

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

Approved Minutes: Board of Directors' Regular Meeting – December 21, 2005

**Call To Order**

Opening Comments:           Chairperson Marland Townsend called the meeting to order at 9:51 a.m.

Roll Call:           Present:   Marland Townsend, Chair, Roberta Cooper, Chris Daly (9:57 a.m.), Mark DeSaulnier, Erin Garner, Scott Haggerty, Jerry Hill, Liz Kniss, Patrick Kwok, Jake McGoldrick (9:57 a.m.), Nate Miley, Julia Miller, Mark Ross, Michael Shimansky, John Silva, Tim Smith, Pam Torliatt, Gayle B. Uilkema, Brad Wagenknecht.

Absent:   Harold Brown, Dan Dunnigan, Shelia Young.

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

**Closed Session** – The Board convened to Closed Session at 9:54 a.m.

**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.*

Directors Chris Daly and Jake McGoldrick arrived at 9:57 a.m.

**Open Session** – The Board reconvened to Open Session at 10:08 a.m.

Brian Bunger, Legal Counsel, stated that the Board of Directors met in Closed Session regarding one potential litigation matter against the District. The Board of Directors heard a report from Counsel and provided general direction.

**Public Comment Period:** The following person came forward and spoke:

Dr. Michael Lipsett

Dr. Lipsett spoke about his concerns regarding woodsmoke and the emissions associated with burning.

## **Consent Calendar (Items 1 – 6)**

1. Minutes of December 7, 2005 Meeting
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council
4. Monthly Activity Report – *Report of Division Activities for the month of November, 2005.*
5. Considered Approval of Amendment to the Memorandum of Understanding, Section 7.13, Regarding Acting Appointments

*The Board of Directors considered approval of an amendment to Section 7.13 of the current Memorandum of Understanding between the Air District and the Employees' Association to replace "Acting Appointments" with "Acting Assignments."*

6. Considered Approval of the Air District's Proposed 2006 Regulatory Calendar

*State law requires each Air District to publish a list of potential regulatory measures for the upcoming year. No regulatory measures can be brought before the Board that are not on the list, with specified exceptions. Consequently, the list contains all measures that may come before the Board in 2006.*

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

AYES: Cooper, Daly, DeSaulnier, Garner, Haggerty, Hill, Kniss, Kwok, McGoldrick, Miley, Miller, Ross, Shimansky, Silva, Smith, Torliatt, Uilkema, Wagenknecht, Townsend.

NOES: None.

ABSENT: Brown, Dunnigan, Young.

**Adopted Resolution No. 2005-16: A Resolution to Approve an Amendment to Section 7.13 of the Memorandum of Understanding Regarding Acting Assignments**

## **Committee Reports and Recommendations**

7. Report of the Ad Hoc Committee on Climate Protection Meeting of December 14, 2005

Chairperson Townsend presented the report and stated that the Ad Hoc Committee on Climate Protection met on Wednesday, December 14, 2005.

Staff reported to the Committee on previous actions taken by the Board of Directors on climate change and also provided the Committee with an update on recent staff activities.

Ann Hancock and Mike Sandler of the Climate Protection Campaign, presented information on the two-part report that the Climate Protection Campaign prepared for the Air District.

Staff provided a report on additional opportunities to integrate air quality management and climate change. The Committee discussed the issues and provided direction to staff.

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

**Board Action:** Chairperson Townsend moved that the Board of Directors approve the report of the Ad Hoc Committee on Climate Protection; seconded by Director Uilkema; carried unanimously without objection.

8. Report of the Personnel Committee Meeting of December 15, 2005

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

- A) *Appointment of Applicant to fill an unexpired term in the Public Health Member Category on the Advisory Council.*

Director Ross presented the report and stated that the Committee met on Thursday, December 15, 2005.

The Committee discussed and considered its role relative to the Advisory Council Applicant Selection Working Group. The Committee decided to alter its current practice with respect to the recommendations of the Working Group and take a more active role in the appointment process of Advisory Council members.

The Committee discussed the possible re-appointment of ten Advisory Council members. Based on the active role the Committee will take regarding appointments to the Council, the re-appointment of ten Advisory Council members was deferred. Staff was directed to conduct an open recruitment for the ten Advisory Council positions. The Committee will consider the current members seeking reappointment along with outside applicants. Staff was directed to provide the Committee with additional information as discussed.

The Committee also considered the appointment of Steven Kmucha, M.D., for the Public Health Agency category on the Advisory Council. The Committee recommends that the Board of Directors appoint Steven Kmucha, M.D. to the "Public Health Agency" category on the Advisory Council to complete an unexpired term that began on January 1, 2005 and will end on December 31, 2006.

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

**Board Action:** Director Ross moved that the Board of Directors approve the recommendation for the Public Health Agency category on the Advisory Council; seconded by Director Miller; carried unanimously without objection.

### **Public Hearings**

9. Continued Public Hearing 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 is kept for two years and made available to District staff.*

Jack Broadbent, Executive Officer/APCO briefly reviewed the amendments and urged the Board of Directors to adopt the staff proposal.

Chairperson Townsend continued the Public Hearing at 10:24 a.m.

