BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

May 7, 2003

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item	The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.
Meeting Procedures	The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order. After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING
A G E N D A

WEDNESDAY
MAY 7, 2003
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments — Scott Haggerty, Chairperson
Roll Call — Clerk of the Boards
Pledge of Allegiance
Commendations/Proclamations

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 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 Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

CONSENT CALENDAR (ITEMS 1 – 7)

Staff/Phone (415) 749-

1. Minutes of April 16, 2003 — **M. Romaidis/4965** mromaidis@baaqmd.gov

2. Communications — **W. Norton/5052** exec@baaqmd.gov

   Information only

3. Report of the Advisory Council — **B. Hanna/4962** bchanna@napanet.net

4. Quarterly Report of the Air Resources Board Representative — **W. Norton/5052** exec@baaqmd.gov

5. Consider Approval of Purchase Orders in Excess of $35,000 and Notification of a Purchase Order in Excess of $20,000 — **W. Tanaka/5066** wtanaka@baaqmd.gov

   In accordance with the provisions of Division II, Section 4.3 of the Administrative Code, the Laboratory Services Section requests the Board authorize the Executive Officer/APCO to execute Purchase Order #41621 and Purchase Order # 14003 to Sievers Analytical Instruments for a Sulfur Chemiluminescence Analyzer System at a cost of $44,685 and to Thermo Environmental Instruments (TEI) for 9 Ozone Analyzers in the amount of $64,082. The Laboratory is also notifying the Board of Directors of Purchase Order #41620 that was issued to Shimadzu Scientific Instruments for a GC-2010 Gas Chromatograph at a cost of $33,906.95.

6. Consider Modifications to the Existing Class Specification for the Meteorology and Data Analysis Manager Position **W. Tanaka/5066**
wtanaka@baaqmd.gov

The Board will consider modifying the existing class specification for the Meteorology and Data Analysis Manager classification.

7. Report of Personnel Transfer in Accordance with Division II Fiscal Policies and Procedures Section 3.3 (b) of the Administrative Code **W. Norton/5052**
exec@baaqmd.gov

In accordance with Division II Fiscal Policies and Procedures Section 3.3 (b) the Board is hereby notified of the transfer of an Air Quality Specialist position from Program 203 to Program 401 and that the transfer of funds for salary and benefits in connection with this position has also been implemented.

COMMITTEE REPORTS AND RECOMMENDATIONS

8. Report of the **Stationary Source Committee** Meeting of April 16, 2003
CHAIR: M. DeSAULNIER **W. Norton/5052**

Action: *The Committee recommends approval of the District's position regarding proposed amendments by the Air Resources Board to the Ozone Transport Mitigation Regulations and comments that are intended to improve the program.*

9. Report of the **Regional Agency Coordinating Committee** Meeting of April 18, 2003
CHAIR: M. DeSAULNIER **W. Norton/5052**

10. Report of the **Public Outreach Committee** Meeting of April 21, 2003
CHAIR: M. ROSS **W. Norton/5052**

11. Report of the **Budget & Finance Committee** Meeting of April 23, 2003
CHAIR: J. MILLER **W. Norton/5052**

12. Report of the **Executive Committee** Meeting of April 30, 2003
CHAIR: S. HAGGERTY **W. Norton/5052**

Action: *The Committee recommends approval of the following:*

A) Advisory Council recommendation regarding the Sonoma County Climate Protection Campaign attached; and

B) Appointment of (3) three New Advisory Council members and re-assignment of one Advisory Council member.

OTHER BUSINESS

13. Consider Authorizing the Executive Officer/APCO to enter into an agreement with Livermore Amador Valley Transit Authority for a no fare pilot program on Spare the Air days.

T. Lee/4905
tlee@baaqmd.gov

The Livermore Amador Valley Transit Authority (LAVTA) would like to undertake a demonstration project and offer no fare transit on up to eight Spare the Air days during the 2003 summertime season. The proposal includes using $55,605 in the Air District's CMAQ funding, with a $32,670 match by LAVTA.

14. Report of the Executive Officer/APCO

15. Chairperson's Report

CLOSED SESSION

16. Conference with Legal Counsel

A.) ***Existing Litigation:***

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

Communities for a Better Environment and Transportation Defense and Education Fund v. Bay Area AQMD, Metropolitan Transportation Commission, Association of Bay Area Governments, and California Air Resources Board, San Francisco Superior Court, Case No. 323849

OPEN SESSION

17. Board Members' Comments

Any member of the Board, 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)

18. Place of Next Meeting - 9:45 a.m., Wednesday, May 21, 2003 -939 Ellis Street, San Francisco, CA 94109

19. Adjournment

WCN:mag

CONTACT CLERK OF THE BOARD - 939 ELLIS STREET SF, 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 in a timely manner, so that arrangements can be made accordingly).

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members of the Board of Directors

From: William C. Norton
Executive Officer/APCO

Date: April 23, 2003

Re: Board of Directors' Meeting Minutes

RECOMMENDED ACTION:

Approve attached minutes of the Board of Directors meeting of April 16, 2003.

DISCUSSION

Attached for your review and approval are the minutes of the April 16, 2003 Board of Directors' meeting.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

AGENDA NO. 1

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Draft Minutes: Board of Directors Regular Meeting – April 16, 2003

Call To Order

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

Pledge of Allegiance: Director Tim Smith led the Board in the Pledge of Allegiance.

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Maria Ayerdi, Roberta Cooper (10:05 a.m.), Chris Daly, Mark DeSaulnier, Jerry Hill, Liz Kniss (10:01 a.m.), Jake McGoldrick, Nate Miley, Julia Miller, Dena Mossar, Mark Ross, John Silva, Tim Smith, Pam Torliatt, Marland Townsend, Gayle Uilkema, Brad Wagenknecht, Shelia Young.

Absent: None.

Commendation/Proclamations: There were none.

Public Comment Period: There were none.

Consent Calendar (Items 1 - 10)

1. Minutes of April 2, 2003

2. Communications. *Correspondence addressed to the Board of Directors.*

3. Report of the Advisory Council. *There was no report.*

4. Monthly Activity Report. *Division Activities for the month of March 2003.*

5. Report of District Personnel on Out of State Business Travel

6. Quarterly Report of the Clerk of the Boards.

7. Referral of Proposed District Budget for FY 2003/2004 to the Budget and Finance Committee.

   Pursuant to Administrative Code Division II, Section 3.2 Fiscal Policies and Procedures, and in compliance with Section 29064 of the Government Code, the Board referred the proposed budget for FY 2003/2004 to the Budget and Finance Committee for consideration.

8. Authorization for Execution of Contracts in excess of $35,000.

Pursuant to the District's Administrative Code Division II, Section 4.3 Fiscal Policies and Procedures, staff requested the Board authorize the Executive Officer/APCO to execute a contract, not to exceed $528,000, with Brady Air Conditioning, Inc. for Phase II upgrades to the District's HVAC system.

9. Set Public Hearing May 21, 2003 for Proposed Regulation 12 Miscellaneous Standards of Performance; Rule 11: Flare Monitoring at Petroleum Refineries.

This new rule would require refineries to monitor the volume and composition of gases burned in refinery flares, to determine the reasons for flaring, and to report all of this information to the District.

10. Set Public Hearing May 21, 2003 regarding proposed amendments to District Regulation 3, Fees, and set a final Public Hearing for July 2, 2003 pursuant to California Health and Safety Code Section 41512.5 for final approval.

T*he purpose of these amendments is to increase BAAQMD permit fees by 1.6%, equal to the increase in the Consumer Price Index (CPI) for the California Bay Area (San Francisco, Oakland, San Jose) for 2002, as reported by the California Department of Industrial Relations, Division of Labor Statistics and Research.*

Board Action: Director Wagenknecht moved approval of the above Consent Calendar items, seconded by Director Miller; carried unanimously without objection.

Committee Reports and Recommendations

11. Report of the Legislative Committee Meeting of April 9, 2003

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

District Positions on attached legislation; and

Termination of contract with outside lobbyist and recruit on an as-needed basis.

