



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
EXECUTIVE COMMITTEE MEETING
COMMITTEE MEMBERS**

**SCOTT HAGGERTY – CHAIRPERSON
GAYLE UILKEMA – SECRETARY
JERRY HILL
MARK ROSS
PAMELA TORLIATT**

**MARLAND TOWNSEND – VICE
CHAIRPERSON
MARK DeSAULNIER
JULIA MILLER
TIM SMITH**

**MONDAY
NOVEMBER 29, 2004
9:45 A.M.**

**FOURTH FLOOR CONFERENCE ROOM
DISTRICT OFFICES**

AGENDA

- 1. CALL TO ORDER – ROLL CALL**
- 2. PUBLIC COMMENT PERIOD** *(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.*
- 3. APPROVAL OF MINUTES OF SEPTEMBER 29, 2004**
- 4. QUARTERLY REPORT OF THE HEARING BOARD** **C. Colline/4965**
- 5. REPORT OF THE ADVISORY COUNCIL** **E. Blake/4965**
Eblake@igc.org
 - a) Recommendations for reappointment of Advisory Council members*
 - b) Recommendations for fence-line monitoring*
 - c) Advisory Council Officers for 2005*
 - d) Summary of key issues discussed at meetings of the Council and its Standing Committees.*
- 6. STATUS REPORT ON THE OZONE STRATEGY** **J. Roggenkamp/4646**
jroggenkamp@baaqmd.gov

Staff will present a status report on the Ozone Strategy.
- 7. LABOR RELATIONS UPDATE: MEMORANDUM OF UNDERSTANDING (MOU) EXTENSION; UPDATE TO AFFIRMATIVE ACTION PLAN** **J. Broadbent/5052**
jbroadbent@baaqmd.gov

Staff will present a labor relations update on the MOU extension as well as an update on the status of the Affirmative Action Plan.
- 8. DISCUSSION REGARDING TELECONFERENCING OPTIONS/ALTERNATIVES** **B. Bunger/4797**
bbunger@baaqmd.gov

The Committee will consider staff's recommendations regarding Board of Director and Committee meetings held via teleconferencing.

9. INFORMATION SYSTEMS DIVISION UPDATE

J. McKay/4629

jmckay@baaqmd.gov

Staff will present the status of ongoing work to define the future Production System that will replace IRIS and Databank.

10. COMMITTEE MEMBER COMMENTS/OTHER BUSINESS

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2).

11. TIME AND PLACE OF NEXT MEETING: 9:45 a.m., Wednesday, MARCH 30, 2005, 939 ELLIS STREET, SAN FRANCISCO, CA

12. ADJOURNMENT

**CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET
SAN FRANCISCO, CA 94109**

(415) 749-4965

FAX: (415) 928-8560

BAAQMD homepage:

www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly.

**Bay Area Air Quality Management District
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000**

DRAFT MINUTES

Summary of Board of Directors
Executive Committee Meeting
9:45 a.m., Wednesday, September 29, 2004

1. **Call to Order - Roll Call:** Chairperson Scott Haggerty called the meeting to order at 9:45 a.m.
Present: Scott Haggerty, Chair, Mark DeSaulnier (9:49 a.m.), Jerry Hill, Julia Miller, Mark Ross (10:34 a.m.), Pamela Torliatt (9:49 a.m.), Marland Townsend, Gayle Uilkema.
Absent: Tim Smith.
2. **Public Comment Period:** There were no public comments.
3. **Approval of Minutes of June 30, 2004:** Director Miller moved approval of the minutes; seconded by Director Townsend; carried unanimously without objection.
5. **Report of the Advisory Council:**
 - a. *Presentation of the Advisory Council Recommendation pertaining to the 2004 Ozone Strategy*
 - b. *Presentation of the Advisory Council Recommendation on the District role regarding indoor air quality*
 - c. *Presentation of the Advisory Council Recommendation pertaining to the California Performance Review*
 - d. *Summary of key issues discussed at meeting of the Council and its Standing Committees*

Peter Hess, Deputy APCO, stated that the District staff has been working with the Advisory Council, and the Advisory Council has come up with several recommendations.

Elinor Blake, Chairperson of the Advisory Council, reviewed Agenda Item 5d and noted that several of the Council Committees have worked on the recommendations that are before the Board Executive Committee today. Ms. Blake introduced Brian Zamora, the in-coming Chairperson of the Advisory Council, and Louise Bedsworth, Ph.D., Chairperson of the Technical Committee.

Directors DeSaulnier and Torliatt arrived at 9:49 a.m.

Dr. Bedsworth reviewed the Council findings and the five recommendations for further study regarding the Air District's Ozone Control Strategy. Ms. Blake reviewed the Council's two

recommendations on the District's role regarding indoor air quality, which are: 1) that the District convene a workshop, or summit, to discuss what roles different agencies would have in improving indoor air quality, and 2) that the District consider establishing a graduate student investigator initiative to research impacts of regional air pollution on indoor environments.

Chairperson Haggerty recommended the Council develop plans on how the graduate students would be chosen and what the Council envisions with respect to indoor air quality. That information would then be brought back to the Committee. In response to a question from Director Townsend, Mr. Hess stated that some air purifiers generate ozone while others remove some types of particulate matter and suggested the matter of various makes and models be referred to the Advisory Council for study.

Ms. Blake reviewed the proposed resolution from the Advisory Council pertaining to the California Performance Review and the Council's recommendation to retain the independence of the California Air Resources Board.

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

4. **Quarterly Report of the Hearing Board:** Hearing Board Chair Thomas Dailey, M.D., presented the Hearing Board Quarterly Report – April 2004 – June 2004. Dr. Dailey noted that in April, one Hearing Board member attended the 15th Global Warming International Conference. Dr. Dailey distributed an updated brochure entitled *Variances and the Hearing Board*.

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

6. **Status Report on the 2004 Ozone Strategy:** *Staff presented a status report on the 2004 Ozone Strategy.*

Jean Roggenkamp, Director of Planning and Research, stated that the 2004 Ozone Strategy addresses the State and national ozone planning requirements. Ms. Roggenkamp reviewed the control strategy and public outreach and indicated that the community meetings on the Ozone Strategy also include information on the Community Air Risk Evaluation (CARE) Program. Chairperson Haggerty requested notice of the October 14th community meeting be sent to the Livermore Lab in conjunction with a press release on the same meeting.

Ms. Roggenkamp discussed the ozone modeling and noted that good performance has been achieved for the two historic episodes (July 1999 and July/August 2000). Improvement is needed on the modeling system for the downwind regions. Ms. Roggenkamp reviewed the schedule for release, review and adoption of the 2004 Ozone Strategy.

Director Ross arrived at 10:34 a.m.

The draft Ozone Strategy would be released for public review and comment in November 2004 and it would come before the Board for hearing and adoption in early 2005. During discussion, Director Torliatt requested that staff look at working with the Sonoma Climate Protection Campaign to develop a greenhouse gas emission ordinance. Director Torliatt also suggested the District look at how it can get more involved in recycling, and requested information on the

impacts of what is being recycled in the nine Bay Area counties and how that may add to some of the air pollution.

