

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109  
(415) 749-5000

Board of Directors' Regular Meeting  
March 18, 2009

### **APPROVED MINUTES**

**Call To Order:** Chairperson Pamela Torliatt called the meeting to order at 9:50 a.m.

Roll Call: Chairperson Pamela Torliatt, Vice Chairperson Brad Wagenknecht, Secretary Tom Bates, Chris Daly, Dan Dunnigan, Susan Garner, John Gioia, Carole Groom, Jennifer Hosterman, Yoriko Kishimoto, Carol Klatt, Liz Kniss, Eric Mar, Nate Miley, Mark Ross, Michael Shimansky, James Spering, Gayle Uilkema, Ken Yeager, Shirlee Zane

Absent: Harold Brown and Scott Haggerty

**Pledge of Allegiance:** Brian Bateman led the Pledge of Allegiance.

**Oath of Office:** Director Eric Mar was given the Oath of Office and welcomed by the Board of Directors

**Public Comments:** None

#### **Consent Calendar Items 1-5:**

Approval of Minutes of March 4, 2009;  
Communications;  
District Personnel on Out-of-State Business Travel;  
Referral of Proposed Budget for Fiscal Year Ending 2010 to the Budget and Finance Committee;  
Consider Authorization of Executive Officer/APCO to Enter into Contract with Global Gourmet Catering.

**Board Action:** Director Wagenknecht moved to approve Consent Calendar Items 1-5; seconded by Director Ross; carried unanimously without opposition.

#### **Committee Reports:**

**Report 6.** **Ad Hoc Committee on Port Emissions Meeting**  
March 12, 2009  
Report given by Chairperson N. Miley

January 22, 2009 Committee minutes approved.

Discussion/Actions:

- Received update on recent meeting of Port of Oakland Commissioners and Air District Board Members;
- Received update on the Air District Truck Retrofit Program and considered a recommendation to approve expenditure of \$5 million in TFCA funds to retrofit trucks without matching funds from the Port of Oakland or Air Resources Board (ARB);
- Considered Adoption of Resolution to the Port of Oakland Opposing its Maritime Air Quality Improvement Plan unless amended to include recommendations as outlined in the Resolution;
- Received a presentation on preliminary plans for the Air District to begin enforcement of California Air Resources Board (CARB) mobile source regulations in CARE impacted areas, with special focus on the Port of Oakland and West Oakland.

Next Ad Hoc Committee Meeting: At the Call of the Chair

Chairperson Remarks:

- Meeting held on March 16, 2009 with Chairperson Torliatt, Committee Chair Miley, Commissioner McClure, and Executive Officer/APCO Jack Broadbent;
- Port of Commissioners met on March 17, 2009--discussed and agreed to reverse prior action to expend the \$2 million provided to the Air District for retrofit of trucks. Request to be considered for approval at April 7<sup>th</sup> Port Board of Commissioners Meeting.

Public Comments:

Richard Sinkoff, Port of Oakland, thanked Air District Directors and staff for working with Port to resolve issues; expects that Port Board of Commissioners will reinstate \$2 million at upcoming meeting and voiced need to work on remaining MAQIP issues.

Brad Edgar, CLEAIRE, discussed company's readiness to retrofit trucks.

**Board Action:** Director Miley moved that the Board of Directors approve the report of the Ad Hoc Committee on Port Emissions; and recommended Board of Directors' adoption of Resolution Urging the Board of Port Commissioners for the City of Oakland to incorporate specific actions in the proposed Maritime Air Quality Improvement Program; Director Gioia seconded the motion; carried unanimously without objection.