Director Wagenknecht presented the report and stated that the Committee met on Wednesday, April 9, 2003 and staff presented a list of new legislation and recommended agency position on each bill. Staff highlighted, and there was discussion on, the following bills: SB 656 (Sher), AB 1500 (Diaz), SB 981 (Soto), AB 740 (Pavley), and three bills on the use of perchlorethylene (perc) – AB 998 (Lowenthal), AB 854 (Koretz) and AB 698 (Lieber). The Committee also discussed SB 916 (Perata), which calls for an election on a $1 bridge toll surcharge for transit. The Committee determined the recommendation on the bill should be changed from "support in concept" to "support and seek amendments." The Committee recommends the Board adopt positions on the bills as stated in the list provided.

The Committee also discussed the role of the District's contract lobbyist, and the Committee recommends the Board terminate the current contract. The Committee recommends hiring an outside lobbyist on an as-needed basis throughout the year. There was also discussion on setting up a legislative day in Sacramento. The next meeting of the Committee will be at the Call of the Chair.

Board Action: Director Wagenknecht moved the Board accept the report and approve the recommendations of the Legislative Committee; seconded by Director Daly.

In response to a question from Director McGoldrick, Director Wagenknecht stated that the amendments being sought on SB 916 (Perata) dealt with congestion pricing. The motion then passed unanimously without objection.

12. Report of the Mobile Source Committee Meeting of April 10, 2003

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

A) Proposed revisions to TFCA Policy #1 and Evaluation Criterion #1 to increase the cost-effectiveness limit from $50,000/ton to $90,000/ton of emissions reduced;
B) Amendments to vehicle eligibility requirements and augment current Vehicle Buy Back contracts by a total of $1.5 million from available FY 2002/2003 TFCA funds; and
C) Selection of two proposals, a biodiesel feasibility study by CytoCulture International, and a pilot project by Biodiesel Industries and authorize the Executive Officer/APCO to execute contract to implement the study and project in amounts not to exceed $28,000 and $40,000 respectively.

Director Young presented the report and stated that the Committee met on Thursday, April 10, 2003 and Staff presented a report on the proposed revisions to the Transportation Fund for Clean Air (TFCA) Policy # 1 and Evaluation Criterion # 1 to increase the cost-effectiveness limit from $50,000 per ton to $90,000 per ton of emissions reduced. The Committee recommends the Board approve the revisions to the TFCA Policy # 1 and Evaluation Criterion # 1, with the understanding that the Committee revisit this issue within three months or at an appropriate time to establish an outreach effort for next year and to consider further amendments to the cost-effectiveness limits.

Staff presented the TFCA Annual Report for FY 2002/2003 prepared per requirements of California Health and Safety Code Section 44241.5. The Committee recommends the Board approve the TFCA report on FY 2002/2003 Allocations and Effectiveness.

Staff presented a report on amendments to the Voluntary Accelerated Light-Duty Vehicle Retirement Program (VAVR) regulations for the Air District's Vehicle Buy Back (VBB) Program. In order to comply with the amended VAVR regulations, staff proposed that the amended VAVR regulations, in its entirety, be incorporated into the District's VBB Program and that the amendments be incorporated into the current dismantler contracts. The Committee recommends:

1. Board approval of the amended Voluntary Accelerated Light-Duty Vehicle Retirement Program (VAVR) regulations for the Air District's Vehicle Buy Back (VBB) Program.
2. Board authorize the Executive Officer to amend current Air District contracts with vehicle dismantlers to incorporate the amended VAVR regulations.
3. Board authorize the Executive Officer to amend current contracts for an additional $600,000 to Pick Your Part, an additional $600,000 to Pick-N-Pull, and an additional $300,000 to Environmental Engineering Studies to provide additional vehicle scrapping and related services for the Vehicle Buy Back Program through December 2003.

Staff presented results of its review and evaluation of the Requests for Proposals received to prepare a biodiesel feasibility study for the Bay Area and to conduct a biodiesel pilot project. CytoCulture International, Inc., had the most responsive and lowest cost ($28,000) proposal for the preparation of the feasibility study; and Biodiesel Industries had a proposal that demonstrated the greatest technical expertise in regards to successfully operating a biodiesel pilot project in the Bay Area, at a cost of $40,000. Staff recommended selection of these two contractors for the biodiesel feasibility study and pilot project, respectively. The Committee recommends:

1. Board approval of CytoCulture International, Inc., as the contractor to conduct the biodiesel feasibility study and authorize the Executive Officer to execute a contract for up to $28,000 with CytoCulture to perform the study.
2. Board approval of Biodiesel Industries as the contractor to conduct a biodiesel pilot project and authorize the Executive Officer to execute a contract for up to $40,000 with Biodiesel Industries to perform the project.

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

Board Action: Director Young moved the Board approve the recommendations of the Mobile Source Committee; seconded by Director Torliatt.

In response to a question from Director Daly, Mr. Norton stated that the changes to the EMFAC model show that the emissions from vehicles are being reduced substantially, therefore, many of the projects that were submitted to the District in the past would not now qualify. In response to a question from Director Mossar, Mr. Norton stated that the District is looking at biodisel projects that would be the most effective mix for each particular use and what is the best use for future fleets. The motion then passed unanimously without objection.

Public Hearing

13. Final Public Hearings on Proposed Amendments to Regulation 2, Rule 6: Major Facility Review, Manual of Procedures (MOP), Volume II, Part 3, Major Facility Review Permit Requirements, and Approval of a Notice of Exemption pursuant to the California Environmental Quality Act.

The primary purpose of these amendments to BAAQMD rules and regulations is to address minor deficiencies in the Major Facility Review program that have been identified by the Environmental Protection Agency.

Brian Bunger, Counsel, stated that this is the last public hearing on the proposed amendments to Regulation 2, Rule 6. Mr. Bunger reported that the District has not received any additional comments since the last meeting and that staff has incorporated responses to the comments received and recommends the Board approve the Regulation as amended.

Director Townsend moved the Public Hearing be closed at 10:05 a.m.; seconded by Director Hill; carried unanimously without objection.

Board Action: Director Townsend moved Board approval of the amendments to Regulation 2, Rule 6; seconded by Director Miller; carried unanimously without objection.

Other Business

14. Consider Approval of Retroactive Fringe Benefit Allowance Request from Retirees. *The Board considered final approval and a resolution of retroactive fringe benefit allowances for retirees.*

William C. Norton, Executive Officer/APCO stated that in November 2002 the Board approved an increase for retirees and granted an increase retroactive to July 2002 of $50 per month per retired employee. The retired employees have requested that this increase be retroactive to July 2000, an additional two years, for the same $50 per month. The one-time only cost is $15,187 that would come out of the reserves for contingencies.

Board Action: Director Townsend moved approval of the retroactive fringe benefit adjustments for retirees; seconded by Director Torliatt; carried on roll call:

AYES: H. Brown, Ayerdi, Cooper, Daly, DeSaulnier, Hill, McGoldrick, Miley, Miller, Ross, Silva, Smith, Torliatt, Townsend, Uilkema, Wagenknecht, Young, Haggerty.

NOES: Kniss, Mossar.

ABSENT: None.

15. Report of the Executive Officer/APCO – Mr. Norton reported on the following: 1) The outreach tour scheduled for April 26, 2003 has been cancelled. May 13th or May 17th have been suggested for rescheduling of the tour and Mr. Norton encouraged the Board members to sign up for one of the dates. 2) Dr. Saffet Tanrikulu, Research and Modeling Manager, was introduced.

16. Chairperson's Report - Chairperson Haggerty announced that Director McGoldrick has requested to be taken off the Budget and Finance Committee and that the vacancy may be filled by the new appointee from Santa Clara County.

Closed Session (The Board adjourned to Closed Session at 10:14 a.m.)

17. Conference with Legal Counsel

A) Existing Litigation

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

1. *Communities for a Better Environment and Transportation Defense and Education v. Bay Area AQMD, Metropolitan Transportation Commission, Association of Bay Area Governments, and California Air Resources Board, San Francisco Superior Court, Case No. 323849*

2. *Alvin J. Greenberg, Ph.D. v. Bay Area AQMD, et al., United States District Court, N.D. Cal., Case No. C 02 1501 VRW*

3. *Stonelight Tile, Inc. and David Anson v. Bay Area AQMD, United States District Court, N.D. Cal., San Jose Division, Case No. CV 98-21060(JW) (PVT)*

B) Significant Exposure to Litigation

Pursuant to Government Code Section 54956.9(b), a need existed to meet in closed session to discuss two potential litigation matters against the District.

Open Session (The Board reconvened to Open Session at 10:32 a.m.)