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

7. Hydrogen Fuel Cell Conference: *Staff presented information pertaining to a District-sponsored Hydrogen Fuel Cell Conference.*

Michael Murphy, Advanced Project Advisor, presented information to the Committee pertaining to a District-sponsored Hydrogen Fuel Cell Conference held in July 2004. Mr. Murphy reviewed the issues of using hydrogen including research and long-range planning. Mr. Murphy stated that the staff recommends that the Committee:

1. Endorse the District's continued participation in the Hydrogen Highway Blueprint planning process.
2. Recommend Board approval of District participation in the California Stationary Fuel Cell Collaborative.
3. Recommend Board approval of the District joining the California Fuel Cell Partnership and allocating \$90,000 from Program 104 to cover dues for one year.
4. Recommend Board approval for District participation with DaimlerChrysler in demonstrating a light duty fuel cell vehicle and allocate \$38,400 in Diesel Back-up Generator Mitigation funds for the demonstration.

There was discussion on the request to join the California Fuel Cell Partnership and allocation of the funds.

Committee Action: Director Torliatt moved that the Committee recommend Board approval of items 1, 2 and 4 as stated above; seconded by Director Miller; carried unanimously without objection.

The Committee requested staff provide additional information on the request for the District to join the California Fuel Cell Partnership.

8. Status Report of Goods Movement Conference: *Staff presented information regarding the Goods Movement Conference.*

Mr. Murphy stated that the Metropolitan Transportation Commission (MTC) has been working on a new study on freight and cargo movement in the Bay Area and summarized an upcoming conference on goods movement in Northern California. The conference will be held on December 8th and 9th in Oakland.

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

9. Information Systems Division Update: *Staff presented the status of ongoing work to define the future Production System that will replace IRIS and Databank.*

Jeff McKay, Director of Information Services, presented the report and updated the Committee on the implementation of the District's production system for the IRIS/Databank replacement. Mr.

McKay stated that surveys of government agencies and vendors are being conducted and reviewed.

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

10. Closed Session

Conference with District's Labor Negotiators
(Government Code § 54957.6(a))

*Agency Negotiators: Jack P. Broadbent, Executive Officer/APCO
Michael Rich, Human Resources Officer*

*Employee Organization: Bay Area Air Quality Management District Employees'
Association, Inc.*

The Committee adjourned to Closed Session at 11:12 a.m.

The Committee reconvened to Open Session at 11:26 a.m.

Brian Bunger, District Counsel, reported that the Committee met in Closed Session and direction was given to the Executive Officer to continue discussions with the Employees' Association.

- 11. Committee Member Comments:** Chairperson Haggerty requested any Board member that is interested in being on the Nominating Committee or the Joint Policy Committee to contact him.
- 12. Time and Place of Next Meeting:** 9:45 a.m., Wednesday, December 29, 2004, 939 Ellis Street, San Francisco, CA.
- 13. Adjournment.** The meeting was adjourned at 11:27 a.m.

Mary Romaidis
Clerk of the Boards

EXECUTIVE COMMITTEE

Follow-up Items for Staff

September 29, 2004

1. Chairperson Haggerty requested notice of the October 14th community meeting on the draft Ozone Control Measures be sent to the Livermore Lab in conjunction with a press release on the same meeting.
2. Staff was requested to notify the Directors before the Ozone Strategy community meetings so staff could be informed if there were any community groups that should be contacted that might be interested in attending the meetings.
3. Staff was requested to look at working with the Sonoma Climate Protection Campaign to develop a greenhouse gas emission ordinance.
4. Director Torliatt suggested the District look at how it can get more involved in recycling and requested information on the impacts of what is being recycled in the nine Bay Area counties and how that may add to some of the air pollution.
5. The Committee requested staff provide additional information on the request for the District to join the California Fuel Cell Partnership. The information should include a list of the partners, how much they pay for dues, their gross revenue, and the number of people they have in the Partnership.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

TO: Chairperson Scott Haggerty and Members of the Executive Committee
FROM: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board
DATE: November 22, 2004
RE: Hearing Board Quarterly Report – JULY 2004 – SEPTEMBER 2004

RECOMMENDED ACTION:

This report is provided for information only.

DISCUSSION:

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
Alameda/Fremont	TRI-CITIES RECYCLING AND DISPOSAL FACILITY (Variance – Docket No. 3474) – Variance from regulation limiting emissions of non-methane organic compounds and methane from the waste decomposition process at solid waste disposal sites (APCO not opposed.)	8-34-301.3, 501.3 & 507	Withdrawn. Enforcement Agreement signed	===	===
Contra Costa/Martinez	SHELL OIL PRODUCTS US, MARTINEZ REFINERY (Variance - Docket No. 3471) – Variance from regulation requiring compliance with permit conditions; regulation establishing emission limits for sulfur dioxide from all sources including ships, and limits ground level concentrations of sulfur dioxide; and regulation on Standards of Performance for New Stationary Sources (APCO opposed.)	2-1-307; 9-1-307 10-NSPS, Subpart J	Withdrawn	===	(SO ₂)
Contra Costa/Martinez	TESORO REFINING & MARKETING (Emergency Variance – Docket No. 3477) – Emergency Variance from regulation limiting emissions of organic compounds, including methane, from leaking equipment at petroleum refineries, chemical plants, bulk plants and bulk terminals (APCO not opposed.)	8-18-305	Granted	9/1/04 to 9/12/04	0.005 #/Day (VOC)
Contra Costa/Pittsburg	CRITERION CATALYSTS & TECHNOLOGIES, L.P. (Variance – Docket No. 3470) – Variance from regulation requiring compliance with permit conditions.	2-1-307	Withdrawn. Passed second compliance source test and is in compliance	===	(Particulate Matter)
Contra Costa/Rodeo	CONOCOPHILLIPS COMPANY (Appeal – Docket No. 3452) – Appeal from the issuance of a Major Facility Review Permit for Facility No. A0016 (Appellant’s San Francisco Refinery in Rodeo, California)	Major Facility Review Permit	Matter continued to a later date. Party to submit status report no later than 2/15/05	===	===

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
Contra Costa/Rodeo	CONOCOPHILLIPS COMPANY (Variance – Docket No. 3475) – <i>Variance from regulation limiting emissions of nitrogen oxides and carbon monoxide from boilers, steam generators, and process heaters in petroleum refineries and from regulation limiting emissions of organic compounds from depressurizing and opening of process vessels at petroleum refineries and chemical plants.</i>	9-10-301; 8-10-302.2 & Major Facility Review Permit (Title V)	Withdrawn. Not in violation	===	===
Marin/Bolinas	BOLINAS GARAGE (Variance – Docket No. 3469) – <i>Variance from regulation limiting emissions of organic compounds from gasoline dispensing facilities (APCO not opposed.)</i>	8-7-302.1	Granted	6/14/04 to 9/9/04	Less than 0.6 #/Day (Hydrocarbons)
San Francisco	SAN FRANCISCO PETROLEUM COMPANY (Variance – Docket No. 3476) – <i>Variance from regulation limiting emissions of organic compounds from gasoline dispensing facilities (APCO opposed.)</i>	8-7-301.1, 301.3 & 302.3	Withdrawn	===	===
Solano/Benicia	VALERO LOGISTICS OPERATIONS, L.P. (Appeal – Docket No. 3473) – <i>Appeal from the terms and conditions of Permit to Operate No. 7980.</i>	Appeal	Parties to submit written status report no later than 12/31/04	===	===
Sonoma/Santa Rosa	RANDAL NUTRITIONAL PRODUCTS (Variance – Docket No. 3472) – <i>Variance from regulation requiring review of new and modified sources and providing mechanisms, including the use of BACT, TBACT and emissions offsets, by which authorities to construct such sources may be granted (APCO opposed.)</i>	2-2-301	Withdrawn	===	(Isopropyl Alcohol)
Various	INTERNATIONAL PAINT, INC. (INTERLUX DIVISION) (Extension of Product Variance – Docket No. 3431) – <i>Extension of Product Variance from regulation limiting emissions of volatile organic compounds from the surface preparation and coating of marine vessels, components and structures intended for exposure to a marine environment, including oil drilling platforms and navigational aids (APCO not opposed.)</i>	8-43-321	Granted	6/9/04 to 6/1/05	325 # (VOC)

NOTE: During the third quarter of 2004, the Hearing Board dealt with 2 Dockets on 2 hearing days. A total of \$ 695.50 was collected as excess emission fees during this quarter.