**Speakers:** The following individuals spoke on this agenda item:

Richard Quiroz  
Chevron Richmond Refinery  
Richmond, CA 94802

Richard Drury  
Plumbers Local 342, IBEW 302  
So. San Francisco, CA 94080

Alan Savage  
Tesoro Refinery  
Martinez, CA

Shana Lazerow  
CBE  
Oakland, CA 94612

Clark Hopper  
Valero Refinery

Wafau Aborashed  
EJAQC  
Oakland, CA 94577

Dennis Bolt  
WSPA  
Concord, CA 94518

A J Napolis  
CBE  
Oakland, CA 94612

Chairperson Townsend closed the Public Hearing at 10:56 a.m.

**Board Action:** Director DeSaulnier made the following motion: That the Board of Directors:

- (A) Adopt the Negative Declaration; and
- (B) Adopt the proposed amendments to Regulation 8, Rule 28 in their entirety, with the following exceptions:
  1. Retain Section 8-28-208. This section currently contains the definition of “Parallel Service.” It has been proposed for deletion, and it should be retained.
  2. Do not adopt proposed new Section 8-28-216. This is the proposed definition of “Process Unit,” and it should not be adopted.
  3. Do not adopt the proposed clarifications to the language of Section 8-28-304. This section contains the substantive requirements to control existing pressure relief devices. The current language should be retained.
  4. Substitute the term “source” for the term “Process Unit” in the proposed amendments to Section 8-28-405.2. This section contains a requirement to implement 3 Prevention Measures to prevent releases from pressure relief

devices. It should refer to Prevention Measures on a “source,” not on a “Process Unit.”

5. Do not move the Process Hazard Analysis requirement from Section 304.1 into a new section 406. This Motion would retain the current language in section 304.1. There is no need to create a new section 406, which would be redundant if Section 304.1 is retained in its current form. The requirements in proposed Section 406 should be moved back into Section 304.1.
6. Make appropriate typographical changes to the proposed amendments to reflect this Motion. This consists of (i) renumbering certain provisions to retain a consecutive numbering system; (ii) updating internal cross-references within the regulation to reflect the renumbering; and (iii) updating the Table of Contents so that it is consistent with all aspects of the regulation as amended by the Board.
7. The matter be referred to the Stationary Source Committee for a report from the APCO in March that would include a time line for a new cost effectiveness study and a full monitoring plan.

The motion was seconded by Director Garner.

Director Torliatt requested a friendly amendment to the motion to clarify that the motion included the gas recovery systems and that the venting to the gas recovery systems are part of the analysis being done and any other alternatives, with flaring as the last result. Director DeSaulnier stated that it is in the original recommendation, but accepted the amendment, as did Director Garner.

The motion then carried unanimously with the following Board members voting:

AYES: Cooper, Daly, DeSaulnier, Garner, Haggerty, Hill, Kniss, Kwok, McGoldrick, Miley,

Miller, Ross, Shimansky, Silva, Smith, Torliatt, Uilkema, Wagenknecht, Townsend.

NOES: None.

ABSENT: Brown, Dunnigan, Young.

**Adopted Resolution No. 2005-17: A Resolution of the Board of Directors of the Bay Area Air Quality Management District**

**Amending: District Regulation 8, Rule 28: Episodic Releases from Pressure Relief Devices at Petroleum Refineries and Chemical Plants; and**

**Adopting a CEQA Negative Declaration for this Project.**

10. Public Hearing 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 emissions and recommends no amendments to District regulations at this time.*

Mr. Broadbent requested that the Board of Directors approve the staff recommendation that no regulatory amendments regarding atmospheric blowdown systems are necessary or appropriate at this time.

Chairperson Townsend opened the Public Hearing at 11:13 a.m.

There being no speakers, Chairperson Townsend closed the Public Hearing at 11:14 a.m.

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

### **Proclamation/Commendation**

11. *The Board of Directors recognized Advisory Council Chairperson, Brian Zamora for his outstanding service to the Council this past year.*

*The Board of Directors recognized Stan Bunger, Morning Anchor, KCBS All News 740, for his participation in moderating the Air District's 50<sup>th</sup> Anniversary Symposium.*

*The Board of Directors recognized the following employees who have completed milestone levels of 25 and 35 years of service during the last half of this year: 25 years: Steve Hill, Thomasina Mayfield, Lynn Miller, and Luna Salaver, 35 years: Jack Bean.*

### **Other Business**

12. Report of the Executive Officer/APCO – Mr. Broadbent reported on the following:
1. The Environmental Protection Agency (EPA) announced a modification to the PM2.5 standard. The standard will be lowered from 65 micrograms per cubic meter to 35 micrograms per cubic meter. District staff will keep the Board informed.
  2. Recently, the *San Jose Mercury News* printed an article regarding burning and woodsmoke.
  3. On behalf of the staff, have a happy holiday.
13. Chairperson's Report: Chairperson Townsend reported on the following:
1. The memorandum at each Board members' place that outlines a Brief History of the Bay Area Air Quality Management District.
  2. The Environmental Justice issue has come a long way over the last several years.
  3. Wished everyone a happy Solstice.
14. Board Members' Comments – There were none.
15. Time and Place of Next Meeting –9:45 a.m., Wednesday, January 4, 2006 - 939 Ellis Street, San Francisco, CA 94109.
16. Adjournment – The meeting adjourned at 11:44 a.m.

*/s/Mary Romaidis*  
Mary Romaidis

Clerk of the Boards