Mr. Bunger reported on Item 17A and stated that a status report was provided to the Board on each of the three cases and general direction was given. Mr. Bunger reported on Item 17B and stated that the Board was informed of two matters of potential litigation and general direction was given.

18. Board Members' Comments: There were none.

19. Time and Place of Next Meeting - 9:45 a.m., Wednesday, May 7, 2003, 939 Ellis Street, San Francisco, California.

20. Adjournment: The meeting was adjourned at 10:33 a.m.

Mary Romaidis
Clerk of the Boards

mr

AGENDA: 3

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and
Members of the Board of Directors

From: William C. Norton
Executive Officer/APCO

Date: April 30, 2003

Re: Report of the Advisory Council

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

Attached for your review are the following:

draft minutes of the Advisory Council Air Quality Planning meeting of March 25, 2003 and

draft minutes of the Advisory Council Technical Committee meeting of April 1, 2003.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

AGENDA NO. 3

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

DRAFT MINTUES

ADVISORY COUNCIL
AIR QUALITY PLANNING COMMITTEE MEETING
9:30 A.M., TUESDAY, MARCH 25, 2003

1. **Call to Order – Roll Call. 9:40 a.m.** Quorum present**:** Kraig Kurucz, Chairperson, Irvin Dawid, Fred Glueck, John Holtzclaw, Ph.D., Kevin Shanahan. Absent: Harold Brazil, Patrick Congdon.

2. **Public Comment Period.** There were no public comments.

3. **Approval of Minutes of February 25, 2003.** Dr. Holtzclaw moved approval of the minutes; seconded by Mr. Shanahan; carried unanimously by acclamation.

Chairperson Kurucz took Item Nos. 4 and 5 out of order:

5. **Air Quality Legislation.** Thomas Addison, Advanced Projects Advisor, stated the following:

Proposition 40 will allocate $50 million to clean air programs: 20% to low emission school buses, 80% to the Carl Moyer program, and a small portion to the California Air Resources Board (CARB) for administrative overhead. While Proposition 40 also allows air districts to recover their Moyer program administrative costs, no provision for this has thus far been made. In the first year, CARB will allocate $25 million. The remaining $25 million may be allocated over several years. This will depend on the outcome of other bills that contribute funding to the Carl Moyer program.

AB 114 (Nakano) would allow hybrid cars in High Occupancy Vehicle (HOV) lanes. This would lead to the congestion of HOV lanes and adversely impact air quality. Staff will recommend that the Board oppose the bill. Staff has also presented its concerns to the author of the bill.

AB 720 (Matthews) is a reaction against city, county and regional district wood smoke abatement rules. It would require CARB to adopt clean-burning standards for hearth products. These would supersede local and regional measures. Staff will recommend that the Board oppose the bill.

AB 729 (Lieber) appears to authorize the District to adopt indirect source rules in a manner similar to the South Coast AQMD. The South Coast AQMD adds a fifth dollar to its vehicle registration fees, the funds from which are allocated to clean fuels technology advancement and demonstration programs. It can also impose emission rules for specific types of fleets. This bill will provide an opportunity to bring new tools to reduce vehicular emissions in the Bay Area. It would also require the District to adopt a refinery fugitive emissions rule and a refinery flare rule by mid-2004. The District already has the toughest refinery fugitive emissions rule in the state and will make it more stringent this year. Staff will work with the author to modify the bill into something more appropriate.

AB 1468 (Pavley) requires testing of negative air machines at asbestos abatement sites. Staff has concerns with the overall cost of the bill, but believes it will be hard to oppose. Staff will recommend that the Board support the bill with amendments.

AB 875 (Wyland) would allow gas tax receipts to be spent only on freeway construction. Staff will recommend that the Board oppose the bill.

AB 740 (Pavley) is known as the Clean Air, Clean Water & Coastal Protection Bond Act of 2004 and would generate $3.4 billion. CARB would receive $900 million for distribution to clean air programs, of which $200 million would be allocated to the Carl Moyer program, $100 million to low emission school buses, $100 million for agricultural equipment clean-up and $500 million for hydrogen fuel cell infrastructure. Staff believes that the latter allocation is premature given the state of the technology. The role of air districts in the overall scheme is unclear. They have previously been responsible for allocating funds to the Carl Moyer program, and school bus and agricultural equipment programs. Staff will recommend that the Board support and seek amendments to this bill.

AB 788 (Chavez) would prohibit CARB from regulating VOC content in disinfectants. Staff will recommend that the Board oppose this bill. The Board has opposed similar legislation in the past.

AB 854 (Koretz) would eliminate the use of perchlorethylene (PERC) in dry cleaning operations. It would establish a grant program to facilitate the transition to non-toxic alternatives, with funds obtained from a fee of $3.00 per gallon of PERC used. There are four alternative technologies: CO_2 –based, water-based cleaners (both are non-toxic and non-smog forming), hydrocarbon-based and silicon-based cleaning. Concern has recently been voiced over possible toxic emissions in the latter technology. Staff will recommend that the Board support the bill with amendments.

AB 998 (Lowenthal) is similar to AB 854, but it lacks a phase-out component and allows only for water-based and CO_2-based dry cleaning. Staff will recommend that the Board support the bill and seek amendments.

AB 698 (Lieber) concerns water contamination by PERC. It would impose a $10 per gallon fee on PERC, which will reduce PERC use. Staff will recommend that the Board support this bill.

AB 925 (Richman) would require expansion of the expedited process that air districts used for permitting power plants during the recent state energy crisis. However, staff believes that the reason that new plants are not being brought on line at the present time is due to market climate and not to regulatory red tape. The author of the bill incorrectly believes that this legislation would accelerate the turnover of older power plants. Staff will recommend that the Board oppose the bill.

SB 170 (Torlakson) would merge the Metropolitan Transportation Commission (MTC) with the Association of Bay Area Governments (ABAG), with the aim of improving administrative efficiency and regional government. Staff will recommend that the Board adopt a "watch" position on the bill. Senator Torlakson has also publicly spoken of expanding this merger to include not only the Bay Area AQMD, but also the Bay Conservation and Development Commission and the Regional Water Quality Control Board. Staff believes that the public health would not be served if the Air District were merged with MTC and ABAG, because air quality and mobility goals are not always compatible. Mr. Dawid noted that in California there is no precedent for merging an air district with transportation and land-use agencies, although elsewhere the land-use and mobility regulation functions are contained in a single agency. In San Diego, former Senator Steve Peace merged the two transit agencies with the land-use and transportation agency. One result of this merger was a well-integrated Regional Comprehensive Plan.

AB 1500 (Diaz and Pavley) is known as the Petroleum Pollution Cleanup and Prevention Act. It would assess a fee of $1.00 per barrel on crude petroleum and allocate these funds to Carl Moyer style programs. CARB would allocate the air quality portion of the funds

to air districts for distribution. This is intended as a permanent source of funding. Mr. Shanahan inquired if the bill prohibits the oil companies from passing this cost through to consumers. Mr. Addison replied that on a practical level this would be hard to achieve. A $1.00 per barrel fee would amount to a pass through cost of $0.025 per gallon. Staff will recommend that the Board support this bill.

AB 1316 (Parra) would implement the Enhanced Smog Check in coastal areas between the Bay Area and South Coast AQMD. Staff will recommend that the Board watch the bill.

AB 1624 (Benoit) limits percentage of vehicles that will can be sent to "test-only" Smog Check stations. Staff will recommend that the Board oppose the bill.

AB 1624 (Benoit) and AB 1637 (La Suer) are both anti-regulatory. The latter would delete CARB's administrative penalty authority and place all disputes in the courts. Staff will recom-mend that the Board oppose these bills.

SB 207 (Ackerman) would turn Air District vapor recovery inspection staff into maintenance technicians for local gas stations and would prevent air districts from issuing violation notices. Staff will recommend that the Board oppose this bill.

SB 656 (Sher) will establish a new major control program for particulate matter (PM) reduction. CARB and local air districts will be required to adopt PM emission reduction rules. Mr. Shanahan noted that this would place PM regulation on par with NOx and ozone. Mr. Hess replied that planning provisions similar to those for the state ozone plan would result. In the absence of planning by a district, CARB may intervene and mandate such planning because of its oversight authority. Chairperson Kurucz inquired if this bill recognizes distinctions in the toxicity of various PM sources. Mr. Addison replied that this issue would likely be discussed during the rule-making process. Staff will recommend that the Board support this bill.