Respectfully submitted,

Thomas M. Dailey, M.D.
Chair, Hearing Board

Prepared by: Neel Advani, Deputy Clerk of the Boards

FORWARDED: _____
NA:na (11/22/04) (HBEXQURT)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members of the Executive Committee

From: Elinor Blake, Chairperson, Advisory Council

Date: November 17, 2004

Re: Report of the Advisory Council: September 9 – November 17, 2004

RECOMMENDED ACTIONS:

- (a) Consider adoption of the recommendations regarding the reappointment of nine Advisory Council Members to another two-year term on the Council. Consider adoption of the recommendations of the Advisory Council Applicant Selection Working Group regarding its recommendation that the Executive Committee appoint Cassandra Adams to the “Architect” category on the Council.
- (b) Consider the Council’s recommendations regarding the application of optical fence line monitoring technology to other Bay Area refineries.
- (c) Receive notification of the Advisory Council’s Officers for calendar year 2005.
- (d) Review attached summaries and draft minutes of recent Council and Council Committee meetings during the reporting period. These are provided for information only.

DISCUSSION:

Presented below are summaries of the key issues discussed at meetings of the Advisory Council and its Standing Committees during the above reporting period.

- 1) Joint Air Quality Planning & Technical Committee Meeting – October 12, 2004. The Committees received and discussed presentations on alternative fuels and alternative vehicle technologies. *(Minutes to be included in a future Board of Directors Regular Meeting Agenda packet.)*
- 2) Public Health Committee Meeting – October 25, 2004. The Committee completed its review and adopted recommendations regarding a staff referral on whether the optical fence line monitoring equipment in operation at the ConocoPhillips Refinery in Rodeo should be applied to other refineries in the Bay Area. *(Minutes included in the Board Executive Committee Meeting Agenda packet of November 29, 2004.)*
- 3) Executive Committee Meeting – November 10, 2004. The Committee reviewed the status of its Committee work plans and conducted a review of the Council’s process and activities during the past year with the aim of improving the Council’s procedures next year. *(Minutes included in the Board Executive Committee Meeting Agenda packet of November 29, 2004.)*

- 4) Regular Meeting – November 10, 2004. The Council received a presentation from a staff member of the Bureau of Automotive Repair on the Enhanced Vehicle & Inspection Maintenance program in the Bay Area. The Council was also apprised of how its recommendations on this subject last year affected the development of the program as well as state legislation recommending abolition of the 30-year rolling exemption. The Council received reports from its Standing Committees and adopted the recommendations of the Public Health Committee on refinery monitoring data for forwarding to the Board of Directors Executive Committee. The recommendations are attached. *(Minutes to be included in a future Board of Directors Regular Meeting Agenda packet.)*

Respectfully submitted,

Elinor Blake
Advisory Council Chairperson

Prepared by: James Corazza

FORWARDED BY: _____

Bay Area Air Quality Management District
Memorandum

To: Chairperson Haggerty and Members of the Board of Directors Executive Committee

From: Stan Hayes, Chairperson, Advisory Council Applicant Selection Working Group

Date: November 17, 2004

Re: Reappointment of 9 Advisory Council Members to a two-year term beginning January 1, 2005 and ending December 31, 2006, and Appointment of a new member in the Architect category.

RECOMMENDED ACTION:

Recommend the Board reappoint nine Advisory Council members to a two-year term, and also appoint one new member in the “Architect” category to a two-year term, beginning January 1, 2005 and ending December 31, 2006.

BACKGROUND:

At the end of each calendar year, the Board reviews the attendance record of ten Advisory Council members whose two-year terms expire and who request appointment to another two-year term.

DISCUSSION:

Nine members requested reappointment to a two-year term beginning January 1, 2005 and ending December 31, 2006. The chart below sets forth the total Regular and Committee meetings that nine members were assigned, and how many they attended, and lists the total attendance percentage of each.

For eight members, the period covers a full two-year term between January 1, 2003 and November 10, 2004. There are two members who are filling unexpired terms and therefore their attendance percentage would not cover a full two-year term: Sanjiv Bhandari (*Architect*) was appointed on April 7, 2004 and Robert Bornstein (*Colleges & Universities*) on January 1, 2004. However, Mr. Bhandari has elected not to request reappointment. The attendance of almost all the members who are seeking reappointment is well above the 50% threshold that the Board has used as the point at which concern over attendance is triggered. While Dr. Bornstein encountered schedule conflicts with teaching assignments and previous scientific commitments, the Council anticipates that when meetings are scheduled at the January Retreat, these transitional conflicts will have been resolved.

<u>NAME</u>	<u>CATEGORY</u>	<u>Meetings Assigned and Attended</u>
Elinor Blake	Public Health Agency	39/37 (95% attendance)
Sam Altshuler, P.E.	Registered Prof. Engineer	22/21 (95% attendance)
Louise Bedsworth	Public-at-Large	22/20 (91% attendance)
Robert Bornstein, Ph.D.	Colleges & Universities	11/5 (45% attendance)
Irvin Dawid	Conservation Organization	23/19 (83% attendance)
Stan Hayes	Community Planning	25/22 (88% attendance)
John Holtzclaw, Ph.D.	Conservation Organization	24/23 (96% attendance)
Kevin Shanahan	Transportation	23/15 (65% attendance)
Linda Weiner	Public Health Agency	25/23 (92% attendance)

Architect category member Sanjiv Bhandari has elected not to request reappointment. The Applicant Selection Working Group has therefore reviewed applications that were retained on file after the inter-views for this category were conducted in April of this year. After reviewing the pool of candidates, the Working Group unanimously recommends that the Board of Directors appoint Cassandra Adams to the Architect category. Her resume is attached.

Respectfully submitted,

Stan Hayes
Chairperson
Applicant Selection Working Group

Prepared by: James N. Corazza

FORWARDED BY: _____

SH:jc

Bay Area Air Quality Management District
Memorandum

To: Chairperson Haggerty and Members of the Board of Directors Executive Committee

From: Chairperson Blake and Members of the Advisory Council

Date: November 10, 2004

Re: Recommendation Regarding Refinery Fence Line Monitoring

Topic:

Should the District recommend that all Bay Area petroleum refineries install a fence line air monitoring system similar to that at the ConocoPhillips Rodeo refinery, in order to provide real-time information to the public?

Background:

In 2003, Deputy APCO Peter Hess told the Advisory Council that public comments on the District's 2001 Ozone Plan revealed an interest in knowing more about real-time emissions from petroleum refineries. He asked the Advisory Council to consider whether the District should recommend that all Bay Area petroleum refineries install a fence line monitoring system, as had been done at the ConocoPhillips Rodeo refinery. That system was installed in 1997 as part of a Good Neighbor Agreement after a major incident at the refinery, then owned by Unocal. The system uses optical remote sensing monitors that report in real time raw data which can be posted on the Internet.

