



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

November 19, 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
NOVEMBER 19, 2003
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance

Scott Haggerty, Chairperson
Clerk of the Boards

COMMENDATION/PROCLAMATION

The Board will present a plaque to William C. Norton, Executive Officer/APCO in appreciation of his service to the District.

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 three (3) minutes each.

CONSENT CALENDAR (ITEMS 1 – 8)

Staff/Phone (415) 749-

1. Minutes of October 15, 2003
M. Romaidis/4965
mromaidis@baaqmd.gov
2. Communications
Information only
W. Norton/5052
exec@baaqmd.gov
3. Report of the Advisory Council
B. Hanna/4962
bchanna@napanet.net
4. Monthly Activity Report
Division Activities for the month of October, 2003
P. Hess/5073
phess@baaqmd.gov
5. Request Approval of Change of Signature for District Checks
Approval of notification to San Mateo County Treasurer and Controller of change in authorized signature.
W. Norton/5052
exec@baaqmd.gov

6. Approve Resolution Adjusting the District's Maximum Medical Contribution Declared to CalPERS and Creating a New Category of Miscellaneous Employees to Properly Administer Benefits. W. Tanaka/5066
wtanaka@baaqmd.gov

The Board of Directors will consider approval of Resolution adjusting the District's maximum medical contribution declared to CalPERS for management, confidential, and represented employees and retirees and creating a new category of miscellaneous employees who may receive medical benefits.

7. Notice of Proposed Amendment to Administrative Code Division III Section 10.17 Dependent Care Assistance Plan W. Tanaka/5066
wtanaka@baaqmd.gov

Pursuant to Administrative Code Division I Operating Policies and Procedures Section 14: Amendments; notification is hereby given of the proposed amendment to the Administrative Code Division III Section 10.17 Dependent Care Assistance Plan.

8. Consider Approving Side Letters of Agreement Between the District and the Employees Association Regarding College and High School Internship Programs W. Tanaka/5066
wtanaka@baaqmd.gov

The Board will consider approving two Side Letters of Understanding regarding High School and College Internship Programs and incorporating them into the MOU with the Employees Association.

COMMITTEE REPORTS AND RECOMMENDATIONS

9. Report of the **Executive Committee** Meeting of October 29, 2003

CHAIR: S. HAGGERTY

W. Norton/5052

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

- A) Reappointment of four Advisory Council members and Reappointment of seven Advisory Council members to serve additional two-year terms; and*
- B) Provide Notice of Proposed Amendments to the Administrative Code Division I, Section 2.1: Officers of the Board, to provide for a one-year term of office for Board of Director Officers, effective 2005.*

10. Report of the **Public Outreach Committee** Meeting of November 3, 2003

CHAIR: M. ROSS

W. Norton/5052

11. Report of the **Mobile Source Committee** Meeting of November 13, 2003

CHAIR: SHELIA YOUNG

W. Norton/5052

Action(s): The Committee recommends approval of additional TFCA Regional Fund grant awards for FY 2003/04, including \$248,940 to three public agency projects.

OTHER BUSINESS

12. Report of the Executive Officer/APCO
13. Chairperson's Report

CLOSED SESSION

14. Conference with Legal Counsel

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:

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

15. 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)

16. Place of Next Meeting - 9:45 a.m., Wednesday, December 3, 2003 -939 Ellis Street, San Francisco, CA 94109
17. 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 at least 3 working days prior to the date of the meeting, 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: November 12, 2003

Re: Board of Directors' Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Board of Directors meeting of October 15, 2003.

DISCUSSION

Attached for your review and approval are the minutes of the Board of Directors' meeting of October 15, 2003.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Draft Minutes: Board of Directors Regular Meeting – October 15, 2003

Call To Order

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

Pledge of Allegiance: William C. Norton, Executive Officer/APCO led the Board in the Pledge of Allegiance.

Chairperson Haggerty announced that former Board member Bill Carroll had passed away and requested that the meeting be adjourned in his name. Chairperson Haggerty requested a moment of silence in Mr. Carroll's honor.