Mr. Addison added that this bill does not establish a funding mechanism to support rule-making. Mr. Shanahan suggested that the bill be amended to connect PM and NOx reductions for purposes of generating funding. This would avoid the problem in the Carl Moyer legislation that disallows credit for NOx reductions that are associated with PM reductions. Mr. Addison replied that today he is going to Sacramento to discuss the fact that the Bay Area, with 20% of the state's population, receives only 10% of the Carl Moyer funds, while Sacramento, with 3.5% of the state's population, receives the same amount. Such an allocation formula makes no public health sense, especially as the best metric for public exposure to diesel PM is population density. Staff will ask Senator Sher to also address in this bill the transport of PM between air districts because Bay Area citizens are exposed to PM transport from regions to its east on cold winter nights. Staff will recommend that the Board support and seek amendments to the bill.

SB 700 (Florez and Sher) would eliminate the exemption of agricultural equipment from air quality regulation. However, EPA has recently suggested that this exemption apply only to major agri-culture sources. Staff will recommend that the Board support the bill in concept.

SB 702 (Florez) would eliminate certain farm equipment from the cost-effectiveness requirements in the Carl Moyer program. Staff will recommend that the Board oppose this bill.

SB 706 (Florez) is very similar to AB 720 (Matthews) and staff will recommend that the Board oppose the bill.

SB 705 (Florez) would eliminate agricultural burning in California. Staff is concerned that state landfills and bio-mass composting facilities lack the capacity to handle the unburned product. Nonetheless, from a public health perspective, agricultural burning must be addressed. Staff will recommend that the Board support and seek amendments to the bill.

AB 219 (Reyes) concerns air quality improvements through diesel emission control in the San Joaquin Valley. Staff will recommend that the Board adopt a "watch" position on this bill.

AB 291 (Aghazarian) provides tax credits to clean technologies but is not well developed at the present time. Staff will recommend the Board adopt a "watch" position on this bill.

AB 204 (Nation) would establish the Transportation Fund for Clean Water, which will use vehicle registration fees to support the promulgation of water quality rules. Staff will recommend that the Board adopt a neutral position on this bill.

Chairperson Kurucz requested that staff update the Committee with legislative reports at its future meetings. Mr. Addison requested the Council members also obtain support from their respective constituencies for the bills that the District supports, and oppose those bills that threaten air quality.

4. **Transport Mitigation.** Peter Hess, Deputy APCO, stated CARB is proposing to change pollutant transport regulations by lowering the facility emission offset thresholds for the No Net Increase Permit Program. These modifications appear to concern notions of equity more than transport. CARB also proposes to modify the "all feasible measures" requirement by deleting older language concerning Best Available Retrofit Control Technology (BARCT) and requiring that upwind districts expeditiously implement all feasible measures. BARCT will be required for all stationary sources rather than for sources that represent 75% of the 1987 actual reactive hydrocarbon (HC) and NOx emissions inventory for permitted stationary sources by 1994. The District believes that NOx scavenging in "HC-limited areas" will complicate whether or not such measures would benefit downwind areas. BARCT may not be required if no impacts can be shown in downwind areas, but it may be required if there are downwind benefits that can be demonstrated.

   The District is encouraging CARB to not only include PM transport in these regulatory modifica-tions but also require use of the best available science in quantifying the emission reductions in the region and impacts downwind. The District is presently conducting state-of-the-art modeling to evaluate the impact of Bay Area emissions on ozone formation in downwind areas, which will be completed in April of 2004. However, CARB's public hearing on the proposed modifications will be held this May. Chairperson Kurucz opined that it is unfortunate that CARB will move forward on these amendments in advance of the completion of the District's modeling. Mr. Hess replied that CARB is fulfilling a commitment it made in 2001 to address pollutant transport in the state.

6. **Committee Member Comments/Other Business.** Mr. Dawid inquired if the District could look into a new rule recently adopted in one air district in the state that incorporates trip generation into land-use planning considerations. Chairperson Kurucz requested Mr. Dawid to obtain information on this regulation for Committee review in the future.

Mr. Dawid suggested that the Council create a Legislative Committee to advise the Board on pend-ing legislation. Dr. Holtzclaw replied that the Council's meeting schedule is not compatible with the pace of the Legislature. Chairperson Kurucz stated that if the Council were to opine on major bills, it should do so only toward the end of the Legislative session. He added that the Board should first be consulted on whether it is seeking the Advisory Council's comments on pending legislation.

7. **Time and Place of Next Meeting.** 9:30 a.m., Tuesday, May 27, 2003, 939 Ellis Street, San Francisco, California 94109.

8. **Adjournment.** 11:44 a.m.

James N. Corazza
Deputy Clerk of the Boards

AGENDA NO. 3

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

DRAFT MINUTES

Advisory Council Technical Committee
10:00 a.m., Tuesday, April 1, 2003

1. **Call to Order – Roll Call.** Quorum present: 10:02 a.m. Robert Harley, Ph.D., Chairperson, Sam Altshuler, P.E., William Hanna, Stan Hayes, John Holtzclaw, Ph.D., Norman Lapera, Jr., Robert Sawyer, Ph.D.

2. **Public Comment Period.** There were no public comments.

3. **Approval of Minutes of February 4, 2003.** Mr. Altshuler moved approval of the minutes; seconded by Dr. Holtzclaw; carried unanimously.

4. **Refinery Flares.**

(A) Staff Presentation on Bay Area Refinery Flares. Jim Karas, Air Quality Engineering Mana-ger, stated that as part of the 2001 Ozone Attainment Plan staff is reviewing refinery flare data for potential emission reductions, control measure application and use in photochemical modeling. Noting that flares combust the excess fuel gases from a variety of refinery activities, he displayed a diagram of a refinery flare system with the purge and pilot gas systems, water seal and flare tip. The composition of waste gases varies with inflow components. Presently there are 28 flares at Bay Area refineries, of which 25-26 are operational and differ in height and priority of use.

Staff has evaluated the flare system at each refinery for gas recovery capability, pilots and purges, and monitoring devices. It also tried to obtain daily data for large flaring events of one million cubic feet a day but found that threshold was too small because one refinery routinely flared six to eight million cubic feet daily. Staff reviewed initial submittals of refinery flare gas sampling data and used estimates where data gaps occurred. Staff arrived at a baseline assumption of 75% total hydrocarbon (HC) content, including methane. Some of these submittals have since been revised.

Given the difficulty of making field samples of flare emissions, the District formed a work group to discuss flare efficiency. It arrived at an estimate of 98%. Flare efficiency is measured by the difference in the amount of carbon entering and exiting the system. The major factors that effect efficiency are exit velocity, crosswinds and gas composition. Numerous flare studies were also reviewed. The 1983 Environmental Protection Agency (EPA) study took samples from a model flare and found that better than 98% efficiency is achievable under low wind conditions. The 1999 Alberta Research Council (ARC) study sampled a model oil and gas field flare and arrived at a combustion efficiency of 62%. However, the lower efficiency was likely due to the crosswind speeds from wind tunnels used to measure downstream emission composition. Several other studies have attempted but failed to accurately predict flare efficiency. In December of last year, the District published its Technical Assessment Document (TAD) on refinery flare monitoring. Staff initially found that flows and flaring frequency were higher than expected, but it appears that the District's flare study has led both to reduced flow to the flares and the recovery of eight million additional cubic feet of flare gas at one refinery. The flare-monitoring rule will be expedited to obtain better data earlier. Staff believes that some of the initial and revised flare-monitoring data sets are unreliable. NOx was estimated with original refinery data in the range of two tons per day (tpd) for all refineries. Estimates of SO_2 emissions were based on sample data at 10-13 tpd. Staff found that the samples taken of fuel inputs prior to the water seal stage could not be correlated with a specific refinery activity even after the samples were speciated.

Staff intends to further evaluate and assess the revised refinery data, respond to the comments from the public and the Council and post this response on the District's website. The Council is being asked to provide input on flow measurement, data characterization, molecular weight and HC content assumptions, flare combustion efficiency, correction factors for flare emissions, the applicability of studies of model flares to refinery flares, emission calculation parameters, the estimation of flare emissions on an hourly basis for the ozone episodes that will be modeled for the attainment plan update, as well as on a daily, monthly and annual basis for emission inventory purposes.

