

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

Approved Minutes: Board of Directors' Regular Meeting – November 2, 2005

**Call To Order**

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

Roll Call:           Present:   Marland Townsend, Chair, Harold Brown, Roberta Cooper, Chris Daly, Mark DeSaulnier, Dan Dunnigan, Scott Haggerty, Jerry Hill, Liz Kniss, Patrick Kwok, Jake McGoldrick (10:09 a.m.), Nate Miley, Julia Miller, Mark Ross, Michael Shimansky, John Silva, Tim Smith, Pam Torliatt (9:58 a.m.), Gayle B. Uilkema, Brad Wagenknecht, Shelia Young.

Absent:   Erin Garner.

Chairperson Townsend acknowledged Executive Officer/APCO, Jack Broadbent's two years at the Air District.

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

Commendations/Proclamation: There were none.

**Public Comment Period:** There were no speakers.

**Consent Calendar (Items 1 – 7)**

1.   Minutes of October 19, 2005 Meeting
2.   Communications. Correspondence addressed to the Board of Directors
3.   Report of the Advisory Council. There was no report. This item was removed from the Consent Calendar.
4.   Set Public Hearing for November 16, 2005 to Consider Report on Further Study Measure 9: Refinery Wastewater Treatment Systems

*Staff has examined the emissions from refinery wastewater treatment systems, potential cost 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

*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

*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

*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.*

**Board Action:** Director Wagenknecht moved approval of the Consent Calendar; seconded by Director Young.

**Speaker:** The following individual came forward to speak on agenda item 5:

Greg Karras  
CBE  
Oakland, CA 94612

Director Pamela Torliatt arrived at 9:58 a.m.

Director Miller offered an amendment to the motion to remove agenda item 3 from the consent calendar since there was no report. The motion was so amended and carried unanimously without objection.

**Committee Reports and Recommendations**

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

Director Silva presented the report and stated that the Public Outreach Committee met on Monday, October 24, 2005. Staff presented a summary of the 2005 Spare the Air/Free Morning Commute Campaign. Staff noted that there was only one Spare the Air advisory issued this smog season, which was on July 26<sup>th</sup>.

Staff presented plans for the upcoming wintertime outreach campaign. The season begins November 14, 2005 and ends February 17, 2006. Media and other outreach strategies were discussed. The Committee provided direction to staff on several items.

Plans for the Spring 2006 lawn mower exchange program were presented to the Committee. A battery operated mower will be available this year.

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

**Board Action:** Director Silva moved that the Board of Directors approve the report of the Public Outreach Committee; seconded by Director Miller.

Director Shimansky requested that consideration be given to free transit all day on Spare the Air days next summer. The motion then passed unanimously without objection.

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

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

Director Haggerty presented the report and stated that the Committee met on Monday, October 24, 2005. Staff provided the Committee with an overview of the methodology to be used during the upcoming Carl Moyer Program funding cycle to comply with the requirements of AB1390 (Lowenthal).

Staff presented the report on the Transportation Fund for Clean Air (TFCA) Regional Fund grant awards for fiscal year 2005/2006. The Committee approved the staff recommendation that the Board of Directors consider and approve the funding for projects as listed on Attachment 1 of the staff report. The grant awards for fiscal year 2005/2006 TFCA Regional Fund total \$12.4 million. The Committee requested additional information to be included in Attachment 2, of agenda item #4, for projects not being recommended for funding. The staff has revised and included Attachment 2, of agenda item #4, in your Board packets. The Committee provided direction to staff on several items.

The next meeting of the Committee is scheduled for 9:30 a.m., Wednesday, December 8, 2005.

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

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

*Action(s): The Committee recommended 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.*

Director Miller presented the report and stated that the Committee met on Wednesday, October 26, 2005 and received the First Quarter Financial Report for Fiscal Year 2005/2006.

Staff presented a report on and the Committee recommends Board of Director approval of an Amendment to the fiscal year 2005/2006 Budget with the transfer of \$80,075 from the Reserve for Capital Equipment to the Technical Services budget and Authorize approval of a Purchase Order in excess of \$70,000 for five analyzers for the Air Monitoring Section.

