

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

Approved Minutes: Board of Directors' Regular Meeting – November 16, 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 (10:08 a.m.), Mark DeSaulnier, Erin Garner, Scott Haggerty, Jerry Hill, Liz Kniss (10:09 a.m.), Nate Miley, Julia Miller, Mark Ross, Michael Shimansky, John Silva, Tim Smith, Pam Torliatt (10:08 a.m.), Gayle B. Uilkema (9:55 a.m.), Brad Wagenknecht, Shelia Young.

Absent: Dan Dunnigan, Patrick Kwok, Jake McGoldrick.

Chairperson Townsend noted *The Valley Times* and *The Contra Costa Times* both had articles on the Air District's 50 years of progress.

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

Commendations/Proclamation: There were none.

Public Comment Period: There were no speakers.

Director Gayle B. Uilkema arrived at 9:55 a.m.

Consent Calendar (Items 1 – 4)

1. Minutes of November 2, 2005 Meeting
2. Communications. Correspondence addressed to the Board of Directors
3. Monthly Activity Report for October, 2005.
4. Considered Approval of Resolution Adjusting the District's Maximum Medical Contribution Declared to California Public Employees Retirement System (CalPERS)

The Board of Directors considered approval of a resolution adjusting the District's maximum medical contribution declared to CalPERS for management, confidential, represented, and miscellaneous employees and retirees.

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

AYES: Brown, Cooper, DeSaulnier, Garner, Haggerty, Hill, Miley, Miller, Ross, Shimansky, Silva, Smith, Uilkema, Wagenknecht, Young, Townsend.

NOES: None.

ABSENT: Daly, Dunnigan, Kniss, Kwok, McGoldrick, Torliatt.

Adopted Resolution No. 2005-14: A Resolution to Fix the District's Contribution Under the Public Employees' Medical and Hospital Care Act

Public Hearings

5. Public Hearing to Consider Adoption of Proposed Particulate Matter Implementation Schedule

Pursuant to SB 656 (Sher, 2003), the District has evaluated existing rules and programs to reduce particulate matter emissions in the Bay Area, and has identified additional control measures that could be implemented to further reduce particulate matter emissions in the region. Staff requested Board approval of the proposed particulate matter implementation schedule.

Henry Hilken, Director of Planning and Research, presented the report and reviewed the following:

- Background information on Particulate Matter (PM).
- The nature of PM in the Bay Area.
- Current District PM activities.
- SB 656 requirements.
- Evaluation of PM measures and the results of the District's evaluation.
- The proposed PM reduction implementation schedule.
- The proposed new rule for commercial broiling operations, such as chain-driven commercial broilers.
- Proposed rule amendments for stationary and portable Internal Combustion Engines (ICEs)
- Wood burning measures.
- Additional PM reduction measures

Directors Pamela Torliatt and Chris Daly arrived at 10:08 a.m.; Director Liz Kniss arrived at 10:09 a.m.

Mr. Hilken noted that a public workshop was held on October 11, 2005 and that comments from the public and the District responses are contained in Appendix B of the staff report. Mr. Hilken stated that the staff recommends that the Board of Directors adopt the proposed Particulate Matter Implementation Schedule in Table 3 of the staff report.

Chairperson Townsend opened the Public Hearing at 10:15 a.m.

Speakers: The following individuals spoke on this agenda item:

Dennis Bolt
WSPA
Concord, CA 94518

Jenny Bard
American Lung Association
Santa Rosa, CA 95404

Dr. Miriam Spross
Marin County resident
Novato, CA 94949

Ken Mandelbaum
American Lung Association
Clean Air Task Force
Mill Valley, CA 94941

There was discussion on the health risks of wood burning; burning of wood pallets that are treated with chemicals; pursuing individuals that burn garbage in their fireplaces; and the Air District's regulatory authority. Peter Hess, Deputy APCO stated that the Air District works with the County Health Offices on the garbage burning issue.

Chairperson Townsend closed the Public Hearing at 10:53 a.m.

Board Action: Director Haggerty moved that the Board of Directors approve the staff recommendation; seconded by Director Daly; carried unanimously without objection.

There was further discussion on educating the public on what kind of wood to burn. Jack Broadbent, Executive Officer/APCO stated that there will be further discussion on all of the Board's concerns at the Board of Directors' retreat in January 2006.

6. Public Hearing to Consider Report on Further Study Measure 9: Refinery Wastewater Treatment Systems

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

Mr. Broadbent stated that Further Study Measure 9 deals with refinery wastewater treatment systems and that the staff recommendation is to not make any changes or amendments to Regulation 8, Rule 8 at this time.

Virginia Lau, Senior Air Quality Specialist, presented the report and discussed the following:

- An overview of the basic refinery wastewater collection, separation and treatment systems.
- Information on the mechanics of collecting measurements.
- The total volatile organic compound (VOC) emissions are 0.24 tons per day (tpd) from all refineries with ConocoPhillips contributing approximately 0.11 tpd.
- Potential controls include a steam stripper, liquid phase carbon adsorption unit, or doming a tank.
- The costs were reviewed for each control measure.

Ms. Lau stated that there were four Technical Working Group meetings and a public workshop was held on October 27th in Martinez. Ms. Lau reviewed the comments that came out of the workshop. Ms. Lau stated that staff recommends that the Board of Directors approve the staff recommendation that no additional amendments to Regulation 8, Rule 8 are needed at this time.

Mr. Broadbent noted that the Air District is working with ConocoPhillips on available treatment methods that will be cost effective.

Chairperson Townsend opened the Public Hearing at 11:21 a.m.

Speakers: The following individuals spoke on this agenda item:

Dennis Bolt
WSPA
Concord, CA 94518

Greg Karras
Communities for a Better Environment
Oakland, CA 94612

Chairperson Townsend closed the Public Hearing at 11:27 a.m.

Board Action: Director Uilkema moved that the Board of Directors approve the staff recommendation and that, after working with ConocoPhillips, staff bring back any prospective modifications to this recommendation, if needed; seconded by Director Kniss. After a brief discussion, the motion passed unanimously without objection.

Closed Session (The Board adjourned to Closed Session at 11:31 a.m.)

7. Conference with Legal Counsel

A. 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:

Arbitration Between Paul Mauriello, Grievant, and the Bay Area AQMD, American Arbitration Association No. 74-300-600-04 LYMC

B. 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 11:52 a.m.)

Brian Bunger, District Counsel, reported that the Board met in Closed Session and received a report on items A and B of agenda item 7. The Board of Directors gave general direction to Counsel.

8. Report of the Executive Officer/APCO – Mr. Broadbent reported on the following:
 1. Fifty years ago today, the Board of Directors of the Air District held its first meeting in Richmond. A picture of the current and past Boards was presented to the Board of Directors.
 2. The 50th Anniversary party for the employees and retirees was a success and Mr. Broadbent recognized those staff members who helped put the event together.
9. Chairperson's Report: Chairperson Townsend reiterated the 50th Anniversary of the District is a memorable milestone. Chairperson Townsend also stated that he attended a meeting with Prince Charles where the work being done at Cambridge University was highlighted.
10. Board Members' Comments – Director Ross requested that, at the next Board meeting, staff provide an update on last week's incident at the Shell refinery.
11. Time and Place of Next Meeting –9:45 a.m., Wednesday, December 7, 2005 - 939 Ellis Street, San Francisco, CA 94109.
12. Adjournment – The meeting adjourned at 11:57 a.m.

/s/ Mary Romaidis
Mary Romaidis
Clerk of the Boards