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Maria Ayerdi (9:55 a.m.), Roberta Cooper, Chris Daly (9:56 a.m.), Mark DeSaulnier, Jerry Hill, Liz Kniss (10:04 a.m.), Jake McGoldrick (10:01 a.m.), Nate Miley, Julia Miller, Dena Mossar, Mark Ross, Tim Smith (9:58 a.m.), Pam Torliatt (10:04 a.m.), Gayle Uilkema, Brad Wagenknecht, Shelia Young.

Absent: Patrick Kwok, John Silva, Marland Townsend.

Commendations/Proclamations: Chairperson Haggerty presented plaques to William deBoisblanc, Engineering Division Director, in recognition of his retirement from the Air District after 31 years of service and to Thomas Perardi, Planning and Research Division Director, in recognition of his retirement from the Air District after 30 years of service.

Public Comment Period: Speaker: James N. Corazza
Employees' Association

Mr. Corazza informed the Board of Directors that he now represents the Employees' Association as its new President and that his term will end in October 2005.

Consent Calendar (Items 1 – 8)

1. Minutes of October 1, 2003
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council – *There was no report.*
4. Monthly Activity Reports – *Division Activities for the month of September 2003*
5. Quarterly Report of Air Resources Board Representative

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6. Quarterly Report of the Clerk of the Boards
7. Approval of Proposed Amendments to Administrative Code Division II, Section 2 District Audit, Section 3 Fiscal Procedures and Section 4 Purchasing Procedures

Approved amendments to Administrative Code Division II, Fiscal Operating Policies and Procedures. The proposed amendments will streamline the fiscal and business practices of the District and are in line with other large air quality management districts.

8. Authorization for Execution of Purchase Order

Authorized a purchase order not to exceed \$850,000 to J.D. Edwards for the purchase of 5667 hours of Professional Services to cover the final phase of implementation work for the J.D. Edwards Enterprise Resource Planning System.

Board Action: Director Wagenknecht moved approval of Consent Calendar Items 1 through 8; seconded by Director Ross; carried unanimously without objection.

Presentations

9. *Air Pollutant Emissions Rates for Trees and Other Plants*

Mr. Perardi presented the report and reviewed the effects of vegetation on air quality. Mr. Perardi highlighted the following:

- Cooling improves air quality
- Plants remove some pollutants
- Ozone deposition of certain plant in pounds per acre per day in July
- Biogenic volatile organic compound (BVOC) emissions of certain vegetation in pounds per acre per day in July (isoprene + monoterpenes)
- Hourly emissions August 3-7, 1997
- Net effects on air quality
 1. Effects depend on species, placement
 2. BVOCs important part of inventory
 3. Low emitters can reduce ozone
 4. High emitters can increase ozone
- Desirable and undesirable trees for air quality can be researched at <http://selectree.cagr.calpoly.edu>

In conclusion, Mr. Perardi stated that 1) cooling lowers emissions; 2) cooling slows chemical reactions; 3) plants remove some pollutants; 4) plants emit precursor pollutants; and 5) low-emitting plants have many benefits. In response to a question from Director H. Brown, Mr. Perardi noted that when cities and counties plant trees, they should include tree emission factors in the planning process.

Director Uilkema discussed a school that is downwind of Equilon that has an asphalt playground and inquired if trees could be planted at the school with Supplemental Environmental Projects (SEP) money, and if the District can justify that there are positive

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things that can be done by planting trees to improve the air to meet this District's goals. Mr. Norton stated that there would be a meeting in Martinez later this month to look at the SEP and that if this idea meets the criteria, then it is something the District could do.

Director Uilkema asked if the District could demonstrate tonnage to show that a mitigation project is going to be able to qualify according to the criteria. Mr. Norton responded that the report showed that there are ways to calculate how much reduction in air pollutants will come from planting trees.

Chairperson Haggerty requested this information be disseminated to the planning departments of cities and counties so they are aware of this information. In reply to a question from Director Miller, Mr. Perardi indicated the District is not developing a regulation for trees at this point.