Information considered by the Council:

The Council heard presentations and reviewed documents concerning monitoring technology; the specific system at ConocoPhillips; comparisons of data from that system with other monitoring and refinery incident data; monitoring conducted by the District and CARB; and community concerns. Presentors included:

- ◆ Alton Arnett and Ted McKelvey, Terra Air Services (operator of the system at the ConocoPhillips refinery)
- ◆ Randall Sawyer, Hazardous Materials Program, Contra Costa County Health Services Department
- ◆ Howard Adams, Shoreline Environmental Alliance, Crockett
- ◆ Jay Gunklemean, Crockett resident
- ◆ Bill Concannon, Crockett resident
- ◆ Julia May, Communities for a Better Environment
- ◆ Robert L. Spellicy, Industrial Monitor and Control Corporation
- ◆ Kevin Buchan, Western States Petroleum Association
- ◆ Phillip Stern, Conoco Phillips
- ◆ Gary Kendall, Technical Division Director, BAAQMD
- ◆ Kelly Wee, Director of Enforcement, BAAQMD
- ◆ Ken Kunaniec, Engineering Manager, BAAQMD
- ◆ Jim Karas, Engineering Manager, BAAQMD.

The Council's Public Health Committee held a public meeting in Rodeo in addition to several meetings on the subject at the District office.

Council Findings: The fence line air monitoring system at ConocoPhillips Rodeo monitors 38 compounds and primarily registers ground level fugitive emissions. Alarm levels based on health effects data obtained from the Cal/EPA Office of Environmental Health Hazard Assessment (OEHHA) are programmed into the system. Since the Rodeo system was installed, more sophisticated monitoring instruments have come onto the market, some of which is being installed at Rodeo. The District also operates a few ground level monitors near refineries, and refineries operate their own ground level monitors as well as numerous continuous emission monitors in certain stacks.

In advocating for the system at the Rodeo refinery, residents hoped that it would provide useful information directly to the community, the BAAQMD and other agencies for health protection, regulatory, enforcement and emergency response purposes. They said the fence line monitoring data was reassuring and empowering, especially since it is provided independently of the refinery. They proposed several specific refinements and updates to the system at ConocoPhillips, and urged the District and other agencies to access and use the fence line monitoring data.

Public access to the monitoring data is limited to a few residents who are advocates of the system. Contra Costa County, working with community members and ConocoPhillips, has created a web site that provides public access to historical information from the monitors. The web site includes real-time meteorology data and toxicology information on relevant substances. In the future, the site will allow access to real-time data.

Since the fence line monitoring system was installed in 1997, no alarm level has been reached. Little correlation has been found between the monitoring data and the occurrence of an accidental release; emissions from incidents may be too high to reach the monitors. Optical remote sensing monitors such as those at ConocoPhillips are in place in several locations in the United States and elsewhere (one is located in downtown Benicia), but no peer-reviewed accepted protocol exists for review of the data they create in fence line monitoring.

The public's interest in real-time information about emissions from petroleum refineries reflects genuine concerns about both short-term health effects during incidents and long-term health effects from emissions during normal operation, regardless of regulation. The Council did not find sufficient information to support a recommendation for fence line monitoring at refineries other than the ConocoPhillips refinery, but did find several other steps that the District can take to make refinery emission data publicly available, some in real time and some shortly after its creation. Such information would be useful to District, state and local officials, as well as the general public.

Recommendations: The District can improve the public's access to real-time and recent refinery emissions data in the following ways:

- 1) The source-oriented monitors that the District operates near refineries to monitor for H₂S and SO₂ are equipped to allow the data to be posted within about an hour on the District's web site, like the data posted from the ambient air monitoring network. The Council applauds this activity and looks forward to seeing this information on the District's web site.

- 2) Consider adding to each of the District's ground level monitors (GLMs) a hydrocarbon analyzer and a continuous particulate matter monitor, which would increase the number of substances monitored. An automatic sampler could be added and programmed to activate sampling based on specified levels detected by the monitors; such samples could be analyzed to speciate compounds released during an event. The sampler could also allow for manual sampling.
- 3) Evaluate the number and location of District GLM sites near refineries and consider whether to move or add monitors based on all-season wind patterns and population changes.
- 4) Refineries operate GLMs. The District should consider requiring installation of any or all of the equipment noted in 1), 2) and 3) above at permit renewal, under compliance settlements, or in developing Supplemental Environmental Projects (SEP). The Council appreciates the District's recent efforts in this regard.
- 5) Refineries operate approximately 300 continuous emission monitor (CEM) analyzers, which are programmed with alarm levels and provide information from inside stacks as emissions are occurring to assist in quick identification and control of improper operation. Refineries provide the District with CEM data on the 10th of each month for the previous month's data. These reports could be requested in electronic form, standardized and posted on the District's web site with general explanatory information, graphical presentations and other methods and material to make them more readily useful to the public.
- 6) The District should consider evaluating the refinery CEM locations to determine whether additional CEMs should be installed.
- 7) The District's new CARE program should exercise its potential to identify other sources of real-time information from refineries and other facilities or locales.

Bay Area Air Quality Management District
Memorandum

To: Chairperson Haggerty and Members of the Board of Directors Executive Committee

From: Chairperson Blake and Members of the Advisory Council

Date: November 10, 2004

Re: Council Officers for 2005

At the November 10, 2004 Advisory Council Regular meeting, the Council elected the following Officers for calendar year 2005:

Chairperson: Brian Zamora, Public Health Agency category, appointed April 1997.

Vice-Chairperson: Kraig Kurucz, Industry category, appointed February 2002.

Secretary: Fred Glueck, General Contractor category, appointed September 1996.

EB:jc

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

DRAFT MINUTES

Advisory Council Public Health Committee Meeting
1:30 p.m., Monday, October 25, 2004

1. **Call to Order – Roll Call.** 1:33 p.m. Quorum Present: Linda Weiner, Chairperson; Sanjiv Bhandari, Elinor Blake, Jeffrey Bramlett, Victor Torrealano. Absent: Diane Bailey, Brian Zamora.
2. **Public Comment Period.** There were no public comments.
3. **Approval of Minutes of August 9, 2004.** Mr. Torrealano moved approval of the minutes; seconded by Ms. Blake; carried.
4. **Optical Fence Line Monitoring at Bay Area Refineries and Chemical Plants.** Chairperson Weiner summarized the minutes of previous Committee meetings regarding the subject of optical fence line monitoring, noting that the Committee was asked to recommend whether the technology in operation at the ConocoPhillips Refinery in Rodeo should be installed at other Bay Area refineries. While the Committee is not recommending the further application of this technology, it is recommending improving public access to data from other refinery monitoring systems.

