlakson indicating the Air District should be a member of the proposed Joint Policy Committee based on statutory requirements.

7. **Closed Session – Conference with Executive Officer/APCO Regarding Management Total Compensation Survey:** *Pursuant to Government Code Section 54957.6(a), the Committee considered salary changes for management employees for fiscal year 2004-2005.*

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

The Committee reconvened to Open Session at 10:58 a.m.

Mr. Bunger stated that the Committee met in Closed Session to consider a salary survey and potential adjustments for management employees for fiscal year 2004-2005. General direction was given to the Executive Officer on the matter.

8. **Committee Member Comments:** Director Townsend requested a moment of silence in memory of Lance Corporal Andrew Dang from Foster City who was killed in Iraq.
9. **Time and Place of Next Meeting:** At the Call of the Chair.
10. **Adjournment.** The meeting was adjourned at 11:02 a.m.

Mary Romaidis
Clerk of the Boards

mr

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter Office Memorandum

To: Chairperson Haggerty and
Members of the Executive Committee

From: Peter Hess
Deputy Air Pollution Control Officer

Date: April 23, 2004

Re: U. S. EPA Designations for the National 8-hour Ozone Standard

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

The U. S. Environmental Protection Agency (EPA) recently designated attainment and nonattainment areas for the national 8-hour ozone standard and promulgated an implementation rule for the standard. This report provides information about how EPA's action affects the San Francisco Bay Area.

DISCUSSION

On April 15, 2004, EPA announced attainment and nonattainment designations for the national 8-hour ozone standard. These designations become effective June 15, 2004. EPA designated the San Francisco Bay Area as a nonattainment area due to a violation of the 8-hour standard at the San Martin monitoring station in the South Bay. The Livermore and Concord stations have 8-hour ozone levels approaching the standard. A violation at any station results in a nonattainment designation for the entire region because ozone is a regional pollutant.

EPA classified the Bay Area as a "marginal" nonattainment area. The 8-hour ozone standard is 85 parts per billion. Compliance with the standard is determined station-by-station using an average of the 4th high ozone reading for three years. Monitoring data for the San Martin station for the years 2001, 2002, and 2003 show an average of the 4th high ozone values of 86 parts per billion (one part per billion above the standard). The Bay Area's monitoring station with the highest 8-hour ozone levels thus barely violates the standard, hence the "marginal" classification. Areas with worse ozone air quality are classified as moderate, serious, severe, or extreme.

The deadline for marginal areas to attain the 8-hour standard is June 15, 2007. Compliance with the standard will be based on summertime monitoring data from 2004, 2005, and 2006. EPA has established provisions for extension of the attainment deadline under certain circumstances. If a region does not attain the standard by the deadline, the region will be "bumped up" to the next classification (e.g. from marginal to moderate).

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EPA's recent action also outlines the transition from the national 1-hour ozone standard to the more stringent 8-hour ozone standard. The national 1-hour ozone standard will be revoked 1 year after the 8-hour designations become effective. Consequently, the national 1-hour ozone standard will no longer exist as of June 15, 2005. To ensure that air quality improvement continues as regions develop plans to attain the 8-hour standard, EPA has established anti-backsliding provisions. Essentially, the anti-backsliding provisions require that we continue to implement the regulations we have in place.

Marginal nonattainment areas are required to implement the following planning and control elements:

- Emission inventory, including periodic updates
- Reasonably available control technology regulations
- Inspection and maintenance program
- Permit program for major stationary sources
- Offset requirements of at least 1.1 to 1.

The Bay Area Air District already complies with each of these elements; however, EPA may require State Implementation Plan (SIP) submissions specifically focused on the 8-hour ozone standard (e.g. motor vehicle emission budgets based on the emission inventory). Staff will work with EPA and ARB to clarify what additional SIP submissions are necessary. The federal Clean Air Act does not require attainment demonstrations or contingency measures for marginal areas.

EPA's initial promulgation of the national 8-hour ozone standard in 1997 was subject to a lawsuit that was eventually decided by the Supreme Court. The lawsuit delayed implementation of the standard. EPA's recent actions may also be subject to lawsuits which could further delay implementation of the 8-hour standard and transition from the 1-hour standard to the 8-hour standard. Staff will continue to develop a redesignation request and maintenance plan for the national 1-hour ozone standard.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Peter Hess
Deputy Air Pollution Control Officer

FORWARDED: _____
Prepared by: Jean Roggenkamp