Director Daly noted that a representative of the Friends of the Urban Forest attended the San Francisco Community Planning meeting on ozone attainment and if certain trees are good and other not so good inquired if the District is looking at potential rule development in terms of ozone attainment. Mr. Norton stated that the District is not looking at rule development now. The first thing to do would be to send this information to the cities and counties so they can use the information as part of the criteria in determining what trees to use for streets and parks. The District could not count sharing information as tonnage reductions.

Director Ross noted the information should also be sent to design review committees in cities and counties.

Director Kniss commented that some counties deal a great deal with many other aspects of trees, which have to do with their longevity, how many leaves they drop, how slippery they are, how much pollution they cause, and many other things and urged the Board to not go into tree regulation at this point.

In response to Director Mossar, Mr. Perardi stated that the web site given does deal with different aspects of trees. Director Mossar noted that there are situations where native trees are what someone needs to plant. Also, the presentation spoke about acres of trees, and most cities and counties would be looking at blocks or just one tree. People should know trees do have air quality impacts, both good and bad.

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

10. Summary of 2003 Ozone Season

Staff provided a summary of the 2003 Ozone Season, and the Bay Area's attainment status with respect to the National one-hour and 8-hour ozone standards.

Dick Duker, Supervising Air Quality Meteorologist, presented the 2003 ozone summary and reviewed the state and national excesses in 2003 and showed the location of the exceedances on a map. Mr. Duker noted there has been a decrease in exceedances from 1998 to the present and stated that 2003 had more hot days than normal. It was noted that San Martin exceeded the national 8-hour standard and had a reading of 86 ppb.

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Mr. Duker stated that maintaining attainment of the one-hour national standard requires zero excesses at Livermore in 2004, and attaining the 8-hour national standard in 2004 requires the 4th highest 8-hour concentration at San Martin to be less than 76 ppb. Mr. Duker reviewed the Bay Area anthropogenic emissions (NOx and VOC).

Looking beyond 2004, Mr. Duker stated that VOCs are expected to decrease an additional 20% and NOx 23%. In addition, attaining the national ozone standards in the short term is mostly a function of meteorology, while in the longer term, it will be a function of emission reductions.

In response to a question from Director Miller, Mr. Norton stated that the District will look at reducing emissions everywhere and not just at San Martin and noted that the wind does transport pollution to San Martin.

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

Other Business

11. Report of the Executive Officer/APCO. Mr. Norton reported on the following: 1) The District has received a grant from Agilent Technologies in the amount of \$100,000 for some classroom training on air pollution. The program will be started soon. 2) The District was also notified that it will be receiving \$488,000 from Silicon Valley Power for mitigation for their new power plant and the money will be used for replacing woodstoves and fireplace inserts around the area of the power plant.
12. Chairperson's Report. Chairperson Haggerty stated that today's meeting would be adjourned in honor of former Board member Bill Carroll who passed away last night.

Closed Session (The Board adjourned to Closed Session at 10:41 a.m.)

13. Conference with Legal Counsel

Existing Litigation:

Pursuant to Government Code Section 54956.9(a), a need existed to met in Closed Session with legal counsel to consider the following cases:

1. *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*
2. *Owens Corning v. Bay Area Air Quality Management District, Ellen Garvey, and the Hearing Board of the Bay Area Air Quality Management District, Santa Clara County Superior Court, Case No. CV 790379*

Open Session (The Board reconvened to Open Session at 10:48 a.m.)

Brian Bunger, Counsel, reported on items 1 and 2 of Agenda Item 13 and stated that the Board heard a status report from Counsel on both cases and provided general direction to Counsel.

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14. Board Members' Comments: There were none.
15. Time and Place of Next Meeting - 9:45 a.m., Wednesday, November 5, 2003, 939 Ellis Street, San Francisco, California.
16. Adjournment: The meeting was adjourned in honor of Bill Carroll at 10:49 a.m.