In general discussion, the following points were made:

- a) The posting of fence line monitoring data from the ConocoPhillips Refinery on the Contra Costa County Health Department website has been delayed but is still in process. (Blake)
- b) In August of 2003 staff and the Committee discussed the limited extent to which fixed monitoring systems can assist in monitoring large episodic releases, noting that the data are not in real-time. Both the Health Department and District can use ambient canisters for grab samples in areas of potential maximum impact. The timeliness of the sampling depends on many factors, including how quickly inspectors can arrive at the facility. (Gary Kendall, Technical Division Director, and Kelly Wee, Compliance & Enforcement Division Director)
- c) Staff and the ConocoPhillips refinery have over the past year been discussing the posting of data from refinery Ground Level Monitors (GLMs) on the District's website. (Kendall)
- d) The Committee is recommending an upgrade to the GLM network to equip it with other tools so that if a release event happened, those monitors would be automatically triggered at certain levels to grab a sample at that moment. (Blake) An advantage of collecting a canister in silica-lined stainless steel, which is an inert material, is that it allows for a wide range of chemicals at low levels of concentration.
- e) Devices called Continuous Emission Monitors (CEMs) are installed in stacks, to assess emissions very close to the source, but these do not produce ambient air readings. (Kendall)

Chairperson Weiner requested staff to comment on the recommendations, and the following observations were made:

Staff is presently pursuing items contained in Recommendation No. 1, which will provide greater access to the public to real-time data. This would add GLM data to the website, and add to source-specific ambient data. In addition to refineries, other sources have GLMs, such as electrical generating power plants and sulfuric acid plants. (Kendall)

Staff can investigate the items contained in Recommendation No. 2 regarding equipping GLMs, which monitor for SO₂ and H₂S, with a hydrocarbon analyzer and possibly an analyzer for PM as well. Hand-held PM monitors are available that might be adapted for this purpose. The use of a Zontec automatic sampler with a trigger mechanism set at a low level is also promising. Silica-lined canisters would provide for sample stability, and mounting several canisters together provides opportunities for multiple event sampling. (Kuneniak, Kendall)

Recommendation No. 3 concerns the location of District monitors at the refinery. District staff and the ConocoPhillips refinery have evaluated the monitoring network, studied the history of measurements, meteorology, and the potential impacts in unmonitored locations, and, based on the results, requested the refinery to stop monitoring at a location where nothing significant was measured for 20 years. It was suggested that the monitor be relocated and improvements sought for locating other monitors. Evaluation of the efficacy of the monitoring network is a long-term and continuing endeavor. (Kendall)

Recommendation No. 4 partly repeats No. 3 but shifts the focus to monitors operated by industrial sites under District regulations. Some refineries have commenced with Supplemental Environmental Projects (SEPs), in which refineries endeavor to improve data on emissions by increasing the number of GLMs at the facility and making them more robust. This is occurring at both the ConocoPhillips and Shell refineries. Through settlement negotiations associated with permit renewal and compliance settlements, the District allowed SEP funds to go toward these types of monitoring programs that exceed what is required in regulations. (Wee)

Recommendation No. 5 deals with Continuous Emission Monitors (CEMs), which are placed in the stack to measure specific pollutants. There are about 101 CEM systems in the Bay Area representing over 300 analyzers, and their application to new sources and different source categories can be investigated. They produce real-time data 24 hours a day, and the District issues a monthly report on the data. The challenge is to work with industry to place the voluminous and diverse data into a standardized format. At the present time the data is issued on paper and takes considerable time to review. In reply to the Committee's urging that the data be presented in a graphic form that is accessible to, and translated for, the public, staff noted that at the present time there is no regulatory mandate to report the data in real-time and no regulatory guidance on how to standardize the data. Regulations stipulate that any indicated excess of a CEM must be reported to the District. (Kuneniak)

Recommendation No. 6 concerns reviewing CEM data in terms of source categories throughout the various refineries, in order to ascertain whether or not additional CEMs might be needed, and also whether or not the right CEMs are in the right places. A phase-in of a prioritization of CEM monitors and data would be necessary because the task would be too large to do all at once. The District issues monthly reports, and these could be made available in summary form in a more easily understood format on the District's website. This would take considerable time to prepare given the volume of data. (Kendall, Wee, Kuneniak)

Recommendation No. 7 concerns a program that is in process, and the focus of the CARE program is to inform the public of risks associated with air toxic contaminants, and about directing District programs to reduce those risks where they are at the highest level. The first item to be developed is a gridded inventory of toxic emissions and this will be shared with the public. (Kendall)

Chairperson Blake called for public comment, and the following individual came forward:

Dennis Bolt
Western States Petroleum Association

stated the Committee started with the task of reviewing whether fence line optical monitoring should be applied to other refineries and has concluded by recommending modifications to other types of refinery monitoring systems. The data generated by the Committee's recommendations would not be in context with emissions from other industrial sources in the Bay Area. New sampling mechanisms for District GLMs should be applied District-wide, and if CEM data is to be posted it should be District-wide as well. It is not appropriate to focus only on refineries. If more monitoring data is needed for providing more information to the community, it must be in context, and concern all industrial facilities in the Bay Area. The refineries oppose posting only refinery CEM data on the District's website.

Mr. Kendall noted that the District's website has a section devoted to the test results on Title V facilities, and refineries are among them. The Committee's recommendations have some consistency with this kind of approach. Mr. Bramlett noted that the context issue is an important one for evaluating the data, and the CARE program is a step in the direction of providing both context and priority.

Ms. Blake reviewed several suggested edits, with "District" to be inserted in front of "GLM" in No. 3; the sentence clauses switched in No. 4; the referencing of "source oriented" GLMs in Nos. 1, 2 and 3; and an indication in No. 4 that "refineries operate ground level monitors." In No. 5 the final sentence should indicate that "these reports could be required in electronic form, standardized and posted on the District's website with general explanatory information, graphical presentations and other methods and materials that make them more readily useful to the public."

Mr. Torreano moved adoption of the recommendations as amended; seconded by Mr. Bramlett; carried unanimously.

- 5. Discussion of Advisory Council Activities.** Ms. Blake noted that a reflection on the year's work would be helpful in preparing for the January Retreat in terms of future Council and Committee process, procedure and direction. Mr. Bramlett observed that it is important to keep apprised on whether Council recommendations are being addressed. The document tracking Council discussions and deliberations provided by the Deputy Clerk is helpful. Mr. Bhandari noted that in the Advisory Council at the Metropolitan Transportation Commission, much material was reviewed but it was never made apparent what impact the Council had. The first tour of the District was outstanding, however, and more orientation along those lines should be pursued. Mr. Torreano noted that an organization chart of the District would be helpful as well. Mr. Bramlett suggested ways to streamline the wordsmithing of amendments to recommendations during Council meetings.

- 6. Committee Member Comments/Other Business.** Ms. Blake stated that a recent letter from Executive Officer/APCO Jack Broadbent to the Governor was sent to the entire Advisory Council. The Board Executive Committee received the Council’s recommendations at the end of September, and asked excellent questions in the discussion with the Council representatives.
- 7. Time and Place of Next Meeting.** Chairperson Weiner suggested that since the Committee has completed its review of its work plan topics (community risk assessment, the precautionary principle, indoor air quality, refinery optical fence line monitoring) and met monthly at the beginning of the year for several consecutive months, it should resume meeting after the January 2005 Retreat. The Committee members expressed consensus with this suggestion.
- 8. Adjournment.** 3:15 p.m.