Peter Hess, Deputy Air Pollution Control Officer, noted that the impact of flare emissions on ozone formation depends on reactivity. Staff will measure total organic gas emissions and then speciate them to assess how the content of refinery flare emissions differ. The 2001 Ozone Attainment Plan contained requirements to submit a flare-monitoring rule and to evaluate potential emission reductions from flares. The TAD will lay the groundwork for flare monitoring which will in turn create the basis for viable control mechanisms.

Mr. Hess added that on high ozone days wind speeds are low or stagnant, rendering flare emission transport to adjacent air basins unlikely. However, this could be more accurately evaluated if the flare emission characterizations were made on an hourly basis, with meteorological conditions taken into account. While the flare-monitoring rule will obtain more reliable data over the long-term, the ozone plan must be updated within the more immediate future.

In response to Committee member questions, Messrs. Karas and Hess noted the following:

- The fact that the emission calculation formula as a function of flow rates is distinct from a frequency distribution of emissions from flare events *per se,* renders the characterization of flare emissions difficult. Emissions were large when a power outage occurred. Staff identified such events in the TAD and estimated flare emissions. On other days the ranges were not as high. The issue is whether to present these data on a worst day, a typical day, or as an average.
- The validation of historical episodes through modeling is more difficult than projecting future emissions, but some of the larger refinery events occurred within the episode periods modeled.
- Texas is looking into the spectral analysis of flares, and some spectral measurements have been conducted in Sweden and Belgium. Staff seeking to obtain this data.
- Lake County's exclusion from the record of attainment data of an episodic release of hydrogen sulfide at a geothermal facility, affecting the attainment of ambient air quality standards, is permitted under federal law. Staff will examine its applicability to refinery flare episodes.
- Flare emissions have rarely varied by the heat of day, although the reason for this is unknown.
- Data are not available on the formaldehyde content of flare emissions.

(B) Industry Perspectives on Refinery Flares. Kevin Buchan, Bay Area Coordinator, Western States Petroleum Association (WSPA), presented his report entitled "Historic Flaring for Bay Area

Refineries," dated January 2001-May 2002, containing the voluntary monitoring data provided by the refineries to the District. He stated that this data should form the basis of a flaring emission inventory, because it encapsulates flare activity at all five refineries prior to and during their voluntarily collection of monthly flare monitoring data. Where data gaps were found, the refineries made professional estimates based on source tests, process knowledge and engineering principles.

Flare gas composition data reveals a significant amount of hydrogen and nitrogen, and that the non-methane HCs (NMHCs) are relatively low. The District's assumption of 75% HC content is arbitrary and should have excluded NMHC's. Purge and pilot lights are fueled by natural gas, which is primarily methane. Methane is not an ozone precursor and should therefore be excluded from flow estimates or emission calculations. Because purge and pilot occur upstream of the water seal, purge and pilot gases are not included in WSPA's data flow charts. Mr. Hanna noted that oxygen added after the water seal would impact the combustion efficiency that is based on flow measurement at or before the seal. Mr. Buchan replied that flare efficiency is estimated to be the destruction of HCs going into the flame. Dr. Sawyer opined that the pilot and purge gas would be negligible in a major upset at a refinery.

Mr. Buchan stated that with revised refinery data WSPA could not duplicate the District's estimate of 22 tons of HC from flares. The TAD does describe the District's calculation methodology. It is unlikely that flares contribute 22 of the 26 tons of HC that the District estimates are emitted in total by the refineries. The data baseline provided by the refineries is more reliable than calculations that backcast data and retroactively estimate emissions. Mr. Hanna suggested that the explanation for the order of magnitude difference between the 22 versus two tons lies in the difference in calculating with and without a baseline that includes NMHCs. Mr. Karas clarified that WSPA's estimates are based on revised flow data, which is significantly less than the original refinery flow data on which the District based its estimates.

Dr. Sawyer opined that uncertainties in flow rates and gas composition can be resolved but the accurate assessment of flare efficiency at 60%, 98% or 99% is much more complex. Mr. Buchan replied that two decades of flare combustion studies show efficiency at 98% or greater. This was confirmed by recent tests conducted by WSPA's consultant, The Washington Group International. The ARC studied solution gas flares with a 4-inch pipe lacking a flare tip, in a wind tunnel. These are very different from refinery flares. The University of Alberta could not reproduce the ARC's 62% efficiency estimate and concluded the results could not be applied to refinery flares. If the Council concludes similarly, the ARC study should be removed from the District's website.

Mr. Buchan added that the installation of the two flare vapor recovery compressors at one of the refineries predates by two years the monitoring issue now under discussion. These compressors have only recently come on line. Chairperson Harley suggested that as flare emission reductions have already occurred due to recent changes in refinery practices, it might be helpful to develop a base case prior to these emission reductions to document any large emission reductions to date. Dr. Holtzclaw inquired if a statistical analysis of the daily variations in the WSPA estimate of two tons per day could be conducted. Mr. Buchan stated he would prepare this analysis for review by the Committee. Dr. Sawyer urged the Committee to review flare studies and the associated laws of scaling in evaluating if oil production flares can be applied to refinery flaring systems. Mr. Buchan offered to arrange for WSPA's consultant to make a presentation on flares at the Committee's next meeting. The Committee accepted this offer.

Chairperson Harley stated that for the evaluation of inter-basin transport, it is important to evaluate if refinery flares influence ozone formation at Livermore. Mr. Hayes added that in assessing the

impact of flare emissions on ozone formation, professional judgments will have to be made not only about the composition of input gases but also of the combustion products. Mr. Buchan replied that some attempts have been made in Texas to obtain data on combustion output, but these were not successful. A large flare tip with an effluent of 60 feet per second (fps) at full capacity creates significant radiation zones, thus rendering field sampling difficult.

Mr. Altshuler suggested that SO_2 be used as a tracer for flare emissions and formaldehyde as a means of evaluating flare efficiency because as a combustion product it reacts with methane feedstock. Gary Kendall, Technical Division Director, replied that sulfur was detected at several downwind stations after the July 10, 2002 incident at what is now the ConocoPhillips refinery. However, it is unclear how the sulfur from vehicle fuel would be distinguished from the sulfur that is contained in flare emissions.

Mr. Altshuler suggested that optical infrared sensing could be used to measure the energy release during a flare and also as a monitoring tool. Mr. Kendall replied that literature from the American Petroleum Institute provides a method for estimating the heat release rate from a flare based on flame size and length. Mr. Altshuler suggested this method could be combined with fuel composition data to retroactively calculate efficiency or measure emissions in real-time. Mr. Kendall replied that this could help to validate the quantity of material entering the flare. Mr. Buchan offered to obtain additional data from each refinery on purge gas for the Committee.

Chairperson Harley called for public comment, and the following individuals came forward:

Dave Souten
Principal
ENVIRON International Corporation

stated that source data for the ozone model must be well documented and derived either from monitoring data or sound estimates. In the future, the model will include PM data, and NOx emission estimates will be important for evaluating aerosol nitrate formation. Methane has a low reactivity and is consequential. Default speciation profiles for refinery flare emissions include formaldehyde, and its measurement will help assess the accuracy of the speciation profiles.

Bob Chamberlain
Environmental and Safety Manager
Chevron Richmond Refinery

presented a detailed diagram on a refinery flare tip, and described its components and operations. He stated that smoke is an indicator of hydrocarbon destruction rather than of poor combustion. A system operator observes the flame via video camera and adjusts steam input to maximize combustion. Efforts have been made to measure the radiant energy off of the flare by automatically controlling the steam input, but these proved unsuccessful.

In response to questions from the Committee members, Mr. Chamberlain replied as follows:

- Some interest has been expressed by community groups in posting the flare operator's video recording on a website, and retaining the tapes for a fixed time for purposes of review and

research. This practice will not improve flare management. It may also be a source of distraction to the refinery and the District, and cause undue concern in community.

- It takes one or two minutes from stand-by status for a flare to reach peak efficiency.
- There is an efficiency design value for each of the 28 refinery flares. There remains some uncertainty in assessing flare efficiency in light of operator manual control and variance in flaring events. Downstream sampling might better assess the relationship of flare efficiency to operator control, but to date no method has been successfully developed.
- The ARC study found that the profile of non-combusted gases is similar to the profile of the fuel. At a recent flare stakeholder workshop, a CARB staff member noted that there is a similar relationship between internal combustion engine fuel composition and emissions.
- In September of this year a paper will be submitted at a combustion symposium in Vancouver that will update all of the studies on refinery flaring. The authors of these studies will attend to discuss the technical issues and assumptions. Chevron will share this study with the Council.
- Chevron schedules refinery equipment maintenance as far as possible out of the ozone season.

