



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

November 2, 2005

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th floor Board Room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

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
NOVEMBER 2, 2005

BOARD ROOM
7TH FLOOR

9:45 A.M.

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance
Commendations/Proclamations

Marland Townsend, 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 October 19, 2005 Meeting

M. Romaidis/4965
mromaidis@baaqmd.gov

2. Communications
Information only

J. Broadbent/5052
jbroadbent@baaqmd.gov

3. Report of the Advisory Council

B. Zamora/4962
Bzamora@co.sanmateo.ca.us

4. Set Public Hearing for November 16, 2005 to Consider Report on Further Study Measure 9: Refinery Wastewater Treatment Systems

J. Broadbent/5052
jbroadbent@baaqmd.gov

Staff has examined the emissions from refinery wastewater treatment systems, potential costs of control, and recommends no regulatory amendments to District Regulation 8, Rule 8 at this time.

5. Set Public Hearing for December 7, 2005 to Consider Approval of Proposed Amendments to Regulation 8, Rule 28: Episodic Releases from Pressure Relief Devices in Petroleum Refineries and Chemical Plants and approval of a California Environmental Quality Act (CEQA) Negative Declaration

J. Broadbent/5052
jbroadbent@baaqmd.gov

The proposed amendments to Regulation 8, Rule 28 require that monitoring equipment be installed on each PRD, that a demonstration be made that this monitoring equipment is capable of detecting releases as defined by the rule, and that the required monitoring data be kept for two years and made available to District staff.

6. Set Public Hearing for December 7, 2005 to Consider Approval of Proposed Amendments to Regulation 8, Rule 44: Marine Vessel Loading Terminals; Rule 46: Marine Vessel to Marine Vessel Loading; District Manual of Procedures, Volume IV: Source Test Policy and Procedures, ST-34: Bulk and Marine Loading Terminals – Vapor Recovery Units; and approval of a California Environmental Quality Act (CEQA) Negative Declaration

J. Broadbent/5052

jbroadbent@baaqmd.gov

The proposed amendments to Regulation 8, Rule 44 would reduce the allowable organic vapor leak standard for equipment and connections associated with loading activities, expand the applicability of the rule to include organic chemicals, require control of organic vapors during cleaning, purging and gas freeing of cargo tanks on vessels, require collection and submission of data on low-volatility cargos not regulated by the rule, and consolidate the requirements of Rule 46 into Rule 44. The proposed amendments would delete Rule 46. The amendments to ST-34 include corrections to temperature and pressure standardization errors in some equations and incorporates a requirement to determine gas constituent average concentrations on a flow-weighted basis in some circumstances.

7. Set Public Hearing for December 7, 2005 to Consider Report on Further Study Measure 8: Atmospheric Blowdown Systems

J. Broadbent/5052

jbroadbent@baaqmd.gov

Staff has examined atmospheric blowdown systems at Tesoro Refinery and regulations applicable to various types of emission and recommends no amendments to District regulations at this time.

COMMITTEE REPORTS AND RECOMMENDATIONS

8. Report of the **Public Outreach Committee** Meeting of October 24, 2005

CHAIR: S. YOUNG

J. Broadbent/5052

jbroadbent@baaqmd.gov

9. Report of the **Mobile Source Committee** Meeting of October 24, 2005

CHAIR: S. HAGGERTY

J. Broadbent/5052

jbroadbent@baaqmd.gov

Action(s): The Committee recommends Board of Director approval of Fiscal Year 2005/2006 Transportation for Clean Air Regional Fund grant awards listed on Attachment 1, totaling \$12.4 million.

10. Report of the **Budget and Finance Committee** Meeting of October 26, 2005

CHAIR: J. MILLER

J. Broadbent/5052

jbroadbent@baaqmd.gov

Action(s): The Committee recommends Board of Director approval to amend the FY 2005/2006 Budget by transferring \$80,075 from the Reserve for Capital Equipment to the Technical Services Budget, and authorize the Executive Officer/APCO to issue a purchase order in the amount of \$80,075 to Thermo Environmental Instruments for five Methane/Non-Methane Organic Carbon Analyzers.

11. Report of the **Legislative Committee Meeting** of October 31, 2005

CHAIR: B. WAGENKNECHT

J. Broadbent/5052

jbroadbent@baaqmd.gov

Action(s): The Committee may recommend approval of the Air District's proposed 2006 legislative agenda.

PRESENTATION

12. Presentation on Upcoming Particulate Matter Season and Air District Programs

J. Broadbent/5052

jbroadbent@baaqmd.gov

Staff will give a presentation on efforts to be undertaken throughout the upcoming particulate matter season and on Air District programs to address this winter time air quality public health concern.