James N. Corazza
Deputy Clerk of the Boards

:jc

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

DRAFT MINUTES

Advisory Council Executive Committee Meeting
9:00 a.m., Wednesday, November 10, 2004

1. **Call to Order – Roll Call.** 9:10 a.m. Quorum Present: Elinor Blake, Chairperson, Louise Bedsworth, Ph.D., Harold Brazil, Kraig Kurucz, Linda Weiner, Brian Zamora. Absent: William Hanna.
2. **Public Comment Period.** There were none.
3. **Approval of Minutes of September 8, 2004.** Mr. Zamora moved approval of the minutes as submitted; seconded by Mr. Kurucz; carried unanimously.
4. **Standing Committee Chair Reports on Committee Work Plans.** Mr. Brazil reported that the Air Quality Planning Committee (AQPC), jointly with the Technical Committee, devoted the majority of the year to reviewing the District's Ozone Control Strategy (OCS), and the Committees have completed their review of it. On October 12, 2004 the Committees met jointly to receive and discuss guest speaker presentations on alternative fuels and alternative vehicle technologies. This issue will be continued into 2005 for further Committee review. Today, the full Council will receive an update on Smog Check II, which the AQPC reviewed during 2002 and 2003. Chairperson Blake noted that the Committee may wish to continue into 2005 a topic adopted at the 2004 Retreat regarding smart growth, transit modes and regional shifts in transportation planning. Mr. Kurucz observed that this issue is related to the Ozone Control Strategy Transportation Control Measure No. 15, which the Committee will review next year.

Ms. Weiner stated that the Public Health Committee met on October 25, 2004 and reviewed the staff referral on whether the type of fence line optical remote monitoring now in operation at the ConocoPhillips Refinery in Rodeo should be applied to other refineries in the Bay Area in order to provide real-time information to refinery neighbors. While the Committee did not find any correlation between the real-time fence line monitoring data and accidental releases, it did hear testimony from citizens in Rodeo and Crockett expressing satisfaction with having access to the fence line data. Today the Committee is presenting seven recommendations for the Council to consider on real-time refinery emission data from other types of refinery monitors. District staff considers these recommendations to be feasible. Chairperson Blake added that posting of the fence line monitoring data on the Contra Costa County Health Department website has been delayed, but the process is still moving forward.

Ms. Blake noted that of the 14 topics that the Council selected for review at the January 2004 retreat, all but three have been completed and these were longer-range items that can be considered for inclusion again at the 2005 retreat. They include communities disproportionately impacted by air pollution and construction site emissions, emergency response and homeland security, and the impact of daylight savings time and peak ozone.

- 5. Discussion of a Year-End Review of Council Activities.** Chairperson Blake stated that in a recent member survey on the Council’s role and effectiveness, about half of the Council responded and responses were overwhelmingly positive and useful suggestions were made. Detailed survey results will be forwarded to the incoming Council Chair for consideration next year.
- 6. Discussion and Adoption of Recommendation of a Slate of Officers for 2005.** Chairperson Blake stated the Council’s tradition is to recommend that the Vice-Chair be elected to the position of Chair; the Secretary to the position of Vice-Chair; and a new Secretary be chosen from among the Council membership. She moved the nomination of the following slate of officers for 2005: Mr. Zamora for Council Chair; Mr. Kurucz for Council Vice-Chair, and Mr. Glueck for Council Secretary. She noted that Mr. Glueck has been a member of the Council for eight years and has twice chaired the Air Quality Planning Committee, and has indicated his availability for this position. Dr. Bedsworth seconded Chairperson Blake’s motion, which carried unanimously by acclamation.

Peter Hess, Deputy Air Pollution Control Officer, commended the Council Committees on a fruitful year. Ms. Weiner thanked Chairperson Blake for her leadership.
- 7. Committee Member Comments/Other Business.** There were none.
- 8. Time and Place of Next Meeting.** At the Call of the Chair.
- 9. Adjournment.** 9:38 a.m.

James N. Corazza
Deputy Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter-Office Memorandum

To: Chairperson Haggerty and
Members of the Executive Committee

From: Jean Roggenkamp
Director of Planning and Research

Date: November 17, 2004

Re: Status Report on Bay Area Ozone Strategy

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

The District, in consultation with MTC and ABAG, is preparing the Bay Area Ozone Strategy. The Ozone Strategy will address State and national air quality planning requirements. With respect to State requirements, the Ozone Strategy will identify all feasible measures to make progress towards the State 1-hour ozone standard in the Bay Area and to address transport mitigation requirements. The Ozone Strategy will also include a redesignation request and a maintenance plan for the national 1-hour standard. The draft control measures proposed for inclusion in the Ozone Strategy have undergone public review and comment. Staff will present a status report on progress to date.

DISCUSSION

Staff conducted an extensive evaluation of potential control measures. Staff reviewed CAPCOA's work on all feasible measures, engaged in a rule comparison process with ARB and neighboring air districts, reviewed rules and programs in other regions, received input from the public at community meetings and through the Ozone Working Group as well as from District Board members and the Advisory Council. Based on these evaluations, staff identified a proposed control strategy, consisting of stationary, mobile and transportation control measures.

The draft control measures were released for public review and comment in early September, 2004. Outreach included posting on the District website, discussion with the Ozone Working Group, and discussion at seven community meetings in September and October, 2004. The community meetings allowed an opportunity to meet with stakeholders and interested members of the public to provide background on the ozone planning process, describe the draft control measures, and solicit comments and discussion. (The District's new Community Air Risk Evaluation program was also discussed at the community meetings.)

District staff also has consulted extensively with staff at downwind air districts throughout the process of evaluating and developing control measures. Coordination with neighboring districts has included: a rule comparison project with ARB and Sacramento, San Joaquin and Yolo-Solano AQMDs; participation in CAPCOA's development of a statewide all feasible measures list; in-depth analysis of control measure suggestions submitted by Sacramento Metropolitan AQMD; and convening of an all feasible measures interagency consultation meeting with downwind districts pursuant to transport mitigation regulations.

AGENDA NO. 6

Staff is currently reviewing comments provided by stakeholders, neighboring districts and other interested parties, and this review will result in revisions to some of the proposed control measures. Staff anticipates including 38 control measures in the Ozone Strategy in order to further reduce emissions of ozone precursors, including 15 stationary source measures, 4 mobile source measures and 19 transportation control measures. The proposed control measures are summarized in the attached tables. We have also identified 21 further study measures that may be feasible, but will require further analysis to determine whether they warrant inclusion in the Ozone Strategy.

Preparation of the Ozone Strategy has included substantial public outreach. Outreach efforts have included Ozone Working Group meetings, community meetings, community training meetings, Modeling Advisory Committee meetings, the District website, and reports to District Board Committees, the Regional Agency Coordinating Committee and the Advisory Council. We will continue all of these outreach efforts through the remainder of the planning process.

Pursuant to the California Environmental Quality Act we are preparing an Environmental Impact Report to analyze potential secondary environmental impacts of the Ozone Strategy control measures. A consulting firm, Environmental Audit, is assisting with preparing the EIR. A Draft and Final EIR will be circulated for public review along with the Draft and Final Ozone Strategy.

The Ozone Strategy will also address other issues not directly related to reducing ozone levels. The document will also discuss benefits that the control measures will have on reducing emissions of fine particulate matter and global warming gases, and potential local benefits of control measures. There will be a thorough discussion of public outreach processes associated with the Ozone Strategy.

