

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

Approved Minutes: Board of Directors’ Regular Meeting – June 15, 2005

Call To Order

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

Roll Call: Present: Marland Townsend, Chair, Harold Brown, Roberta Cooper, Chris Daly (10:05 a.m.), Mark DeSaulnier (10:21 a.m.), Scott Haggerty, Jerry Hill, Liz Kniss (10:14 a.m.), Jack McGoldrick, Nate Miley, Julia Miller, Mark Ross, Michael Shimansky, John Silva, Pam Torliatt (9:56 a.m.), Brad Wagenknecht, Shelia Young.

Absent: Dan Dunnigan, Erin Garner, Patrick Kwok, Tim Smith, Gayle B. Uilkema.

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

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

Jane Huvane
Bayshore School District
Daly City, CA 94014

Steve Waterman
Bayshore School District
Daly City, CA 94014

The speakers thanked the Board of Directors and the Air District for implementing the Clean Air Challenge curriculum. The speakers also thanked the Board for allowing the students studying the curriculum to make presentations before the Board at a previous meeting.

Director Pamela Torliatt arrived at 9:56 a.m.

Commendation/Proclamation

The Board of Directors recognized employees who have completed milestone levels of twenty-five (25), and thirty (30), years of service with the Air District during this past half year with certificates and pins.

The Board of Directors recognized the following employee who has completed 30 years of service with the District: Victor Morales-Laimon. The Board of Directors recognized the following employees who have completed 25 years of service with the District: Ninevah Williams, William Hammel, Dick Ducker, and Robert Bartley.

Consent Calendar (Items 1 – 6)

1. Minutes of June 1, 2005 Meetings
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 May 2005.
5. Considered Approval of a New Classification of Policy and Outreach Intern and Approval of Revisions to College Intern Program Guidelines

The Board of Directors considered approval of a new classification of Policy and Outreach Intern and Revisions to the College Intern Program Guidelines.

6. Authorization for Execution of Purchase Orders in Excess of \$70,000

The Board of Directors considered authorizing the Executive Officer/APCO to execute the following purchase orders in excess of \$70,000.

- A) *Purchase order to San Francisco Honda for the purchase of 5 (five) 2005 model year compressed natural gas Honda Civic sedans, not to exceed \$113,911;*
- B) *Purchase order to Brady Air Conditioning for Phase IV HVAC replacement, not to exceed \$653,160;*
- C) *Purchase order to Benjamin Bolles for Phase II of the fire alarm upgrades, not to exceed \$116,340; and*
- D) *Purchase order to Benjamin Bolles for upgrades to the 7th floor Board room, the 7th and 4th floor bathrooms, and the main lobby doors of the District, not to exceed \$147,300.*

Board Action: Director Miller moved approval of the Consent Calendar; seconded by Director Young; carried unanimously with the following Board members voting:

AYES: Brown, Cooper, Daly, Haggerty, Hill, McGoldrick, Miley, Miller, Ross, Shimansky,
Silva, Torliatt, Wagenknecht, Young, Townsend.

NOES: None.

ABSENT: DeSaulnier, Dunnigan, Garner, Kniss, Kwok, Smith, Uilkema.

Adopted Resolution No. 2005-07: A Resolution to Approve New Classification of Policy and Outreach Intern and Approve Revised College Intern Program Guidelines

Committee Reports and Recommendations

7. Report of the Legislative Committee Meeting of June 6, 2005

Action(s): The Committee recommended that the Board of Directors take the following position on the bills listed below:

Bill	Brief Description	Committee Recommendation
AB 386 (Lieber)	Transfers smog check policy authority from BAR to ARB	Support
AB 721 (Nunez)	Establishes loan program for metal platers to install technology to cut emissions	Support
AB 1229 (Nation)	Puts air pollution and greenhouse gas labels on new cars	Support
AJR 8 (Canciamilla)	Urges Congress to ratify international treaty on marine vessel emissions	Support
SB 250 (Campbell)	Establishes specifications for hydrogen fuel for vehicles and fuel cells	Support
SB 1024 (Perata)	Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005	Support

Director Wagenknecht presented the report and stated that the Committee met on Monday, June 6, 2005. Staff presented six bills for the Committee's consideration. The bills, a brief description, and the Committee's recommendations are listed above.

