

## BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET – SAN FRANCISCO, CA 94109

Approved Minutes: Board of Directors Regular Meeting – July 21, 2004

### **Call To Order**

Opening Comments: Chairperson Scott Haggerty called the meeting to order at 9:51 a.m.

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Roberta Cooper, Mark DeSaulnier, Erin Garner, Jerry Hill, Erling Horn, Patrick Kwok, Jake McGoldrick (9:51 a.m.), Julia Miller, Mark Ross, Pam Torliatt, Marland Townsend, Gayle Uilkema, Shelia Young, Brad Wagenknecht.

Absent: Chris Daly, Liz Kniss, Nate Miley, John Silva, Tim Smith.

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

**Public Comment Period:** There were none.

**Commendations/Proclamations:** Clean Air Champion Awards 2004.

Since 1992, the Air District, in conjunction with the American Lung Association, RIDES for Bay Area Commuters, KCBS Radio 74, Alice 97.3, LIVE 105 and the U.S. Environmental Protection Agency (EPA) have co-sponsored the Clean Air Champions Awards to honor Bay Area citizens and organizations for their exemplary efforts to improve air quality. Six champions were honored this year.

The Board of Directors recognized the winners of the 2004 Bay Area Clean Air Champions. The awards were presented as follows: Directors McGoldrick, Brown, Haggerty, presented plaques to John Holtzclaw, James Callahan, Cynthia and Kelly Witwicki, and Colleen Zak, respectively. The other award winner, Rose Taber, was unable to attend today's meeting.

Certificates of Achievements in Leadership were also presented to Chairperson Haggerty and Director Miller for their civic and personal commitments to clean air.

### **Consent Calendar (Items 1 – 10)**

1. Minutes of June 16, 2004
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council – There was no report.

4. Monthly Activity Report – Report of Division Activities for the month of June, 2004
5. District Personnel on Out-of-State Business Travel
6. Quarterly Report of Air Resources Board Representative, Honorable Mark DeSaulnier
7. Quarterly Report of the Clerk of the Boards
8. Consider Approval of Contract in Excess of \$70,000 for Professional Services

*The Board of Directors considered authorizing the Executive Officer/APCO to amend the contract with ENVIRON International Corporation to provide additional technical assistance for the District's photochemical modeling program. The amount of this contract amendment is not to exceed \$135,000. This expense was approved in Program 603 of the FY 2004/2005 budget.*

9. Authorize the Executive Officer/APCO to enter into an agreement with Livermore Amador Valley Transit Authority for free transit on Spare the Air days

*The Board of Directors considered the proposal of the Livermore Amador Valley Transit Authority (LAVTA) to undertake a project to offer free transit on Spare the Air days during the 2004 summertime season. The proposal includes funding from the Air District of \$71,230 with a \$30,450 match by LAVTA. Funding for this program would come from the Professional Services Account in Program 104 of the approved FY 2004/2005 budget.*

10. Set Public Hearing for September 15, 2004, to Consider Approval of Proposed Amendments to District Regulation 8, Rule 8: Wastewater (Oil – Water Separators), and Proposed Amendment to Section 101 of Regulation 8, Rule 18: Equipment Leaks

*The proposed amendments to Regulation 8, Rule 8: Wastewater (Oil - Water Separators) are the result of Further Study Measure FS- 9 in the 2001 Ozone Attainment Plan. The amendments will reduce volatile organic compound (VOC) emissions from wastewater collection systems at refineries by requiring controls on process drains, manholes, junction boxes, sumps and lift stations that leak in excess of 500 ppm concentration. The amendments would also require an inspection and maintenance program to maintain controls. An amendment to Section 101 of Regulation 8, Rule 18: Equipment Leaks would make this rule consistent with the new requirements in Regulation 8, Rule 8.*

**Board Action:** Director Wagenknecht moved approval of the Consent Calendar Items 1 through 10; seconded by Director Townsend; carried unanimously without objection.

### **Committee Reports and Recommendations**

11. Report of the Executive Committee Meeting of June 30, 2004

Chairperson Haggerty presented the report and stated that the Committee met on Wednesday, June 30, 2004 and received and filed the Report of the Hearing Board.

Staff presented a status report on the Bay Area 2004 Ozone Strategy and reviewed the state and national Ozone Planning requirements, the District's proposed Control Measures, associated public outreach and next steps, which include the public release of a draft Plan and EIR August 2004 and a public hearing before the Board on the Plan in November 2004.

Staff also presented an update on the District's financial and production systems and reviewed the old and new systems, the purpose of the production system, and the current status. Staff also reviewed the production system implementation method and steps.

The Committee received a presentation by staff on the use of Small Claims Court for Enforcement Cases. Staff discussed the considerations for settlements, the advantages and disadvantages, the types of Small Claims Court cases, and statistics showing awards and settlements in the amount of \$20,604.38 collected over the last year.

The Committee met in Closed Session to conduct a performance evaluation of the District Counsel. A report on the Committee's Closed Session discussions will be provided today in Closed Session with the full Board.

The next meeting of the Executive Committee is scheduled for 9:30 a.m., Wednesday, September 29, 2004.

