

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

Approved Minutes: Board of Directors' Regular Meeting – August 2, 2006

Call To Order

Opening Comments: Chair Gayle B. Uilkema called the meeting to order at 9:51 a.m.

Pledge of Allegiance: The Board of Directors recited the Pledge of Allegiance.

Roll Call: Present: Gayle B. Uilkema, Chair, Tom Bates (9:54 a.m.), Harold Brown, Mark DeSaulnier, Dan Dunnigan, Scott Haggerty, Jerry Hill, Yoriko Kishimoto, Carol Klatt, Liz Kniss (10:09 a.m.), Janet Lockhart, Jake McGoldrick (9:55 a.m.), Nate Miley, Mark Ross, Michael Shimansky, Tim Smith, Pamela Torliatt (9:57 a.m.), Brad Wagenknecht.

Absent: Chris Daly, Erin Garner, Patrick Kwok, John Silva.

Public Comment Period: The following individuals came forward and spoke on issues relating to the Pacific Steel Casting facility in Berkeley:

Janice Schroeder
West Berkeley Alliance and
Communities for a Better Environment

Adrienne Bloch
Communities for a Better Environment

Director Tom Bates arrived at 9:54 a.m., Director Jake McGoldrick arrived at 9:55 a.m., and Director Pamela Torliatt arrived at 9:57 a.m.

Director Haggerty requested that an update on Pacific Steel Casting be provided.

Commendations/Proclamations: *The Board of Directors recognized Peter F. Hess, Deputy Air Pollution Control Officer for his exemplary leadership as the 2006 President of the Air & Waste Management Association.* The Board of Directors recognized and presented a plaque to Peter F. Hess for the work he has done for air quality and for his leadership of the Air & Waste Management Association.

Director Liz Kniss arrived at 10:09 a.m.

Consent Calendar (Items 1 – 2)

1. Minutes of July 19, 2006
2. Communications. Correspondence addressed to the Board of Directors. For information only.

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

Presentation

3. Status Report on the 2006 Ozone Season and the Spare the Air Program

Staff provided a status report on the 2006 Ozone Season and Spare the Air Program.

Gary Kendall, Director of Technical Services, presented the report on the 2006 ozone season. Mr. Kendall reviewed the preliminary data of the national 8-hour, state 1-hour, and state 8-hour 2006 ozone exceedances through July 31st. A comparison of Bay Area ozone exceedances versus exceedances in other major air basins throughout the state was presented. Mr. Kendall explained the Bay Area ozone and maximum temperature trends from 1995 through July 31, 2006. The threshold value for non-attainment, based on a three year average, was discussed.

Mr. Kendall stated that the 2005 Ozone Strategy includes 38 control measures (19 transportation control measures; 15 stationary/area source control measures; and four mobile source control measures) and 20 Further Study measures. Since 1984, ozone precursors have been reduced by 300 tons per day in the Bay Area. Mr. Kendall presented a graph that showed Bay Area VOC and NOx emission trends from 1980 through 2020.

Discussion ensued regarding the amount of pollution outside of California and how it compares to the Bay Area; measuring pollutants coming from China or other countries; the affect that hybrid cars and use of the car pool lane have in helping to reduce emissions; and the possible tapering off of biogenic emissions after spring.

Director McGoldrick requested that staff explore the use of congestion management tools, such as restricting driving, driving only four out of five days, or being able to drive based on the license plate number of the vehicle.

Jack Colbourn, Director of Outreach and Incentives, summarized the 2006 Spare the Air outreach campaign and stated that the Spare the Air season runs from June 1st to October 13th. Twenty-six Bay Area transit operators offered free rides all day during the first three non-holiday Spare the Air weekdays. With three months remaining in the summer ozone season, the Metropolitan Transportation Commission (MTC) and the Air District Board approved \$6.2 million to fund three additional free fare days.

Mr. Colbourn reviewed the Spare the Air advisories and noted that data indicates that ridership increased 15 percent region-wide resulting in an additional 222,700 riders per day. There was high public awareness due to the media coverage of the Program. Mr. Colbourn provided an overview of the surveys conducted on each Spare the Air/Free Fare day.

Director Miley raised the question of addressing air quality and the Air District's obligation to provide free transit. There was also discussion on how to subsidize transit, such as raising bridge tolls, and what effect the free transit had on pollution levels during certain times of the

day. Mr. Colbourn stated that an in-depth analysis will be done and a preliminary report will be presented at a future meeting.

Board Action: None. This report provided for information only.

Other Business

5. Report of the Executive Officer/APCO – Mr. Broadbent reviewed the following:
 - A) A list of community events is at each Board member’s place.
 - B) August 1, 2006 is the date the Flare Minimization Plans were due from each of the refineries. The Plans will go through a 45 day review period.
6. Chairperson’s Report – Chair Uilkema reported on the following items:
 - A) On July 27th, several Board members met with members of the Air Resources Board. The meeting was productive with discussion on air quality, land use, and information on other topics was shared. It is recommended that these meetings continue on an annual basis.
 - B) The following issues are slated for the Board Executive Committee agenda: Spare the Air; a preliminary report on the issue of mercury as it relates to crematoriums; and developing policy as to whether or not the Air District should move in the direction of free transit and, if so, how that would be done.
 - C) If Board members are receiving mail on the issue of free transit, it should be brought to the attention of the Air District staff.
 - D) Starting to get mail on climate change; if any Board member would like a copy, they should contact the Chair.
 - E) Under the name of the Air Board, letters of thanks were sent to all the attendees at the voluntary Clean Air Plan workshop held in North Central Contra Costa County. Encouraged each Board member to meet with their constituents on how to obtain grants for clean air school buses.
 - F) The August 16th and September 6th Regular Board meetings are cancelled. The next regular Board meeting is scheduled for September 20th. The August 23rd Budget and Finance Committee meeting has been cancelled. The next Mobile Source Committee meeting is scheduled for September 11th.
7. Board Members’ Comments – There were none.

Closed Session

4. Conference with Legal Counsel – The Board convened to Closed Session at 11:03 a.m.

Existing Litigation Government Code Section 54956.9(a)

Pursuant to Government Code Section 54956.9(a), a need existed to meet in closed session with legal counsel to consider the following case:

- A. **Paul Mauriello v. Bay Area AQMD** (*Public Employment Relations Board, Unfair Practice Charge No. SF-CE-336-M*)

B. Potential Litigation

Pursuant to Government Code Section 54956.9(c), a need existed to meet in closed session to discuss one item of potential litigation by the District.

The Board reconvened to Open Session at 11:37 a.m. and Brian Bunger, Legal Counsel reported that the Board of Directors met in Closed Session on items A. and B. under agenda 4 and the Board provided direction to staff on these items.

8. Time and Place of Next Meeting – 9:45 a.m., Wednesday, September 20, 2006 – 939 Ellis Street, San Francisco, CA 94109
9. Adjournment – The meeting adjourned at 11:39 a.m.

/s/ Mary Romaidis

Mary Romaidis
Clerk of the Boards