CLOSED SESSION

13. Closed Session to Consider Employment Agreements with the Executive Officer/APCO and the District Counsel

Pursuant to Government Code Sections 54957 and 54957.6, the Board will consider approval of employment agreement and/or amendments to employment agreements with the Executive Officer/APCO and the District Counsel.

OPEN SESSION

14. Consideration of Employment Agreements with the Executive Officer/APCO and the District Counsel

J. Broadbent/5052

jbroadbent@baaqmd.gov

Pursuant to Government Code Sections 54957 and 54957.6, the Board will consider approval of employment agreement and/or amendments to employment agreements with the Executive Officer/APCO and the District Counsel.

OTHER BUSINESS

15. Report of the Executive Officer/APCO

16. Chairperson's Report

17. 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)

18. Time and Place of Next Meeting – 9:45 a.m. Wednesday, November 16, 2005 - 939 Ellis Street, San Francisco, CA 94109

19. Adjournment

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 Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 25, 2005

Re: Board of Directors' Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Board of Directors meeting of October 19, 2005.

DISCUSSION

Attached for your review and approval are the draft minutes of the October 19, 2005 Board of Directors' meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Draft Minutes: Board of Directors' Regular Meeting – October 19, 2005

Call To Order

Opening Comments: Chairperson Marland Townsend called the meeting to order at 9:59 a.m.

Roll Call: Present: Marland Townsend, Chair, Harold Brown, Roberta Cooper, Chris Daly, Mark DeSaulnier, Erin Garner, Scott Haggerty, Liz Kniss (10:08 a.m.), Patrick Kwok, Jake McGoldrick, Nate Miley, Julia Miller, Mark Ross, Michael Shimansky, Pam Torliatt, Brad Wagenknecht, Shelia Young.

Absent: Dan Dunnigan, Jerry Hill, John Silva, Tim Smith, Gayle B. Uilkema.

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

Commendations/Proclamation: There were none.

Public Comment Period: The following individuals came forward to speak:

James Corazza
Employees' Association

Will Saltz
Employees' Association

Mr. Corazza introduced Will Saltz as the in-coming President of the Employees' Association.

Director Liz Kniss arrived at 10:08 a.m.

Consent Calendar (Items 1 – 6)

1. Minutes of September 21, 2005 Meeting
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council. There was no report.
4. Monthly Activity Report – Report of Division Activities for the month of September 2005.
5. Quarterly Report of Air Resources Board Representative
6. Quarterly Report of the Clerk of the Boards

Board Action: Director Brown moved approval of the Consent Calendar; seconded by Director Torliatt; carried unanimously without objection.

Committee Reports and Recommendations

7. Report of the Stationary Source Committee Meeting of September 26, 2005

Director DeSaulnier presented the report and stated that the Committee met on Monday, September 26, 2005.

The Committee received a report on the District's Compliance Program, and provided direction to staff on several items.

The Committee received a status report on two specific elements of the Refinery Flare Control Rule. Staff reported on the comments made at the public hearing related to (1) the trigger point for the most formal level of causal analysis, and (2) a sulfur limit for any gases sent to a flare, including a limit of 160 ppm hydrogen sulfide. Staff recommended that no changes be made at this time to the adopted rule. The Committee directed staff to provide a status report on the rule at the next Committee meeting and include a timeline on the feasibility study; an update on the South Coast Air District's rulemaking and details on any high emissions, low volume events that might have occurred since the rule was adopted.

The Committee received a report on the progress of rule development efforts with regard to refinery operations and an update on the status of the 2005 Ozone Strategy and the Particulate Matter (PM) Implementation Schedule.

The next meeting of the Committee is scheduled for Monday, November 28, 2005.

Board Action: Director DeSaulnier moved that the Board of Directors approve the report of the Stationary Source Committee; seconded by Director Young.

Speakers: The following individuals came forward and spoke on this item:

Richard Quiroz
ChevronTexaco
Richmond, CA 94802

Dennis Bolt
Western States Petroleum Association
Concord, CA 94518

During discussion, Jack Broadbent, Executive Officer/APCO, stated that data is coming in from the refineries and that it will take from six to nine months before the District can make any recommendations regarding amendments to the refinery rule. The motion then passed unanimously with out objection.