Staff anticipates releasing a Draft Ozone Strategy for public review and comment early next year. We will conduct additional outreach when the draft Strategy and Draft EIR are available, evaluate public input, and prepare a Final Ozone Strategy for Board consideration. Given this schedule, we will henceforth refer to the document as the Bay Area 2005 Ozone Strategy.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jean Roggenkamp
Director of Planning and Research

FORWARDED: _____

Prepared by: Henry Hilken

Reviewed by: Peter Hess

BAY AREA 2005 OZONE STRATEGY - DRAFT CONTROL MEASURES

Draft Stationary and Area Source Control Measures

CM #	BAAQMD Reg - Rule	Source Category	Description	Estimated ROG Reduction tons/day	Estimated NOx Reduction tons/day
Industrial – Commercial Processes					
SS-1	8-45	Auto Refinishing	Reduce VOC limits for some coating categories	0.7	N/A**
SS-2	8-20	Graphic Arts Operations	Reduce VOC limits for flexographic ink and clean up solvent	0.15	N/A**
SS-3		High Emitting Spray Booths	Require additional controls on spray booths that emit > 20 tons ROG/yr	0.5	N/A**
SS-4	8-50	Polyester Resin Operations	Reduce allowable monomer content for some types of polyester resins	0.3	N/A**
SS-5	8-32	Wood Coating Operations	Reduce VOC limits for some coating categories	0.68	N/A**
Petroleum Products Production and Distribution					
SS-6	12-11	Flares*	Reduce flaring or set emissions limits for flares	TBD***	TBD***
SS-7	8-33, 39	Gasoline Bulk Terminals and Plants	Require automatic shutoff and backpressure monitors, set more stringent leak, emission standards	0.14	N/A**
SS-8	8-44, 46	Marine Loading Operations	Control additional cargoes, set more stringent leak standards and/or control housekeeping emissions	0.7 – 1.0	N/A**
SS-9	8-5	Organic Liquid Storage	Tighten existing requirements and/or control lower vapor pressure liquids	0.27 – 0.44	N/A**
SS-10	8-28	Pressure Relief Devices	Reduce ROG emissions from PRD's	TBD***	N/A**
SS-11	8-8	Wastewater Systems	Control emissions from wastewater collection systems	2.1	N/A**
Combustion Processes					
SS-12	9-7	Boilers Less than 10 MM Btu	Extend existing limits to smaller boilers and/or set a more stringent standard	N/A**	0.5 – 1.0
SS-13	9-6, 7	Large Water Heaters and Small Boilers	Require new, small boilers and large water heaters to meet NOx limits	N/A**	0.39
SS-14	9-9	Stationary Gas Turbines	Implement BARCT NO _x limits on existing turbines	N/A**	1.2
Education Programs					
SS-15		Energy Conservation	Educate government, industry and the public in energy efficient choices	unknown	unknown

* SS-6, Flares would be adopted as an amendment to Air District Rule 12-11. The rule currently requires monitoring of refinery flare emissions, while the proposal in SS-6 is to require control of refinery flare emissions.

** N/A – Except for SS-6 Flares, SS-1 through SS-11 will result in ROG emission reductions, and there are no anticipated NOx emission reductions for these measures. SS-12 through SS-14 will result in NOx emission reductions, and there are no anticipated ROG emission reductions for these measures. SS-6 may reduce both ROG and NOx emissions.

*** TBD – emissions reductions to be determined.

Draft Mobile Source Control Measures

Measure #	Title	Estimated ROG Reduction (tpd)	Estimated NO _x Reduction (tpd)	Estimated PM Reduction (tpd)
MS-1	Diesel Equipment Idling Model Ordinance	0.13	1.96	0.08
MS-2	Green Contracting Model Ordinance	unknown	unknown	unknown
MS-3	Low-Emission Vehicle Incentives	0.03	0.6	0.01
MS-4	Vehicle Buy-Back Program	0.30	0.15	0.05
Total		0.46	2.17	0.14

Draft Transportation Control Measures

#	Title	Phase 1: 2006		Phase 2: 2015	
		ROG Reductions (tons/day)	NO _x Reductions (tons/day)	ROG Reductions (tons/day)	NO _x Reductions (tons/day)
TCM 1	Voluntary Employer Based Trip Reduction Programs	0.53	0.57	0.23	0.22
TCM 3	Improve Local and Areawide Bus Service	0.50	1.41	0.16	0.14
TCM 4	Improve Regional Rail Service	0.23	0.21	0.08	0.06
TCM 5	Improve Access to Rail and Ferries	0.17	0.15	0.06	0.05
TCM 6	Improve Interregional Rail Service	N/A*	N/A*	0.05	0.05
TCM 7	Improve Ferry Service	N/A*	N/A*	0.06	0.06
TCM 8	Carpool/Express Bus Lanes on Freeways	N/A*	N/A*	0.62	0.65
TCM 9	Improve Bicycle Access and Facilities	0.30	0.25	0.59	0.43
TCM 10	Youth Transportation	0.03	0.03	0.02	0.01
TCM 11	Install Freeway Traffic Management System	0.24-0.31	0.10-(0.31)	0.12-0.16	(0.03)-(0.25)
TCM 12	Arterial Management Measures	0.06-0.12	0.06-0.11	0.23	0.25
TCM 13	Transit Use Incentives	0.04-0.20	0.04-0.19	0.02-0.08	0.01-0.07
TCM 14	Carpool/Vanpool Services and Incentives	0.01	0.01	0.01	0.01
TCM 15	Local Land Use Planning and Development Strategies	0.09	0.14	TBD**	TBD**
TCM 16	Public Education/Intermittent Control Measures	1.65***	1.27***	TBD**	TBD**
TCM 17	Conduct Demonstration Projects	0.01-0.04	0.01-0.03	TBD**	TBD**
TCM 18	Transportation Pricing Reform	0.95	0.82	1.40	0.99
TCM 19	Improve Pedestrian Access and Facilities	0.04-0.18	0.02-0.10	0.08-0.17	0.04-0.08
TCM 20	Promote Traffic Calming	NC****	NC****	NC****	NC****

* N/A – No new service is anticipated between 2004 and 2006 for TCM 6 and TCM 7; therefore, no additional emission reductions are expected in Phase 1. Emission reductions for TCM 8 were only calculated for 2015, reflecting full implementation of MTC’s HOV Master Plan.

** TBD – Long-term effectiveness of TCM 15, TCM 16 and TCM 17 is unknown. Emission reductions are not currently estimated for Phase 2.

*** TCM 16 emissions reductions are calculated for the Spare the Air program. STA is an episodic measure, so the emission reductions are assumed to occur only on STA days.

**** NC – Traffic calming is an important support program for other TCMs, particularly bike/ped programs, but it is uncertain how much additional emission reductions can be attributed specifically to traffic calming projects. Therefore, no additional reductions are claimed for TCM 20.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and
Members of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 29, 2004

Re: Labor Relations Update: MOU Extension; Update to Affirmative
Action Plan

RECOMMENDATION

Consider staff's update on the status of a possible contract extension of the current Memorandum of Understanding (MOU) with the Employees' Association; and, review updated Affirmative Action Plan and report out to the Board of Directors.

BACKGROUND

Update on MOU Extension: The District and the Employees' Association have reached tentative agreement on an extension of the current MOU through June 30, 2010. The results of the voting may be available by November 29, 2004, in which case staff will report the results to the Executive Committee.

Update on Affirmative Action Plan: Pursuant to Division III, Section 2 of the District's Administrative Code the Board of Directors affirms its policy to provide equal employment opportunities and commits itself and the District to implementing an Affirmative Action Plan. The Human Resources Officer (HRO) reviewed the Affirmative Action Plan upon his appointment in July of 2003 and determined that it had not been updated since 1995. This lapse was probably due to passage of Proposition 209 in November of 1996 and subsequent threats of legal action by the Pacific Legal Foundation directed at local government agencies that continued to promulgate affirmative action plans.