**Board Action:** Chairperson Haggerty moved approval of the Committee report; seconded by Director Hill; carried unanimously without objection:

12. Report of the Mobile Source Committee Meeting of July 8, 2004.

*Action(s): The Committee recommends the Board approve the following:*

- A) *Guidelines for the fiscal year 2004-2005 Vehicle Incentive Program (VIP) and the allocation of \$500,000 in Transportation Fund for Clean Air funds to the VIP;*
- B) *Changes to the Vehicle Buy Back (VBB) Program, namely: a) inclusion of light-duty vehicle models 1982 to 1985 as eligible for the VBB Program, and 2) increase of the price paid for the purchase of each eligible vehicle from \$500 to \$650; and*
- C) *Fiscal year 2004-2005 expenditure programs for the Transportation Fund for Clean Air County Program Managers.*

Director Young stated that the Committee met on Thursday, July 8, 2004. Staff presented reports on the following three items and the Committee recommends the Board approve the actions under each item:

- 1) Vehicle Incentive Program (VIP) for Fiscal Year 2004/2005
  - Allocate \$500,000 in Transportation Fund for Clean Air (TFCA) Regional funds for the fiscal year 2004/05 VIP cycle.
  - Approval of the VIP guidelines.
- 2) Vehicle Buy Back (VBB) Program: Fiscal Year 2003/04 report and changes for Fiscal Year 2004/05
  - Approve the expansion of the model year to include 1982 through 1985

- Approve an increase in the amount paid per vehicle to \$650.

Staff was requested to provide information to the Committee on the following: 1) working with car dealers to enhance the communication of the program, 2) an overview of the marketing for the VBB program, and 3) the feasibility of expanding the program similar to that which is administered by the Bureau of Automotive Repair (BAR).

3) The TFCA County Program Manager Expenditure Programs for Fiscal Year 2004/05.

- Approve 55 County Program Manager projects for Fiscal Year 2004/05.

The Committee requested that staff provide a more detailed description of each of the projects listed and to review what discretion the Air District has over the county program managers. The Committee also recommended that the Air District staff work more closely with the Program Managers. The Committee will be reviewing the Policies and Guidelines for the program at a future meeting.

The August 12, 2004 meeting of the Committee has been cancelled. The next meeting of the Committee is scheduled for 9:30 a.m., Thursday, September 9, 2004.

**Board Action:** Director Young moved approval of the Committee report and recommendations; seconded by Director Townsend; carried unanimously without objection.

### **Other Business**

13. Report of the Executive Officer/APCO. Mr. Broadbent reported on the following:

- A video on the health effects of smog has been produced and released by the California Air Resources Board. A copy was provided to each Board member.
- A District air monitor has been installed in the Bayview Hunters Point neighborhood and is now operative.
- A District press release will be issued on facility compliance rates in the Bay Area based on source tests conducted by District staff. The results indicate a compliance rate of 97%.
- Community meetings on the District's Ozone Plan will be held in the fall. Staff will be presenting the enhanced public outreach program at the next Board meeting.
- An enhanced Spare the Air campaign is under way and will include free morning commutes on Spare the Air days. So far this year, however, no Spare the Air days have been forecasted, and throughout California, ozone levels have been comparatively low.

14. Chairperson's Report. Chairperson Haggerty stated he had nothing to report.

### **Closed Session** (The Board adjourned to Closed Session at 10:15 a.m.)

15. Report of the Executive Committee Meeting of June 30, 2004 Public Employee performance Evaluation.

*Pursuant to Government Code Sections 54957 and 54954.5(e), a performance evaluation was conducted of District Counsel.*

**Open Session** (The Board reconvened to Open Session at 10:42 a.m.)

**Determination and Discussion**

16. Consideration of Amendment to the Terms and Conditions of Employment Agreement for District Counsel

*The Board considered approval of an amendment to the terms and conditions of employment agreement for District Counsel, Brian Bunger.*

Mr. Broadbent reported that in Closed Session the Board considered a draft of an amended contract with District Counsel Brian Bunger.

**Board Action:** Mr. Townsend moved approval of the Amendment to the Terms and Conditions of Employment Agreement for District Counsel; seconded by Director Miller; carried unanimously without objection.

17. Board Members' Comments.

Director Miller commended District Counsel Bunger for his teamwork with staff and other regulatory agencies.

Director Horn observed that the Clean Air Champion Awards were noteworthy this year for the inclusion of young people. Chairperson Haggerty added that the fruit of the District's influence is to obtain the cooperation and efforts of citizens of all ages in the clean air process. The District is achieving this goal and regaining its preeminence among air districts.

18. Place of Next Meeting – The Board meetings scheduled for August 4, 2004, August 18, 2004 and September 1, 2004 have been canceled. The next regularly scheduled Board meeting is at 9:45 a.m., Wednesday, September 15, 2004 – 939 Ellis Street, San Francisco, CA 94109.
19. Adjournment. The meeting was adjourned at 10:45 a.m.

*/s/ James N. Corazza*  
James N. Corazza  
Deputy Clerk of the Boards