8. Report of the Budget and Finance Committee Meeting of September 28, 2005

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

- A) *Increase the Executive Officer/APCO credit card limit from \$5,000 to \$10,000;*
- B) *Add the District Counsel and Executive Office Manager to the list of credit cards issued with a limit of \$10,000 each;*
- C) *Credit card limits of \$5,000 each for the two Deputy APCOs and for the two existing Division Directors;*
- D) *Approve the transfer of \$122,000 from the Reserve for Building and Facilities, and approve an increase in the Administrative Services Building Maintenance budget of \$60,000 for installation of rooftop Safety Anchors, and approve an increase in the Administrative Services Building Maintenance budget of \$62,000 for Air District Building West Exterior Epoxy Injection; and*
- E) *Transfer \$250,000 from the Reserve for Production System, and approve an increase in the Information Systems Professional Services budget of \$250,000, and approve a Purchase Order not to exceed \$250,000 to CH2MHill for configuration and building of Oracle database.*

Director Miller presented the report and stated that the Committee met on Wednesday, September 28, 2005 and received the Fourth Quarter Financial Report for Fiscal Year 2004/2005. Staff was directed to include a separate statement on Reserves with future financial reports.

Staff presented information and the Committee recommends Board of Director approval to authorize an increase of the credit card limit of the Executive Officer/APCO from \$5,000 to \$10,000; and that the Executive

AGENDA: 1

Office Manager be added to the list of credit cards issued as well as the District Counsel, with a credit limit of \$10,000 each; the credit limits for the two Deputy Air Pollution Control Officers and the two existing Division Directors shall be \$5,000 each. Additionally, there will be a provision established to have the expenditures formally reviewed by either the Chairperson of the Board of Directors or the Budget & Finance Committee Chair.

Staff presented a report and the Committee recommends Board of Director approval to amend the Fiscal Year 2005/2006 budget and transfer funds from Reserve for Building and Facilities, as follows:

- A. *Transfer \$122,000 from the Reserve for Building and Facilities;*
- B. *Increase the fiscal year 2005/2006 Administrative Services Building Maintenance budget by \$60,000 for installation of rooftop Safety Anchors; and*
- C. *Increase the fiscal year 2005/2006 Administrative Services Building Maintenance budget by \$62,000 for Air District Building West Exterior Epoxy Injection.*

Direction was given to staff to obtain a cost estimate for conducting a building inspection and to investigate whether or not the District is still within the statute of limitation to file a claim against the management of the building next to the District for a settlement for damages caused by the construction of that building; and to investigate District insurance recourse, if any.

Staff presented a report and the Committee recommends Board of Director approval to transfer \$250,000 from the Reserve for Production System; and approve an increase of \$250,000 in the Information Systems Professional Services budget for fiscal year 2005/2006. Additionally, the Committee recommends Board of Director approval for a purchase order to CH2MHill in an amount not to exceed \$250,000 for configuration and building of an Oracle database.

Staff introduced Michael White, the new Finance Manager. The next meeting of the Committee will be at 9:45 a.m., Wednesday, October 26, 2005.

Board Action: Director Miller moved that the Board of Directors approve the recommendations and report of the Budget and Finance Committee; seconded by Director Haggerty.

There was a brief discussion on the credit card limits and when payment is made on the cards. The motion then passed unanimously without objection.

9. Report of the Executive Committee Meeting of October 12, 2005

Action(s): The Committee recommended Board of Director approval of the Report of the Advisory Council with the recommendation to appoint Ken Blonski to the Regional Park District category on the Advisory Council to complete an unexpired term of office that began January 1, 2004 and will end December 31, 2005.

Chairperson Townsend presented the report and stated that the Committee met on Wednesday, October 12, 2005 and received and filed the Report of the Hearing Board.

Brian Zamora, Advisory Council Chairperson, presented the Report of the Advisory Council and updated the Committee on a formalized Code of Conduct for the Council, the Council's recommendation on Indoor Air Quality (IAQ), and a review of a presentation made by Dr. Richard Jackson at the last Council meeting on public health and land-use planning.

Bill Hanna, Chairperson of the Advisory Council Applicant Selection Working Group, requested that the Committee recommend Board of Director approval of the appointment of Ken Blonski to the "Regional Park District" category on the Advisory Council for an unexpired term ending December 31, 2005. The Committee approved the recommendation.

Ted Droettboom, Regional Planning Program Director of the Joint Policy Committee provided an update on the JPC.

Staff presented an update on the District's Affirmative Action Plan.

Jack Broadbent, Executive Officer/APCO presented a report to the Committee on some organizational realignment of several Divisions.

The Committee adjourned to a Closed Session to conduct performance evaluations of the Executive Officer/APCO and the District Counsel. A report on the Committee's Closed Session discussions will be provided in Closed Session with the full Board on this topic today.

The next meeting of the Executive Committee will be at 9:30 a.m., Wednesday, November 30, 2005.

Board Action: Chairperson Townsend moved that the Board of Directors approve the report and recommendation of the Executive Committee and appoint Ken Blonski to the Regional Park District category on the Advisory Council to complete an unexpired term ending December 31, 2005; seconded by Director Torliatt.