Eric Hengst
Staff Environmental Engineer
Valero Refinery

stated that flares are used as safety devices to combust excess gases within a refinery in the event of (a) emergency or malfunction situations, (b) start-ups and shutdowns of units within the refinery, and (c) routine operations which experience a slight but persistent fuel imbalance. There are limits on the extent to which refineries can recover these gases. Large process units contain complex equipment relating to reaction, fractionation and separation. Changing the operational pace of a unit affects fuel gas disposition to furnaces, boilers, and gas turbines. The recovered fuel may be degraded by a high percentage of hydrogen or nitrogen that had been contained in the process vessels. These gases must be purged before the unit is started up to avoid a major upset. Flare gas recovery must ensure quality so that the refinery fuel gas system is not jeopardized.

Dennis Bolt
Senior Bay Area Coordinator
WSPA

stated that WSPA's data should be used as the baseline for emission characterization. The assump-tions used in filling in data gaps are based on years of refinery experience and professional judg-ment. In late 2001, in response to the District's concerns on flaring frequency, the refineries began to make process improvements that have reduced flaring events and voluntarily collect fuel flow data. The Tesoro Refinery had already started the process of installing compressors that recover some flare gases. While neither District staff nor the refineries were given sufficient time and data to prepare the TAD, collaboration between the operating community and the regulatory agency has led to discernable reductions in refinery emissions to a fraction of one ton a day. Only a flare-monitoring rule can suggest the next responsible regulatory steps, taking into account the broader context of refinery safety, operator judgment and associated societal costs.

WSPA is concerned over the District's overestimation of flare emissions, the persistent media problem concerning flaring, and the posting of the ARC study on the District's website. Issues of ozone attainment, pollutant transport and emission profiles must be accurately assessed and presented.

The Advisory Council provides an ideal learning environment for all interested parties and its technical expertise is both welcome appreciated.

Chairperson Harley read a letter from Julia May, Staff Scientist, Citizens for a Better Environment (CBE), who could not attend today's meeting. She expressed concern over the following issues:

- the possible modification to the data contained in the TAD made at the urging of the refineries
- the possible modification of emission estimates without public review of raw flow rate data
- the proposal in the flare monitoring rule of daily rather than semi-continuous or continuous sampling, and use of calculations to estimate rather than trace gas methods to measure fuel flow
- the lack of an expeditious approach to the regulation and control of refinery flare emissions

Referring to the successful work of the Modeling Advisory Committee to the 2004 Ozone Plan, Mr. Altshuler suggested that a refinery flare advisory committee comprised of representatives of the District, industry and the public, be created for the discussion of the issues and resolution of misconceptions. Chairperson Harley stated that this suggestion and the broader issue of refinery flares would be discussed at the next Committee meeting because further information is needed. He requested staff to work with WSPA to arrange for a presentation from The Washington Group International. Mr. Souten requested the Council's input on flares at the earliest practical moment.

5. **Committee Member Comments/Other Business.** There were none.

6. **Time and Place of Next Meeting.** 9:30 a.m., Thursday , May 29, 2003, 939 Ellis Street, San Francisco, CA 94109.

7. **Adjournment.** 12:45 p.m.

James N. Corazza
Deputy Clerk of the Boards

AGENDA: 5

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter-Office Memorandum

To: Chairperson Haggerty and Members of the Board of Directors

From: Gary Kendall, Director
Technical Services Division

Date: April 28, 2003

Re: Consider Approval of Purchase Orders in Excess of $35,000 and Notification of Purchase Order in Excess of $20,000

RECOMMENDED ACTION

Authorize the Executive Officer/APCO to issue Purchase Order #41621 to Sievers Analytical Instruments for a Sulfur Chemiluminescence Analyzer System at a cost of $44,685 and Purchase Order #14003 to Thermo Environmental Instruments (TEI) for 9 Ozone Analyzers in the amount of $64,082.

BACKGROUND

In accordance with the provisions of Division II, Section 4.3 of the Administrative Code, the Laboratory Services Section requests the Board authorize the Executive Officer/APCO to issue Purchase Order #41621 to Sievers Analytical Instruments for a Sulfur Chemiluminescence Analyzer System at a cost of $44,685 and the Air Monitoring Section requests the Board to authorize the Executive Officer/APCO to issue Purchase Order #14003 to TEI for 9 Ozone Analyzers at a cost of $64,082. Also in accordance with Division II, Section 4.3 the Laboratory Services Section is notifying the Board of Directors that Purchase Order #41620 was issued to Shimadzu Scientific Instruments for a GC-2010 Gas Chromatograph at a cost of $33,906.95.

DISCUSSION

Laboratory Section

The laboratory requires a sulfur compound analyzer in order to detect very low concentrations of sulfur compounds in ambient air. Many sulfur compounds are odorous and can contribute to public nuisance. Price quotes for a sulfur compound analyzer were obtained from Varian Associates ($61,213) and Sievers Analytical Instruments ($44,685). The Sievers Analytical Instruments Sulfur Chemiluminescence Analyzer was selected because is the most commonly used technology by air pollution laboratories for analyzing sulfur compounds, and because it has a significantly lower cost than the Varian sulfur compound analyzer that employs a different, flame photometric technology.

The laboratory also requires a gas chromatograph to analyze refinery flare gas, refinery fuel gas, and other types of samples. Price quotes for a gas chromatograph were obtained from Shimadzu Scientific Instrumentation ($33,906.95), Varian Associates ($50,420) and Agilent Technologies ($57,814). The Shimadzu gas chromatograph was selected because it has the lowest cost and has exemplary technical support. Purchase Order # 41620 was issued to Shimadzu Scientific Instrumentation for a GC-2010 Gas Chromatograph at a cost of $33,906.95.

Air Monitoring Section

The District's Air Monitoring Section operates ozone analyzers at 22 monitoring stations throughout the Bay Area. Air Monitoring routinely replaces ozone analyzers that have reached the end of their useful service life to maintain the monitoring requirements of federal and state regulations and to keep maintenance and out-of-service time to a minimum.

Staff obtained price quotes and evaluated ozone analyzers from three manufacturers of this equipment, Advanced Pollution Instrumentation (API), Thermo Environmental Instruments (TEI) and Monitor Labs. A fourth manufacturer, DASIBI, ceased operation in April of 2002. The evaluation included analyzer accuracy, precision, purchase and operating costs, operating features, and compatibility with current analyzers. The Monitor Labs quote was $3,000 higher than the other manufacturers and as a result the Monitor Labs analyzer was eliminated from consideration.

Staff determined that the internal ozone generator feature of the TEI analyzer makes it the best choice for the eight air monitoring stations where ozone is the only pollutant monitored. This feature eliminates the need for a separate calibrator to perform the mandatory quality control checks. Calibrators cost approximately $9,500. In addition, typical replacement parts for the API analyzer are 25% higher than TEI parts. These two factors more than offset the $300 higher initial unit cost of the TEI analyzer. The TEI ozone analyzer was selected because it was determined to best meet all of the District's requirements at the lowest total lifecycle cost. The 9 new ozone analyzers will replace units that are more than 9 years old.

BUDGET CONSIDERATION/FINANCIAL IMPACT

On February 26, 2003 the Board of Directors approved the District's request to increase the fiscal year 2002/2003 budget by $2,010,000, due to unanticipated additional revenue from Penalties and Settlements and County Property Taxes. The Technical Services Division Capital Account was allocated $554,645 of the $2,010,000 budget increase to purchase a variety of air monitoring, laboratory, source testing and quality assurance equipment. Funds required for the purchase of the two analyzers will be drawn from the additional $554,645 allocated to the Technical Services Division Capital Account.

Funds for the purchase of the 9 ozone analyzers will come from the Air Monitoring Capital Equipment Account and were included in the FY 2002-2003 Budget.

Respectfully submitted,

Gary Kendall, Director
Technical Services Division

Reviewed by: Peter Hess

FORWARDED:_____

AGENDA: 6

BAY AREA AIR QUALITY MANGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members of the Board of Directors

From: William C. Norton
Executive Officer/APCO

Date: April 30, 2003

Re: Approval of Modifications to the Existing Class Specification for the Meteorology and Data Analysis Manager Position

RECOMMENDATION

Approve modifications to the existing class description for the Meteorology and Data Analysis Manager position.