Staff also presented a report on the status of Phase One implementation of video-conferencing equipment and installation in the 4<sup>th</sup> floor conference room. The Committee requested the item be referred to the Executive Committee for further discussion when the plans for the project are received.

The next meeting of the Committee is scheduled for 9:45 a.m., Monday, November 21, 2005.

**Board Action:** Director Miller moved that the Board of Directors approve the recommendation and report of the Budget and Finance Committee; seconded by Director Daly; carried unanimously without objection.

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

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

Director Wagenknecht presented the report and stated that the Committee met on Monday, October 31, 2005. Staff presented a summary of the recently concluded legislative year in Sacramento and highlighted the outcome of measures on which the District adopted positions.

Staff also presented potential legislative measures for consideration for incorporation into the District's 2006 legislative agenda. The following measures were discussed: 1) efforts to improve goods movement; 2) a smoke check component to Smog Check; 3) remote sensing; 4) increasing the ceiling for air pollution penalties; and 5) wood smoke ordinances. The Committee also provided a number of ideas for consideration.

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

**Board Action:** Director Wagenknecht moved that the Board of Directors approve the report of the Legislative Committee and adopt the legislative agenda for 2006; seconded by Deputy Director Dunnigan; carried unanimously without objection.

Director Jake McGoldrick arrived at 10:09 a.m.

Chairperson Townsend encouraged Board members to attend the meetings of the Committees to which they are assigned.

### **Presentation**

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

*Staff gave 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.*

Mr. Broadbent stated that the Bay Area experiences elevated PM during the winter and this presentation will provide the Board with information on the District's programs to mitigate PM during the winter months.

Jean Roggenkamp, Deputy APCO, made the presentation and reviewed the following:

- What is Particulate Matter (PM)?
- Why is PM a health problem?
- What is the nature of PM in the Bay Area?
- What are current District PM reduction activities?
- New PM control measures being proposed.
- The focus on wood burning this winter.
- The next steps regarding wood burning.

Eric Stevenson, Air Monitoring Manager, demonstrated an instrument/monitor that the District will use to measure particulate matter in neighborhoods.

Mr. Broadbent stated that there is a concern that there will be more wood burning this winter due to escalating natural gas prices. District staff is responding to this concern in a comprehensive way and staff will report back to several Committees on the ideas presented today.

### **Closed Session** (The Board adjourned to Closed Session at 10:37 a.m.)

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 considered approval of employment agreements and/or amendments to employment agreements with the Executive Officer/APCO and the District Counsel.*

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

Brian Bunger, District Counsel, reported that the Board met in Closed Session on agenda item 13 to consider the performance evaluations of the District Counsel and Executive Officer and final action will take place under agenda item 14.

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

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

**Board Action:** Director Cooper moved Board of Director approval of the employment agreements with the Executive Officer/APCO and the District Counsel; seconded by Director Kwok; carried unanimously without objection.

### **Other Business**

15. Report of the Executive Officer/APCO – Mr. Broadbent reported on the following:
  1. The 50<sup>th</sup> Anniversary event at Scotts Restaurant in Jack London Square on November 10<sup>th</sup> starting at 5:30 p.m.
  2. Introduced Vanessa Johnson, Executive Secretary to Jean Roggenkamp, Deputy APCO.
16. Chairperson’s Report: Chairperson Townsend announced the following:
  1. The formation of the Nominating Committee consisting of the following Board members: Director Brown, Chairperson, Director Cooper, Director Garner, Director Haggerty and himself.
  2. The Ad Hoc Committee on Climate Change will hold its first meeting on Wednesday, December 14<sup>th</sup>.
  3. The increase in the mileage rate as of September 2005 through the end of the year.
17. Board Members’ Comments – Director Uilkema noted that she has provided each Board member with a copy of the Voluntary Clean Air Plan for North-Central Contra Costa County.

18. Time and Place of Next Meeting –9:45 a.m., Wednesday, November 16, 2005 - 939 Ellis Street, San Francisco, CA 94109.
19. Adjournment – The meeting adjourned at 11:14 a.m.

*/s/ Mary Romaidis*  
Mary Romaidis  
Clerk of the Boards