Chairperson Townsend noted there will be a change in the future whereby the Advisory Council appointments will go to the Personnel Committee instead of the Executive Committee. The motion then passed unanimously without objection.

Closed Session (The Board adjourned to Closed Session at 10:29 a.m.)

10. Report of Executive Committee Meeting of October 12, 2005 and Closed Session to Conduct Public Employee Performance Evaluation

Pursuant to Government Code Sections 54957 and 54957.6, a performance evaluation was conducted of the Executive Officer/APCO and the District Counsel.

11. Conference with Legal Counsel

Significant Exposure to Litigation

Pursuant to Government Code Section 54956.9(b), a need existed to meet in Closed Session to discuss one potential litigation matter against the District.

Open Session (The Board reconvened to Open Session at 11:38 a.m.)

Chairperson Townsend reported on agenda item 10 and stated that the Board gave general direction to the Chairperson to negotiate further on the contracts for the Executive Officer/APCO and District Counsel.

Brian Bunger, Counsel, reported that the Board met in Closed Session on agenda item 11 and received a report on potential litigation and provided general direction to Counsel.

Other Business

12. Report of the Executive Officer/APCO – Mr. Broadbent reported on the following:

1. The smog season ended October 14th and the Air District only had one violation of the new national 8-hour ozone standard. The violation was on Saturday, July 23rd. A Spare the Air day was called the following Tuesday, but there was no exceedance on that day.
2. Reminded the Board of the upcoming 50th Anniversary event on November 10th at Scott's in Jack London Square.
3. The Air District logos that have been placed in the 7th floor lobby and the Board room.

13. Chairperson's Report: There was no report.

14. Board Members' Comments – There were none.

15. Time and Place of Next Meeting –9:45 a.m., Wednesday, November 2, 2005 - 939 Ellis Street, San Francisco, CA 94109.

16. **Adjournment – The meeting adjourned at 11:40 a.m.**

**Mary Romaidis
Clerk of the Boards**

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 26, 2005

Re: Set Public Hearing on Further Study Measure 9: Refinery Wastewater
Treatment Systems

RECOMMENDED ACTION:

Set public hearing for November 16, 2005 to consider a report on Further Study Measure 9: Refinery Wastewater Treatment Systems.

DISCUSSION

The 2001 Ozone Attainment Plan contained four stationary source further study measures to assess the emissions from various parts of petroleum refinery operations. Further Study Measure 9 committed the District to examine emissions from wastewater collection and treatment systems. The District, along with ARB staff, examined emissions from the collection systems at the five Bay Area refineries in 2003 and 2004. The Board adopted proposed amendments to Regulation 8, Rule 8: Wastewater Collection and Separation Systems, on September 15, 2004, that reduce emissions of organic compounds by 2.1 tons/day.

The District then undertook a second phase of the study, an examination of the emissions from wastewater treatment systems at the refineries. The District developed a sampling and modeling plan in conjunction with ARB staff, refiners, WSPA, CBE and consultants. Emissions of this portion of the wastewater systems are estimated at only 0.24 tons/day of organic compounds. Based on the low emission reduction potential and costs for control equipment, staff is not recommending any further regulatory amendments to Regulation 8, Rule 8 at this time.

The affected industry and public have had the opportunity to comment on the proposed report. A public hearing notice and the proposed report will be made available on the web at <http://www.baaqmd.gov/pln/ruledev/regpublichearings.asp>.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Daniel Belik
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 26, 2005

Re: Set Public Hearing on Proposed Amendments to Regulation 8, Rule 28:
Episodic Releases from Pressure Relief Devices at Petroleum Refineries
and Chemical Plants and Adoption of a CEQA Negative Declaration

RECOMMENDED ACTION:

Set public hearing for December 7, 2005 to consider adoption of proposed amendments to Regulation 8, Rule 28: Episodic Releases from Pressure Relief Devices at Petroleum Refineries and Chemical Plants and Adoption of a CEQA Negative Declaration.

DISCUSSION

The District is proposing to amend Regulation 8, Rule 28: Episodic Releases From Pressure Relief Devices at Petroleum Refineries and Chemical Plants and adopt a California Environmental Quality Act Negative Declaration. The District committed to consider additional control requirements for pressure relief devices (PRDs) in the 2001 Ozone Attainment Plan. In 1997, the District Board adopted amendments to Rule 28 that remain the most stringent rule in the country. Staff has evaluated emissions from PRDs since the 1997 amendments and has found that the rule has been successful; both the emissions from PRDs and number of releases have declined. The rule adopts a targeted approach, requiring measures to prevent releases be adopted for all PRDs and that PRDs that have two releases of as little as ten pounds of material be vented to control.