BACKGROUND

The District will soon be beginning its recruitment for a new Meteorology and Data Analysis Manager. As part of this process, the Meteorology and Data Analysis Manager class specification was reviewed. The Meteorology and Data Analysis Manager class specification was created in January 1992. Since its creation, the area of responsibility for this class has expanded. In addition to managing the District's meteorology and data analysis program, this position is also responsible for the quality assurance program. This responsibility was added to meet the ARB and EPA requirement that staff responsible for air monitoring quality assurance report to a Manager who is not responsible for air monitoring operations. Previously the air monitoring quality assurance staff reported to the Air Monitoring Manager. Therefore, the class description has been updated to include this new area of responsibility.

The qualifications for this class were also reviewed. Based on this review, it was determined that a graduate degree is not necessary to perform the functions of this position. Therefore, the educational requirement was changed to a bachelor's degree. In addition the experience requirement was too limiting and has been modified to more clearly reflect the various ways in which a candidate can qualify for this position.

In order to conduct an effective recruitment, it will be essential to update this class specification.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully Submitted,

William C. Norton
Executive Officer/APCO

Prepared by: Diane M. Iwata
Reviewed by: Wayne Tanaka

METEOROLOGY AND DATA ANALYSIS MANAGER

DEFINITION

Under administrative direction, plans, organizes, supervises, reviews and evaluates staff and activities of the District's Meteorology and Data Analysis Section; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

This single position class manages the meteorological and data analysis activities of the District's Meteorology and Data Analysis Section. The incumbent is responsible for accomplishing section goals and objectives and for furthering District goals and objectives within general policy guidelines. This class is distinguished from the Director of Technical Services in that the latter has overall managerial responsibility for all air monitoring, laboratory, meteorological and data analysis and source testing activities.

EXAMPLES OF DUTIES (Illustrative Only)

Develops and implements goals, objectives, policies, procedures and work standards for the Meteorology and Data Analysis Section.

Organizes, assigns, directs, reviews and evaluates the work of assigned staff; selects and trains staff and provides for their technical and professional development.

Supervises and participates in the analysis and interpretation of complex meteorological and air quality data.

Directs and participates in the conceptualization and analysis of special air quality problems and to ensure compliance with mandated air quality standards and reporting requirements.

Supervises the preparation and release of daily and special meteorological and air quality forecasts, advisories and warnings.

Directs the identification and selection of sampling and monitoring sites.

Supervises ground level monitoring and evaluation and coordinates activities with other District staff.

Represents the District with the public, other agencies and groups.

Directs the maintenance of and maintains accurate records; prepares clear and concise administrative, technical and scientific reports, correspondence and other written materials.

Analyzes issues, prepares and presents reports and recommendations regarding technical and policy issues to the Board and various committees and other groups.

QUALIFICATIONS

Knowledge of:

Administrative and managerial principles and practices, including goal setting, program and budget development and implementation and employee supervision.

Principles and theories of scientific meteorology, including physics, mathematics and statistics and their applications to environmental air quality.

Principles and techniques of meteorological and air quality analysis, forecasting and modeling.

Computer programming and modeling applications, particularly as related to meteorology and air quality.

Applicable District rules and regulations and state and federal laws.

Principles and techniques of scientific research and data analysis.

Applicable federal, state, local and District laws and regulations.

Skill in:

Planning, assigning, supervising, reviewing and evaluating the work of assigned staff.

Performing complex modeling studies of the relationships between meteorology and air quality.

Developing and implementing quality assurance and data verification programs.

Applying meteorological and air quality principles and theories.

Preparing and analyzing meteorological and air quality data and predicting accurate forecasts.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Preparing clear and concise reports, correspondence and other written materials.

Exercising sound independent judgment within general policy guidelines.

Making effective presentations to the Board, the public and other groups.

Other Requirements:

Must possess a valid California driver's license.

Education and Experience:

A typical way to obtain the knowledge and skills is:

Equivalent to a graduate degree from an accredited college or university with major course work in meteorology or a closely related field and five years of professional meteorology experience in environmental forecasting and analysis, including one year of lead or supervisory experience.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT **May 2003**

METEOROLOGY AND DATA ANALYSIS MANAGER

DEFINITION

Under administrative direction, plans, organizes, supervises, reviews and evaluates staff and activities of the District's meteorology, data analysis, and quality assurance programs; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

This position is responsible for management of programs and staff and for the development of policies and procedures of the District's meteorology, data analysis, and quality assurance programs. The incumbent is responsible for developing and accomplishing section goals and objectives and is accountable for advancing the District's mission, goals, and objectives within general policy guidelines. The manager also participates in the work of the programs managed and supervised. This class is distinguished from the Director of Technical Services in that the latter has overall managerial responsibility for the technical library, ambient air monitoring, laboratory, meteorology, data analysis, quality assurance, and source testing programs of the District.

EXAMPLES OF DUTIES (Illustrative Only)

Develops and implements goals, objectives, policies, procedures and work standards for the meteorology, data analysis, and quality assurance programs of the District.

Consults with the Director of Technical Services and assists in establishing policy priorities, procedures, goals, and objectives, and assists in reviewing and coordinating reports for consistency with policy; makes recommendations on strategies to accomplish division objectives.

Organizes, assigns, directs, reviews and evaluates the work of assigned staff; selects and trains staff and provides for their technical and professional development.

Supervises and participates in the analysis and interpretation of complex meteorological and air quality data.

Directs and participates in the conceptualization and analysis of special meteorology and air quality problems and ensures compliance with established policies for quality assurance and reporting requirements.

Consults with the Air Monitoring Manager during the identification and selection of ambient air monitoring sites.

Prioritizes meteorology, data analysis, and quality assurance programs and allocates staff, equipment, and other related resources; recommends new and revised policies, procedures and programs.

Prepares and monitors the Section's annual budget.

Directs the identification and selection of sampling and monitoring sites.

Represents the District with the public, other agencies and groups.

Directs and participates in the preparation and maintenance of accurate records; prepares clear and concise administrative, technical and scientific reports, correspondence and other written materials.

Analyzes issues, prepares and presents reports and recommendations regarding technical and policy issues to the Board and various committees and other groups.

Manages the entry, updates and retrieval of data from electronic data processing systems.

Applies applicable safety regulations, safe work practices, and safety equipment related to the work.

QUALIFICATIONS

Knowledge of:

Administrative and managerial principles and practices, including goal setting, program and budget development and implementation and employee supervision.

Principles and theories of scientific meteorology, including physics, mathematics and statistics and their applications to environmental air quality.

Principles and techniques of meteorological and air quality analysis, forecasting, modeling, and quality assurance.

The installation, operation, calibration, and auditing of a variety of electronic instruments and equipment.

Computer programming and modeling applications, particularly as related to meteorology and air quality.

Principles and techniques of scientific research and data analysis.

Applicable federal, state, local and District laws and regulations.

Skill in:

Planning, assigning, supervising, reviewing and evaluating the work of assigned staff.

Performing complex modeling studies of the relationships between meteorology and air quality.

Developing and implementing quality assurance and data verification programs.

Applying meteorological and air quality principles and theories.

Preparing and analyzing meteorological, quality assurance and air quality data and evaluating forecast accuracy.

Preparing meteorological and air quality forecasts as necessary.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Preparing clear and concise reports, correspondence and other written materials.

Exercising sound independent judgment within general policy guidelines.

Making effective presentations to the Board, the public and other groups.

Reviewing and directing the entry and retrieval of data from electronic data processing systems and updating computer system files.

Applying applicable safety regulations, safe work practices, and safety equipment related to the work.

Other Requirements:

Must possess a valid California driver's license and meet automobile insurability requirements of the District.

Education and Experience:

A typical way to obtain the knowledge and skills is:

One year of experience in the District's class of Supervising Air Quality Meteorologist or Principal Air and Meteorological Monitoring Specialist

or

Two years of experience in the District's class of Senior Air Quality Meteorologist

or

An equivalent to graduation from a four year college or university with major coursework in meteorology, physics, engineering, or a closely related physical science and five years of professional meteorological experience in air or meteorological monitoring, air quality data analysis, or forecasting of which two years were as a lead or one year was as a supervisor. Two of the five years of meteorological experience must be in air or meteorological monitoring.

Experience in air quality forecasting and quality assurance for air or meteorological monitoring are desirable.