Mary Romaidis
Clerk of the Boards

mr

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: November 12, 2003

Re: Report of the Advisory Council

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

Attached for your review are draft minutes of the Advisory Council Air Quality Planning Committee meeting of September 30, 2003, draft minutes of the Advisory Council Technical Committee meeting of October 20, 2003 and draft minutes of the Public Health Committee meeting of October 20, 2003.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

Prepared by: James Corraza

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

DRAFT MINUTES

Advisory Council
Air Quality Planning Committee Meeting
1:00 p.m., Tuesday, September 30, 2003

1. **Call to Order – Roll Call.** 1:19 p.m. Quorum Not Present: Harold M. Brazil, Patrick Congdon, Irvin Dawid, Fred Glueck. Absent: Kraig Kurucz, Chairperson, Pamela Chang, John Holtzclaw, Ph.D., Kevin Shanahan.
2. **Public Comment Period.** There were none.
3. **Approval of Minutes of July 22, 2003.** There being no quorum present, approval of the minutes was deferred to the next meeting.
4. **Update on Networkcar Remote Emissions Demonstration Project.** Peter Hess, Deputy Air Pollution Control Officer, stated that this issue was of interest to this Committee and the Advisory Council about nine months to a year ago. Mr. Hess noted that the Air District moved forward to have discussions with Networkcar and has asked Ryan Glancy of Networkcar to present a report on the progress of Networkcar in the Bay Area.

Ryan Glancy, Solutions Manager, Networkcar provided the Committee with an overview of the Networkcar remote emissions project and highlighted the following:

- Networkcar's wireless device is installed in a car and is equipped with a performance monitoring system. It takes 15 to 20 minutes to install the CAReader.
- The device sends information to Networkcar's Data Center over a wireless network. About every 40 minutes the device is taking a reading from the car. This information is relayed to Networkcar's data center where the information is disseminated.
- The CAReader is commercially available and is sold as an aftermarket accessory by automobile dealers.
- The system enables vehicle owners to monitor the following: mileage, emissions systems components and associated Diagnostic Trouble Codes (DTC), and driving parameters.
- In 2001, Networkcar was awarded a contract for high mileage fleet vehicles for five years. The system allows the owners to be notified if their vehicles are out of compliance.
- The purpose of the Remote Emissions Monitoring Program is to dynamically monitor high mileage (over 75,000 miles per year).
- More devices were installed in 2000 model-year vehicles than any other model-year. The least number of devices were installed on 1994 vehicles.
- The number of vehicles participating in the study by vehicle manufacturers was reviewed, with Ford having the largest number and Chevrolet a close second. About

one-third of the vehicles had DTCs. Although Ford has the highest number of DTCs, the manufacturer with the highest percentage of vehicles with DTCs is Dodge.

- The highest percentage of vehicles with DTCs by model-year participating in the study is for 1997 vehicles and the lowest is for 2003 vehicles.
- There are a variety of problems with the vehicles in the study and they include: problems with a catalytic converter, the transmission control system, mixture control, and the O2 heater circuit.
- As a vehicle accumulates more miles, there is a significantly higher occurrence of problems. The annual smog check would not detect problems in these vehicles, but this program does.
- Vehicles with over 200,000 miles had at least twice the percentage of events.

Mr. Glancy reported that during this quarter, Networkcar would install up to 200 devices into Port of Oakland taxis. In addition, about 120 devices will be installed in taxis operating at the Oakland airport and the taxis will be required to have a Networkcar device to operate at the airport. Mr. Glancy noted that Networkcar is working on a program with the City of Oakland and the police department to monitor the emissions to enforce the repair of any cabs that are out of compliance. The cabs that run through the airport would be required to have the device and they would have to be in compliance.

Some companies that have violated the Health and Safety Code and part of the enforcement regulation have been allowed to come into this program instead of paying penalties. Networkcar is looking for the Port of Oakland to allow Networkcar to make sure the cars get back into compliance and then Networkcar could see how the program is working.