The proposed amendments to Regulation 8, Rule 28 enhance the District's ability to enforce the rule. The proposed amendments would:

- Require monitoring systems for all atmospheric PRDs;
- Require facilities to ensure that they have the capability to detect and quantify all release events, including small releases of 10 pounds, which is the reporting threshold, or more, and require facilities to demonstrate this capability to the District;
- Require data recording and recordkeeping for venting and emissions verification;
- Clearly define the equipment subject to the rule and terms used in the rule such as "telltale indicator".
- Make minor, non-substantive changes to the rule such as deleting obsolete references to "turnarounds", moving requirements where appropriate, and clarifying various sections of the rule.

The District developed a Technical Assessment Document and conducted a PRD Audit in 2002 and formed a technical working group that included affected industry, Communities for a Better Environment, ARB staff, and Contra Costa County Hazardous Materials Officers. A public workshop has been conducted on the proposed amendments. A public hearing notice, the proposed amendments, the CEQA Negative Declaration and a staff report will be made available on the web at <http://www.baaqmd.gov/pln/ruledev/regpublichearings.asp>.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Daniel Belik
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 26, 2005

Re: Set Public Hearing on Proposed Amendments to Regulation 8, Rule 44:
Marine Vessel Loading Terminals; Rule 46: Marine Tank Vessel to
Marine Tank Vessel Loading; Manual of Procedures, Volume IV, ST-34:
Bulk and Marine Loading Terminals – Vapor Recovery Units; and
Adoption of a CEQA Negative Declaration

RECOMMENDED ACTION:

Set public hearing for December 7, 2005 to consider adoption of proposed amendments to Regulation 8, Rule 44: Marine Vessel Loading Terminals; Rule 46: Marine Tank Vessel to Marine Tank Vessel Loading; Manual of Procedures, Volume IV, ST-34: Bulk and Marine Loading Terminals – Vapor Recovery Units; and Adoption of a CEQA Negative Declaration.

DISCUSSION

The District is proposing to amend Regulation 8, Rule 44: Marine Vessel Loading Terminals and Rule 46: Marine Tank Vessel to Marine Tank Vessel Loading Terminals; the Manual of Procedures, Volume IV, ST-34: Bulk and Marine Loading Terminals – Vapor Recovery Units; and adopt a California Environmental Quality Act Negative Declaration. The District committed to consider additional control requirements for marine tank vessels in the 2001 Ozone Attainment Plan, Further Study Measure 11. Existing Regulation 8, Rule 44 controls emissions from loading of crude oil, gasoline, gasoline blending stocks, aviation gas and JP-4 jet fuel into marine vessels. Rule 46 controls emissions from these cargos when they are transferred (lightered) from ship to ship.

The proposed amendments to Regulation 8, Rule 44 would:

- Reduce the allowable leak standard for equipment and connections associated with marine loading from 10,000 ppm to 1000 ppm based on standards in effect in other air districts;
- Incorporate Rule 46 requirements regarding lightering operations into Rule 44 and eliminate Rule 46;
- Require control of emissions from loading any liquid with a flash point less than a specified level, which would result in control of the loading of high volatility organic chemicals;

- Require control of emissions when organic vapors are vented to atmosphere, such as during cleaning, purging, and gas freeing of cargo tanks on marine tank vessels;
- Require collection and submission of data, including for the loading of low-volatility cargos such as fuel oils; and
- Make minor clarifying changes to the rules such as deletion of obsolete references and addition of definitions.

Proposed amendments to the Manual of Procedures, Volume IV, ST-34: Bulk and Marine Loading Terminals – Vapor Recovery Units include corrections to temperature and pressure standardization errors in some equations. Also, the proposal incorporates a requirement that, in some situations, gas constituent average concentrations shall be determined on a flow-weighted basis.

The District developed a Technical Assessment Document and formed a technical working group that included affected industry, Communities for a Better Environment, ARB staff, and consultants. A public workshop was conducted in 2003 and based on comments at that time, staff has revised the proposal. A public workshop on the currently proposed amendments was conducted on October 19, 2005. A public hearing notice, the proposed amendments, the CEQA Negative Declaration and a staff report will be made available on the web at <http://www.baaqmd.gov/pln/ruledev/regpublichearings.asp>.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Daniel Belik
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 26, 2005

Re: Set Public Hearing on Further Study Measure 8: Atmospheric Blowdown
Systems

RECOMMENDED ACTION:

Set public hearing for December 7, 2005 to consider a report on Further Study Measure 8: Atmospheric Blowdown Systems.