**Report 7.                      Executive Committee Meeting**  
March 16, 2009  
Report given by Chairperson P. Torliatt

Actions:

- December 5, 2008 Committee minutes approved.
- Received Quarterly Report of the Hearing Board – October 2008 – December 2008;
- Discussed and considered establishing Ad Hoc Committee on Capital Facilities to review:

- Options for increasing building energy efficiency;
- Office space needs;
- District headquarters location;
- Funding mechanisms for leasing, purchasing or constructing a new facility; and
- Options for use of the existing building.
- Seek additional members for Ad Hoc Committee on Capital Facilities;
- Received Production System Update;
- Received Air District CEQA Guidelines Update;
- Received Air District Strategic Vision Update.

Next Executive Committee meeting: At the Call of the Chair

**Board Action:** Chairperson Torliatt moved that the Board of Directors approve the report and recommendations of the Executive Committee; Director Kishimoto seconded the motion; carried unanimously without objection.

**CLOSED SESSION**

The Board of Directors adjourned in Closed Session at 10:30 a.m.

**Report 8.                      Personnel Committee**  
**March 6, 2009**

- Public Employee Performance Evaluations – Government Code Section 54957 and 54957.6
- Next Personnel Committee Meeting: At the Call of the Chair

**OPEN SESSION**

The Board of Directors convened in Open Session at 10:38 a.m.; no reportable action taken in Closed Session.

**OTHER BUSINESS:**

Report of Executive Officer/APCO:

- Steven Chin, newly elected President of the Employees Association, was introduced and welcomed by the Board.

Gas Station Enhanced Vapor Recovery (EVR) Deadline of April 1, 2009 - Staff Presentation:  
 Director of Compliance and Enforcement Kelly Wee

***EVR Phase II – April 1, 2009 Deadline:***

- Requires all gas stations with underground tanks to upgrade to new hanging hardware and new tank pressure management system;
- Phase I Controls – April 1, 2005 (Completed);
- ORVR Controls – March 2006 (Completed);

- Phase II Controls – April 1, 2009:
  - 2,000 gas stations
  - 1,400 District permit applications for upgrade
  - 670 Completed
  - 550 No permit application
- In-Station Diagnostics (ISD) Monitoring/Instrumentation:
  - September 1, 2009 (large stations)
  - September 1, 2010 (mid-size stations)

***Enforcement Strategy:***

- Reasonable and Measured:
  - District will enforce April 1 deadline
  - Will work with non-complying gas stations
  - Compliance and Settlement Agreements
  - Compliance Schedule to attain compliance
  - Penalties – tiered for station size and circumstances; fair to complying stations
- Station Tag-out reserved for most egregious violators

**Board Discussion:**

- Hosterman/Shimansky: Questioned whether there was a lack of installers and local permitting processes were hampering compliance;
- Zane: Confirmed that penalties for station owners - \$2,000 to \$4,000 - Eventual tag-out for non-compliance;
- Yeager: Many station owners concerned and State attempting to extend April 1<sup>st</sup> compliance deadline and asked for a definite dollar amount to be set for penalties;
- Bates: Questioned cost to install station equipment;
- Garner: Questioned differences between prioritizing major and non-major installations' application permits.

**Staff Response/Discussion:**

- Station owners are meeting challenges;
- There are many contracting firms, weekend work and southern California contractors available to work on installations in Bay Area;
- The ARB has control over extending deadline;
- District Legal and Enforcement staff working with station owners to achieve compliance and secure compliance agreements;
- Cost to install depends on station size – from \$17,000 to \$85,000;

**Chairperson Torliatt's Report:**

- Reported on meeting with staff and Board Members with Port Commissioner McClure;
- Encouraged attendance to the A&WMA Conference - June 16-19, 2009;
- Encouraged attendance to Climate Summit - May 4, 2009

Board Comments:

- Bates: Reminded Form 700 Statement of Economic Interests due April 1, 2009; Board Member response needed for Legislative Committee Survey. Board requested survey be re-emailed.

**Time and Place of Next Meeting:** 9:45 a.m., Wednesday, April 1, 2009  
939 Ellis Street, San Francisco, CA 94109.

**Adjournment:** Meeting adjourned at 11:03 a.m.

*Lisa Harper*  
Clerk of the Boards