Since the passage of Proposition 209 the legality of affirmative action plans has been affirmed so long as the actions prescribed by the plans are narrowly and carefully tailored to remedy past discrimination while not creating quotas or an unfair advantage to minorities and females. The HRO contracted with an expert on affirmative action plan development, Biddle Consulting Group, to assist in preparing an updated, legally viable plan that fulfills the Board's commitment to equal employment opportunities and affirmative action.

Discussion

The updated Affirmative Action Plan is comprised of two parts: 1) a narrative that explains the basis for the plan, its goals, and the roles and responsibilities for staff in administering the plan; and, 2) exhibits with data showing the racial and ethnic breakdown of the District's workforce along with analysis of the availability of minorities and women based on 2000 census data to determine where women and

minorities may be underrepresented in particular job groups. Implementation of the Plan will include the reestablishment of an Affirmative Action Council comprised of District employees who will periodically review the plan and hiring statistics in order to develop recommendations on how to achieve the goals of the Plan. In addition, the Employees' Association has expressed interest in the update of the Plan and the District intends to meet with the Employees' Association to hear their input. The Plan will be updated each year to reflect new hiring data and workforce analysis to determine whether the District is moving toward its goals. Staff plans to retain Biddle Consulting Group or a similar consultant to assist with the Plan update each year. The APCO/Executive Officer will direct the HRO to provide a status report to the Board of Directors in January of each calendar year.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Staff has provided information to the Board of Directors in closed session on the financial impact of an extension of the MOU. In the event the represented employees vote to approve the MOU extension staff will prepare a report for Board consideration that will include a discussion of the financial impact for consideration at the Board Meeting of December 1, 2004.

With regard to the update to the Affirmative Action Plan, there is no fiscal impact beyond what has already been contemplated and approved in the current budget. It is possible that the Affirmative Action Council may make recommendations that would entail additional cost and in that event staff would decide whether to forward a request for additional funding to the Board for approval.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Michael K. Rich
Reviewed by: Wayne Tanaka

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter-Office Memorandum

To: Chairperson Haggerty and
Members of the Executive Committee

From: Brian C. Bunger
District Counsel

Date: November 18, 2004

Re: Video Teleconferencing for Board of Director Meetings

RECOMMENDED ACTION:

Recommend that the Board of Directors direct staff to take the following actions to implement video teleconferencing for Board and Board Committee meetings:

1. Continue the process of obtaining bids for equipping the District's Boardroom and commonly used Board Committee meeting rooms for video teleconferencing; and
2. Explore use of county facilities in Santa Clara County and Sonoma County to conduct District Board and Board Committee meetings with video teleconference participation by some members and the public.

BACKGROUND

At its June 14, 2004, meeting, the Public Outreach Committee of the District's Board of Directors directed staff to investigate and report to the Executive Committee on the possibility of holding Board and Board Committee meetings by teleconference on Spare-the-Air days in order to reduce emissions from vehicles used to travel to such meetings at the District's offices. As discussed in more detail below, the Ralph M. Brown Act (California Government Code section 62450, *et seq.*) requires that the agenda for a meeting be posted at least 72 hours in advance of the meeting, and requires that such agendas for meetings conducted by teleconferencing be posted at all teleconference locations. For a number of technical reasons, the District is not able to predict Spare-the-Air days 72 hours in advance. Indeed, the District usually makes its final determination on whether to call a Spare-the-Air day around noon on the day immediately prior to a Spare-the-Air day. For these reasons, arranging for teleconference participation only for meetings that occur on Spare-the-Air days is impractical. Instead, staff recommends that the Board implement video teleconferencing for all Board of Directors and Board Committee meetings.

DISCUSSION

The Brown Act generally requires that Board and Committee meetings be open to the public and that agendas for such meetings be posted 72 hours in advance of the meeting. Meetings by teleconference are permitted for all purposes in connection with any meeting within the jurisdiction of the agency. Video teleconferencing is not given special treatment; teleconferencing, whether audio, video, or both, is subject to the same statutory provisions. Teleconferencing is defined in the Brown Act as a meeting of a legislative body (the Board or one of its Committees), "the members of which are in different locations, connected by electronic means, through either audio, or video, or both." Cal. Govt. Code § 54953(b)(4).

AGENDA NO. 8

The Brown Act imposes several requirements for teleconferenced meetings in addition to those requirements that are applicable to ordinary meetings. First, the Brown Act requires that all votes that take place during teleconferenced meetings must be by rollcall. Second, if teleconferencing is to be used for a meeting, agendas for that meeting must be posted in all teleconference locations. Third, the Brown Act requires that teleconferenced meetings must be conducted in a manner that protects the statutory and constitutional rights of the parties and members of the public appearing before the legislative body. Fourth, each teleconference location must be identified in the notice and agenda for the meeting, each such location must be accessible to the public, and the agenda must state that the public may address the legislative body directly on items of public interest before or during the legislative body's consideration of an item. Cal. Govt. Code § 54953(b).

In order to satisfy these requirements, the District will need to obtain teleconferencing equipment for the Boardroom and the commonly used Committee meeting rooms. Video teleconferencing provides the best teleconferencing experience for participants because it allows the additional visual communication not available through audio only. District staff has obtained a preliminary estimate for the cost of equipping the Boardroom and Committee meeting rooms with video teleconferencing equipment of approximately \$80,000. Staff will continue the process of obtaining bids in accordance with the District's Administrative Code for equipping the Boardroom and commonly used Committee meeting rooms with teleconferencing equipment.

It will also be necessary to find suitable offsite locations for teleconferenced meetings. Teleconference facilities at public agencies would present the most practical alternative, because persons familiar with Brown Act requirements would likely staff such facilities. Because the two areas that appear to affect the most Board members are the North Bay and South Bay areas, staff will explore the availability of teleconferencing facilities in Sonoma County and Santa Clara County.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None at this time. Once District staff has obtained bids, the proposals will be presented to the Budget and Finance Committee for further consideration and potential budget amendments.

Respectfully submitted,

Brian C. Bunger
District Counsel

FORWARDED: _____

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter-Office Memorandum

AGENDA NO. 9

To: Chairperson Haggerty and Members of the Executive Committee
From: Jeff McKay, Director of Information Services
Date: November 29, 2004
Re: Replacement of DataBank and IRIS

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

Unique software applications, DataBank and IRIS, are used to carry out District business processes. Examples of these processes include Planning, Permitting, Inspection and Emission Inventory.

The Air District first implemented the DataBank application in 1977. This application pre-dates database technology, and stores information in flat files. In 2001 the District implemented the IRIS application, partially relieving Databank of some function. The migration to modern technology must continue for the District to fulfill its mission.

DISCUSSION

The early design process includes review of common business tools such as Document Management Systems. The migration will make maximum use of such common existing business applications. These applications will be integrated with any custom elements required to enable the District's unique business needs. Build and Development will begin only after substantial verification of Design. Identification of Design in the first calendar quarter of 2005 will enable final targets for resource requirements. Although these targets are still to be determined, the migration should be substantially complete in calendar year 2007.

This presentation will focus on ongoing survey work that provides information on current best practices. The Executive Committee will receive regular updates on this process.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Initial funds for this work are included in the approved 04/05 budget.

Respectfully submitted,

Jeff McKay, Director
Information Services Division

FORWARDED: _____