DISCUSSION

The 2001 Ozone Attainment Plan contained four stationary source further study measures to assess the emissions from various parts of petroleum refinery operations. Further Study Measure 8 committed the District to examine emissions from refinery pressure vessels, blowdown systems and flares. District staff has separately examined emissions from pressure vessels (proposed amendments to District Regulation 8, Rule 28: Episodic Releases From Pressure Relief Devices at Petroleum Refineries and Chemical Plants) and flares (Regulation 12, Rule 12: Flares at Petroleum Refineries, adopted July 20, 2005). Atmospheric blowdown systems are found at only one Bay Area refinery, the Tesoro Refinery near Martinez.

District staff examined each input stream to the blowdown systems and characterized the emissions as either episodic (such as emissions from pressure relief devices) or periodic (such as emissions from cleaning and maintenance operations). These episodic and periodic emissions are already subject to existing District rules. Some of these rules have been strengthened (such as Regulation 8, Rule 10: Process Vessel Depressurization), or are proposed for amendment (such as Regulation 8, Rule 28). Emissions are small and sufficient regulatory authority exists to control emissions from these systems. Consequently, staff is not recommending regulatory amendments to District rules to further control blowdown systems at this time.

The affected industry and public have had the opportunity to comment on the proposed report. A public hearing notice and the proposed report will be made available on the web at <http://www.baaqmd.gov/pln/ruledev/regpublichearings.asp>.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Daniel Belik
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 24, 2005

Re: Report of the Public Outreach Committee Meeting of October 24, 2005

RECOMMENDED ACTION

For information only.

BACKGROUND

The Public Outreach Committee met on Monday, October 24, 2005 and received reports on three outreach programs. A summary of the summertime Spare the Air/Free Morning Commute campaign was presented. Staff reported that only one Spare the Air advisory was issued on July 26, 2005. The media response was positive and ridership on the partnering 20 transit systems went up 6.7 percent.

Outreach for the 2005/2006 wintertime Spare the Air Tonight campaign will focus on the "Don't Burn Wood" and health effects messages. Staff also presented plans for the Lawnmower Exchange program which is scheduled for Spring 2006. The attached reports were presented to the Committee.

Vice Chairperson John Silva will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the aforementioned outreach programs is included in the 2005/2006 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Luna Salaver
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter-Office Memorandum

To: Chairperson Young and Members
of the Public Outreach Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 17, 2005

Re: 2005 Spare the Air Wrap-Up

RECOMMENDED ACTION

Receive and file.

BACKGROUND

The Spare the Air program was created to notify the public when air pollution is expected to reach unhealthy concentrations and to encourage Bay Area residents to take individual action to reduce harmful pollutants.

The summertime 2005 smog season began on June 1 and came to an official close on October 14, 2005, with just one Spare the Air advisory called this summer, the lowest since the Spare the Air program began in 1991.

DISCUSSION

2005 Spare the Air/Free Morning Commute Campaign

This year the Air District and the Metropolitan Transportation Commission expanded the successful Spare the Air/Free Morning Commute program and partnered with 20 regional transit operators to offer free morning commutes on the first five Spare the Air weekdays.

The single Spare the Air day of 2005 occurred on Tuesday, July 26, when warm temperatures and stagnant air triggered an advisory. Staff issued a press release, alerted the employer network, notified all the transit partners, sent e-mails to over 27,000 members of the AirAlert network and triggered changeable message signs with Caltrans and a number of other partners. Real time radio and television ads were also purchased.

Press response was excellent, with television interviews on seven Bay Area networks, four radio interviews and print stories in five major newspapers, including back-to-back feature stories in the San Francisco Chronicle. A copy of the summer media highlights will be provided at the committee meeting.

Public response to the Spare the Air program included:

- Increasing overall transit ridership in the region by 6.7%. According to MTC, the estimated vehicle miles reduced by commuters taking advantage of the free morning commute is about 64,270 miles, which is the equivalent distance of driving between San Francisco to Los Angeles 85 times.
- Reducing driving. Over seven percent of Bay Area drivers reduced at least one trip to help Spare the Air.
- Joining AirAlerts, the e-mail notification system which gives 24 hour advance notice of Spare the Air days. As of October 14, AirAlert registrants reached an all time high of over 31,200 individuals.

Advertising and Media

The Spare the Air/Free Morning Commute program was a well-publicized campaign. For the first time, buses on 15 transit systems were wrapped with Spare the Air messages in addition to the five wrapped BART cars. The wrapped vehicles were in service from mid-June through October 14. A press conference to announce the partnership was held on May 26 and was extensively covered in the media. The media value of both the press conference and the July 26 episode resulted in an audience exposure of 5,290,729 people with an advertising value of \$70,640. All 20 transit systems carried Spare the Air posters, signs or banners and helped distribute 56,350 Spare the Air/Free Morning Commute post cards to their constituents.