(Created: January 1992; Last Revised May 2003)

AGENDA: 7

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and
Members of the Board of Directors

From: William C. Norton,
Executive Officer/APCO

Date: April 28, 2003

Re: Report of Personnel Transfer in Accordance with Division II Fiscal Policies and Procedures Section 3.3 (b) of the Administrative Code

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

Administrative Code Fiscal Policies and Procedures Division II §3.3 (b) Account Transfers states that, "Whenever the APCO transfers a position from one program to another, the APCO may also transfer the pertinent funds from permanent salary accounts (and accounts for related benefits). Each such transfer shall be reported by the APCO to the Board of Directors at the next regular Board meeting."

The APCO has transferred one Air Quality Specialist position from the Legal Division to the Compliance & Enforcement Division. This will allow for the incumbent to perform a greater variety of challenging tasks appropriately assigned to incumbents at this level.

BUDGET

In accordance with Administrative Code §3.3 Account Transfers, budgeted funds remaining in Program #203 have been transferred to Program #401 to cover the cost of salary and benefits for an Air Quality Specialist position moving from the Legal Division.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

Prepared by: Mary Ann Goodley

AGENDA: 8

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and
Members of the Board of Directors

From: William C. Norton
Executive Officer/APCO

Date: April 30, 2003

Re: Stationary Source Committee Meeting of April 16, 2003

RECOMMENDED ACTION

The Committee recommends approval of taking the following positions regarding proposed amendments by the Air Resources Board to the Ozone Transport Mitigation Regulations and comments that are intended to improve the program.

BACKGROUND

The Stationary Source Committee met on April 16, 2003. Chairperson Mark DeSaulnier will give an oral report of the meeting.

DISCUSSION

The Stationary Source Committee recommends that the Board of Directors approve taking the following positions on the amendments to the Ozone Transport Mitigation Regulations proposed by the Air Resources Board (ARB).

1.) The ARB is proposing that the "no net increase" permit thresholds for upwind districts be as stringent as those that exist for downwind districts.

2.) The ARB is proposing to add language requiring the implementation of "all feasible measures" as expeditiously as possible. The ARB is proposing to add an annual review process in which both the districts and ARB review the implementation of all feasible measures.

The Stationary Source Committee recommends that the Board of Directors approve taking the following positions:

A. The ARB should commit to use the best scientific tools when they become available (Central California Ozone Study and ozone attainment modeling) to quantify the extent of transport between districts and to identify the most effective mitigation strategies to attain the State ozone standard.

B. The ARB should commit to work with this District to seek a program to mitigate particulate matter transport.

C. The ARB should commit to fully exercise their existing authority under the Act when evaluating plans to require regions to establish measures that mitigate transportation and land use impacts.

D. The ARB should fully commit to exercise their existing authority under State law to mitigate those emission sources under their jurisdiction.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The regulatory amendments proposed by the ARB will have a financial impact upon the District.

The first financial impact is due to the requirement for an upgrade to the District permit requirements. The District will be required to amend its permit rules. More facilities within the District will be required to provide emission offsets for new and modified sources. The requirement for emission offsets typically demands a more detailed permit review and commensurate time by the staff.

The second financial impact is due to the requirement for a review of all feasible measures in the State Clean Air Plan on an annual rather than a three-year basis. This will require staff to meet with representatives of the downwind districts and discuss the feasibility of adding new measures to the State plan.

Because the proposed amendments are related to stationary sources the costs are recoverable through higher permit fees.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

Prepared by: Peter Hess

AGENDA: 9

BAY AREA AIR QUALITY MANGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: William C. Norton
Executive Officer/APCO

Date: April 30, 2003

Re: Report of the Regional Agency Coordinating Committee

DISCUSSION

Chairperson Mark DeSaulnier will give a summary of the April 18, 2003 meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

Prepared by: Jane Devine

AGENDA: 10

BAY AREA AIR QUALITY MANGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members of the Board of Directors

From: William C. Norton
Executive Officer/APCO

Date: April 30, 2003

Re: Report of the Public Outreach Committee

DISCUSSION

Chairperson Mark Ross will give a summary of the April 21, 2003 meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

Prepared by: Jane Devine

AGENDA: 11

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and
Members of the Board of Directors

From: William C. Norton
Executive Officer/APCO

Date: April 23, 2003

Re: Budget & Finance Committee Meeting of April 23, 2003

BACKGROUND

The Budget & Finance Committee met on April 23, 2003. Committee Chairperson, Julia Miller will give an oral report of the meeting.

DISCUSSION

The committee met and received reports on the following:

- Annual Audit for FY 2001/2002
- Crash & Air Quality Rating Data on Hybrid Vehicles
- Cost Analysis of Vehicle Lease Program vs. Purchasing

Also presented for review and discussion was the Fiscal Year 2003/2004 Proposed Budget. Staff was requested to present information, at the next meeting, on a Fiscal Year 2000 audit recommendation to "perform a physical inspection of all existing fixed assets and maintain a complete listing to adjust the general fixed asset account."

BUDGET CONSIDERATION/FINANCIAL IMPACT

No impact on current fiscal year budget. The Fiscal Year 2003/2004 proposed consolidated budget is $47,375,345.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

Prepared by: Wayne Tanaka

AGENDA: 12

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and
Members of the Board of Directors

From: William C. Norton
Executive Officer/APCO

Date: April 29, 2003

Re: Executive Committee Meeting of April 30, 2003

RECOMMENDED ACTION

The Committee recommends approval of the following:

1) Advisory Council recommendation regarding the Sonoma County Climate Protection Campaign, to:
   a. Request staff work with the Campaign to identify TFCA projects containing funding that could be used as seed money to leverage further contributions to the Campaign;
   b. District not allocate the requested $25,000, but instead provide staff assistance.
2) Appointment of (3) New Advisory Council Members and Re-Assignment of One Advisory Council member.

BACKGROUND

The Executive Committee met on April 30, 2003. Committee Chairperson, Scott Haggerty, will give an oral report of the meeting.

DISCUSSION

The Committee received the following reports, which are attached for your review.

- Quarterly Report of the Hearing Board
- Report of the Advisory Council
- Status Report on Ozone Planning

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

Prepared by: Mary Ann Goodley

AGENDA: 13

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter-Office Memorandum

To: Chairperson Haggerty and Members of the Board of Directors

From: Teresa Galvin Lee, Director of Public Information and Outreach

Date: April 21, 2003

Re: Consider Authorizing the Executive Officer/APCO to enter into an agreement with the Livermore Amador Valley Transit Authority (LAVTA) for a no fare pilot program on Spare the Air days. The proposal includes using $55,605 in the Air District's Congestion Mitigation Air Quality (CMAQ) funding, with a $32,670 match from LAVTA.

RECOMMENDED ACTION

Authorize the Executive Officer/APCO to enter into an agreement with LAVTA for no fare transit on up to eight Spare the Air days.

DISCUSSION

The Air District has reviewed a proposal from Livermore Amador Valley bus system (WHEELS) to fund no fare transit on the Spare the Air days. WHEELS serves the cities of Livermore, Dublin and Pleasanton, which were the only locations to exceed the federal one-hour ozone standard in 2002. The original proposal received by the Air District was for TFCA funding. The project did not score high enough to receive TFCA funds and staff was asked to research the applicability of Congestion Mitigation Air Quality (CMAQ) funding for the proposal.

This project would demonstrate the potential for increased transit ridership on high ozone days, particularly in a suburban setting where the housing density is lower and it is harder to attract riders. WHEELS has a daily ridership count of 7500. The goal would be to increase this by 10 percent or 750 additional riders.

The initial LAVTA proposal was for $84,250 based on funding twelve Spare the Air days. Given the number of Spare the Air days over the past three summers (an average of six per year) and the limited amount of funding that the Air District has available, the original proposal was scaled back to no more than eight no fare days, with total funding not to exceed $55,605. LAVTA would provide a local match of $32,670.

In addition to the funding match, LAVTA would be responsible for running the program, including outreach, surveys and reporting transit ridership figures. Staff has

met with LAVTA and determined that the proposal is sound, and could serve as a model for other transit agencies, should funding for an expanded program become available.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Congestion Mitigation Air Quality (CMAQ) funding is available for this pilot program, and has been used in several other parts of the country for similar projects. The Air District would fund this program from its CMAQ funds.

Respectfully submitted,

Teresa Galvin Lee
Director of Public Information and Outreach

Reviewed by : Peter Hess

FORWARDED: _____