At the Committee's request, staff provided information on several bills from the BAAQMD Bill Discussion List – June 2005. The next Committee meeting will be at the Call of the Chair.

Board Action: Director Wagenknecht moved that the Board approve the recommendations of the Legislative Committee; seconded by Director Daly; carried unanimously without objection.

Public Hearings

- Public Hearing to Consider Proposed New Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants; Proposed Manual of Procedures, Volume II, Part 4: New and Modified Sources of Toxic air Contaminants; proposed amendments to various District rules for consistency with proposed Regulation 2, Rule 5; and certification of a California Environmental Quality Act (CEQA) Environmental Impact Report

The proposed rule and chapter to the Manual of Procedures will incorporate existing Air Toxics New Source Review policies to prevent significant increases in health risks resulting from new and modified sources of toxic air contaminants. The rule will also reduce existing

health risks by requiring updated control requirements when older, more highly polluting sources are modified or replaced.

Chairperson Townsend opened the Public Hearing at 10:08 a.m.

Brian Bateman, Director of Engineering, presented the report and provided background on the Air Toxics NSR Program that began in 1987. Mr. Bateman discussed the Risk Evaluation Procedure, including the health risk assessment guidelines and the steps in the Risk Evaluation Procedure.

Director Liz Kniss arrived at 10:14 a.m.

The Risk Management Policy was reviewed along with the criteria for permit approval. Program implementation includes Health Risk Screening Analyses (HRSAs); certain sources requiring HRSAs; and preparation of the HRSA with modeling software and use of digital maps and geophysical data.

Mr. Bateman reviewed the three reasons to codify the Air Toxics NSR Rule into the Air District's regulations. It will integrate the policy into the regulations, increase program clarity and public visibility, and update and enhance the program requirements.

The proposed changes in the Air Toxics NSR Program were reviewed and they include new OEHHA Health Risk Assessment Guidelines; CARB Risk Management Guidelines; requirements for perc dry cleaners; and changes in risk screening fees.

Director Mark DeSaulnier arrived at 10:21 a.m.

The rule development process, public comments, and cumulative risk assessment were also discussed. Mr. Bateman stated that staff recommends the Board take the following actions:

- Adopt the new Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants;
- Adopted associated Manual of Procedures chapter;
- Adopt associated amendments to seven other District rules;
- Certify the final Environmental Impact Report; and
- Adopt a CEQA Statement of Overriding Considerations.

The following individuals came forward to speak:

Karen G. Pierce	Amy Cohen	Wafaa Aborashed
BVHP Community Advocates & Bay Area Clean Air Task Force	Environmental Law & Justice Clinic	Environmental Justice for Clean Air Coalition
San Francisco, CA 94124	San Francisco, CA 94105	Alameda, CA 94577

Chairperson Townsend closed the Public Hearing at 10:54 a.m.

Board Action: Director Brown moved that the Board adopt the staff recommendations; seconded by Director Kniss; carried unanimously with the following Board members voting:

AYES: Brown, Cooper, Daly, DeSaulnier, Haggerty, Hill, Kniss, McGoldrick, Miley, Miller, Ross, Shimansky, Silva, Torliatt, Wagenknecht, Young, Townsend.

NOES: None.

ABSENT: Dunnigan, Garner, Kwok, Smith, Uilkema.

Adopted Resolution No. 2005-08 – A Resolution of the Board of Directors of the Bay Area Air Quality Management District

Adopting:

District Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants; District Manual of Procedures, Volume II, Part 4: New and Modified Sources of Toxic Air Contaminants;

Amending:

District Regulation 2, Rule 1: General Requirements; District Regulation 2, Rule 2: New Source Review; District Regulation 2, Rule 9: Interchangeable Emission Reduction Credits; District Regulation 8, Rule 34: Solid Waste Disposal Sites; District Regulation 8, Rule 40: Aeration of Contaminated Soil and Removal of Underground Storage Tanks; District Regulation 8, Rule 47: Air Stripping and Soil Vapor Extraction Operations; District Regulation 11, Rule 16: Perchloroethylene and Synthetic Solvent Dry Cleaning Operations; District Manual of Procedures, Volume II, Part 2: Permits, General;

Certifying an Environmental Impact Report for this Project; and Adopting a Statement of Overriding Considerations.