Television ads (189) and radio ads (65) with a Spare the Air message ran throughout the month of June, as did two billboards in San Mateo and Contra Costa counties. A Spare the Air banner was hung on Treasure Island in May, July and August which had an audience exposure value of 11 million people for that time period. Jumbotron ads were played at the Oakland Coliseum and at SBC Park during several A's and Giant's home games.

During the months of June and July, youth television ads as well as Chinese television and Spanish radio ads were running.

In addition, to help promote AirAlerts registration, the Air District participated in a number of high profile community events this summer including the Health and Harmony Festival (Sonoma), the first annual Sierra Summit (San Francisco), Radio Disney's "Evening of Magic and Music" (Mountain View), First Wednesday Street Parties (Livermore), the San Jose Jazz Festival (San Jose), and the Alameda County Home and Garden Show (Pleasanton). The Air District also participated at numerous employer events.

Survey Information

On the single Spare the Air day, the public was surveyed to quantify the effects that the Spare the Air public education program had on driving behavior. The 2005 survey results demonstrate a continued high recognition rate by the public and continued positive program effectiveness. Survey highlights include:

- Over seven percent of Bay Area drivers reduced at least one trip to help Spare the Air.
- 54% were aware it was a Spare the Air day.
- 53% were aware of the Free Morning Commute option.
- 58% of drivers knew of the Air District.
- 50% had a favorable opinion of the Air District.
- 80% of drivers knew of the Spare the Air program.
- 70% recalled being exposed to a Spare the Air news story days before the survey.

BUDGET CONSIDERATIONS/FISCAL IMPACT:

Funds for the Spare the Air campaign are contained in the 2005-06 budget. The largest source of funding for the program comes from the Congestion Mitigation Air Quality (CMAQ) program.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Luna Salaver
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter-Office Memorandum

To: Chairperson Young and Members
of the Public Outreach Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2005

Re: 2005/2006 Wintertime Outreach

RECOMMENDED ACTION

Receive and file.

BACKGROUND

Staff will present plans for the upcoming wintertime outreach campaign including media and survey strategies.

DISCUSSION

The Air District will begin its wintertime outreach program November 14, 2005, focusing on curtailing wood burning in fireplaces and woodstoves, and driving less. The campaign will run through February 17, 2006. In addition, staff will continue the woodstove change out program in areas where funding is available.

In order to be more protective of public health, the Air District will issue a *Spare the Air Tonight* advisory on any day that is forecast to reach 130 on the Air Quality Index (AQI) scale, corresponding to the range at which the air is considered unhealthy to breathe for sensitive groups. Sensitive groups include small children, the elderly and those with lung or respiratory ailments.

Media Outreach

Staff will conduct wintertime outreach through two major strategies, media outreach for “Spare the Air Tonight” and placement of feature stories or op-ed pieces.

Strategy 1 - Secure the participation of local broadcast and print media in announcing “Spare the Air Tonight.” This will include:

- A press release prior to November 14 to announce the program.

- Media advisories before the major wintertime holidays, such as Thanksgiving, Christmas and New Year’s Eve.
- Outreach to broadcast meteorologists.
- Public service announcements for radio stations (especially ethnic outlets), that encourage residents to sign up for AirAlerts.

Strategy 2 - Placement of feature stories or op-ed pieces that spotlight the programs and initiatives of the Air District and/or help promote air pollution prevention behaviors among Bay Area residents. This will include:

- Approaching local broadcast news programs with woodsmoke-related features customized for specific outlets such as:
 - **The Hidden Costs of Burning Wood** - A side-by-side comparison of heating your home with gas vs. wood.
 - **The Health Risks of Burning Wood** - A comprehensive segment featuring an asthma sufferer, a doctor, and an Air District expert.

Surveys

Wintertime surveys will be conducted the day after a Spare the Air Tonight advisory. The purpose of the study is to better understand the public’s attitudes and behavior with respect to burning wood, their awareness of the Spare the Air Tonight Program, as well as the impact that the Program has had on awareness, opinions and behavior relevant to burning wood and air quality. The results will be useful to the Air District as a gauge of the effectiveness of education and outreach programs, and will inform future public education, media outreach and advocacy for local governments adopting the Air District's model woodsmoke ordinance.

Other

The Spare the Air web page – www.sparetheair.org - is being updated to reflect the winter program. The AirAlert e-mail notification system will remain active during the winter and the 31,200 people who subscribe to the system will receive an AirAlert when a *Spare the Air Tonight* advisory is issued.

To publicize the woodstove change out program in Santa Clara County, 200,000 bill inserts will be included in San Jose water bills this winter.

Staff will continue to work with the 1300 employers in the Spare the Air program.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

Funds were allocated for the *Spare the Air Tonight* activities in the 2005-06 budget. Funding for the wood smoke/fireplace change out program is being provided by Calpine and Santa Clara Power and Light as part of the California Energy Commission's (CEC's) approval to build and operate power plants in Santa Clara County.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Luna Salaver
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter-Office Memorandum

To: Chairperson Young and Members
of the Public Outreach Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2005

Re: 2006 Lawn Mower Buy-back Program

RECOMMENDED ACTION

Receive and file.

BACKGROUND

Staff will give a report on developing plans for the 2006 lawn mower buy-back program.

DISCUSSION

For the past seven years, the Air District has coordinated lawn mower buy-back programs in the Bay Area. Generally, a \$100 rebate is available to local residents who wish to exchange their old gas-powered mower for a new cleaner electric one. The programs have been co-sponsored with local waste management agencies, Home Depot and Black & Decker. In 2005, three community events were held and approximately 500 Bay Area residents traded-in their old gasoline mowers to receive a \$100 instant rebate on a Black & Decker corded electric mower. Media coverage included two TV news pieces.

Four events are planned for 2006. Staff will analyze past lawn mower exchanges and solicit input from program co-sponsors to determine the appropriate 2006 venues.

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

Funds for the lawnmower program are contained in the Public Information and Outreach 2005-06 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Luna Salaver
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 25, 2005

Re: Report of the Mobile Source Committee Meeting of October 24, 2005

RECOMMENDED ACTIONS

The Committee recommends Board of Director approval of FY 2005/06 Transportation Fund for Clean Air Regional Fund grant awards, as listed on Attachment 1 of the attached Mobile Source Committee agenda item #4 staff report, totaling \$12.4 million.

DISCUSSION

The Mobile Source Committee met Monday, October 24, 2005. Chairperson Scott Haggerty will give a summary of the meeting. The attached staff reports were presented to the Committee. Attachment 2 of the Mobile Source Committee agenda item #4 staff report has been revised to include additional information requested by the Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 25, 2005

Re: Report of the Budget & Finance Committee Meeting of October 26, 2005

RECOMMENDED ACTION

The Budget and Finance Committee recommends Board of Director approval to amend the Fiscal Year 2005/06 budget by transferring \$80,075 from the Reserve for Capital Equipment to the Technical Services Budget, and authorize the Executive Officer/APCO to issue a purchase order in the amount of \$80,075 to Thermo Environmental Instruments for five Methane/Non-Methane Organic Carbon Analyzers.

BACKGROUND

The Budget & Finance Committee met on October 26, 2005. Staff presented updates and recommendations on the following items:

- First Quarter Financial Report;
- Request to Amend FY 2005/06 Budget and Transfer Funds from Reserve for Capital Equipment to the Technical Services Budget and to issue a purchase order to Thermo Environmental Instruments; and
- Status Report on progress being made with regard to the installation of teleconferencing equipment in the 4th floor conference room.

Attached are the staff reports presented to the Committee for your review.

Chairperson, Julia Miller will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The FY 2005/2006 Technical Services Division budget will be increased by \$80,075 with staff's recommendation to transfer \$80,075 from the Reserve for Capital Equipment.

The FY 2005/2006 Capital Budget will be increased by \$28,653 and the ISS Budget will be increased by \$8,400 with a transfer from the Reserve for Contingency to fund the video-conferencing equipment and installation in the 4th floor conference room.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Mary Romaidis
Reviewed by: Mary Ann Goodley

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 25, 2005

Re: Report of the Legislative Committee Meeting of October 31, 2005

RECOMMENDED ACTIONS

The Committee may recommend that the Board of Directors adopt a legislative agenda for 2006.

DISCUSSION

The Legislative Committee will meet on Monday, October 31, 2005. The Committee will hear a review of the 2005 legislative year, focusing on the outcome of the measures that the District supported and opposed. The bill the District sponsored on the Transportation Fund for Clean Air, AB 694 (Chan), was passed by the Legislature and signed by the Governor, and will take effect January 1, 2006. The Air District thus achieved its primary legislative goal for 2005. None of the measures the District opposed became law. However, a number of bills the Air District supported, that would have improved air quality, failed to become law. Virtually all of these died in the Assembly.

The Committee will also consider a range of ideas for incorporation into the District's legislative agenda for 2006. Committee Chairperson Brad Wagenknecht will give an oral report of this discussion, and may present the Committee's recommended agenda for consideration by the Board. The attached reports will be presented to the Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Marland Townsend and
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 25, 2005

Re: Presentation on Upcoming Particulate Matter Season and Air District Programs

RECOMMENDED ACTIONS

None. Information only.

DISCUSSION

At the November 2, 2005 Board of Directors meeting, staff will make a presentation regarding bay area particulate matter and Air District programs to address this winter time air quality and public health concern.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jean Roggenkamp