9. Public Hearing to Consider Approval of Proposed Amendments to Regulation 3: Fees and approval of the filing of a California Environmental Quality Act (CEQA) Notice of Exemption

The proposed amendments to Regulation 3: Fees, would increase fees effective July 1, 2005 based on the results of the Cost Recovery Study by Stonefield Josephson, Inc.

Peter Hess, Deputy APCO, stated that the Air District contracted with Stonefield Josephson, Inc. to conduct a Cost Recovery Study. The Study has been completed and the findings are the basis for the proposed amendments to the fee regulation.

Mr. Bateman presented the report and reviewed the background, a summary of the proposed amendments, the rule development process and the impacts on annual permit fees. Staff recommends that the Board adopt the proposed amendments to Regulation 3 effective July 1, 2005; and approve the filing of a CEQA Notice of Exemption.

Chairperson Townsend opened the Public Hearing at 11:31 a.m.

The following individual came forward to speak:

Dennis DeCota
California Service Station Association

Chairperson Townsend closed the Public Hearing at 11:35 a.m.

Board Action: Director Kniss moved that the Board adopt the staff recommendations; seconded by Director Hill; carried unanimously with the following Board members voting:

AYES: Cooper, Daly, DeSaulnier, Haggerty, Hill, Kniss, Miley, Miller, Ross, Shimansky, Wagenknecht, Young, Townsend.

NOES: None.

ABSENT: Brown, Dunnigan, Garner, Kwok, McGoldrick, Silva, Smith, Torliatt, Uilkema.

Adopted Resolution No. 2005-09 – A Resolution of the Board of Directors of the Bay Area Air Quality Management District Amending Regulation 3 - Fees

10. Final Public Hearing to on the Proposed District Budget for Fiscal Year 2005/2006

Pursuant to California Health and Safety Code Section 40131, the Board of Directors conducted the final public hearing on the proposed District Budget and considered adoption.

Chairperson Townsend opened the Public Hearing at 11:38 a.m. There being no speakers on this item, Chairperson Townsend closed the Public Hearing at 11:39 a.m.

Board Action: Director Kniss moved that the Board of Directors adopt the proposed District Budget for Fiscal Year 2005/2006 and the resolution reflecting actions of the Board in adopting the proposed budget; seconded by Director Young.

There was a brief discussion on additional funding for the Clean Air Curriculum and Jack Broadbent, Executive Officer/APCO, noted that additional funding could come from the Program 104 budget. The motion then passed with the following Board members voting:

AYES: Cooper, Daly, DeSaulnier, Haggerty, Hill, Kniss, Miley, Miller, Ross, Shimansky, Wagenknecht, Young, Townsend.

NOES: None.

ABSENT: Brown, Dunnigan, Garner, Kwok, McGoldrick, Silva, Smith, Torliatt, Uilkema.

Adopted Resolution No. 2005-10 – A Resolution to Approve the Budget for Fiscal Year Ending June 30, 2006 (FY 2005-2006) and Various Budget Related Actions

Other Business

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

1. The Air District's 50th Anniversary Symposium is Monday, June 20th.
2. The refinery flare control rule will be on the next Board meeting agenda.

12. Chairperson's Report: Chairperson Townsend stated that Mr. Hess has provided information packets to those Board members attending the Air & Waste Management Conference. Chairperson Townsend noted that Director Ross will be presenting a paper at the Conference.

Chairperson Townsend commented that Director Shimansky rode BART today and received a Spare the Air notice.

13. Board Members' Comments – Director Young requested that copies of the Board Correspondence regarding the EBMUD Bayside Groundwater Project be forwarded to her.

Director Miller congratulated the Legal Division on closing all NOV's and for the revenue it generated.

14. Time and Place of Next Meeting – Mr. Broadbent recommended cancellation of the July 6, 2005 Board meeting and Chairperson Townsend so ordered. The next Regular Board meeting is scheduled for 9:45 a.m., Wednesday, July 20, 2005 - 939 Ellis Street, San Francisco, CA 94109.

15. Adjournment – The meeting adjourned at 11:46 a.m.

/s/ Mary Romaidis
Mary Romaidis
Clerk of the Boards