In response to questions from the Committee members, Mr. Glancy provided additional information

- There was not an even distribution of devices across year, make and model of cars.
- Most of the problems identified were with pollution control equipment on the vehicle.
- Other benefits of the continuous monitoring program include detecting fraud and detecting a bad part in a vehicle. Mr. Glancy noted there was a recall because of this type of information being available.
- CARB feels the data is more than adequate and the number of ways the data can be analyzed.
- There was discussion on an incentive for high fleet operators to participate in this program and, with CARB's buy-in, the operators would not have to participate in a program like Smog Check II. Mandatory repairs would still have to be made.
- The data is there to see if the vehicle is in compliance on a day-to-day basis.
- The San Jose airport recently had a ribbon cutting for the new CNG facility for their own fleet of buses, but they are unable to do anything to have the cab companies refuel at the CNG facility. Could there be a mandate, as there will be at the Port of Oakland, that if the cabs want to serve the airport, they have to subscribe to the Networkcar program?
- This is something that can expand to other areas. Southern California does exempt some of the participants from the \$1500 fine levied by ARB if they operate with an active MIL.
- There are other programs whereby Networkcar sells a product through a new or used auto dealer and provides a number of functions that allows monitoring of performance, safety

and security of the vehicle, and location. Diagnostics are linked to the auto repair shops so if they detect a problem, the shop can notify the owner that there is a problem.

- Through the Bureau of Automotive Repair (BAR) there is a program called the Continuous Pilot Testing Program (CPT) which allows end consumers to come out of the regular Smog Check program and come into the CPT program.
- The contracts are with a variety of taxi and para transit companies. Networkcar did do some things with ATC, but there were issues of who actually owned the cars and other systems that were in the vehicles. It was more of a contractual issue on who owned the vehicles. The remainder of the companies are located in Southern California. The Port of Oakland fleet will be the first in Northern California.
- The use of Networkcar tells the driver that there is a problem at a high mileage (175,000+ miles) sooner than the Smog Check. It is more effective for the high mileage vehicles than Smog Check.
- The unit price to install the system is approximately \$1,500.

5. Review of the Metropolitan Transportation Commission Long Range Transportation Plan.

Ellen Griffin, Senior Analyst, Metropolitan Transportation Commission (MTC) Legislation and Public Affairs, presented the report and stated that MTC is beginning a long public involvement process on the update of the Long Range Transportation Plan for the Bay Area (Transportation 2030). Ms. Griffin noted that this is a 25-year long-range plan for the Bay Area and it guides transportation policies and investments in the nine Bay Area counties. The Plan will be updated every three years and projects must be in the Plan to receive state or federal funds.

Ms. Griffin reviewed Phase I, which focused on three major topics:

- 1) Goals and objectives of the Plan.
- 2) Prior commitments and what funds are available for new investments.
- 3) Transportation and land use. Regional agencies in the Bay Area completed a Smart Growth process last year and have adopted Smart Growth principles.

Phase II will focus on 1) local investment priorities; 2) technical analysis of proposed investment packages; and 3) congestion management agencies workshops and meetings. Phase II is the draft Plan that will come out in December 2004 and the target adoption date for the Plan is January 2005. Ms. Griffin added that in addition to the workshops, MTC is doing public opinion polls, telephone polls, there will be an interactive web component, and there will be focus groups.

Chris Brittle, Planning Manager, MTC, stated that one of the distinguishing features of the new Plan is that there will be more funds available to draw from. In the past, the federal planning process required the transportation revenue to be looked at over 25 years and only those projects and programs that met those revenues would be in the Plan.

Mr. Brittle noted that MTC feels there are probable revenue sources that will come into play as the Plan is being prepared. A number of counties are preparing sales tax plans, Senator Perata is talking about a bridge toll bill to raise the toll to \$3, and there will be a high-speed rail bond in November 2004. These revenue sources have to be anticipated and the public will need to understand what the implications of these revenue sources are on the Plan.

Mr. Brittle stated that the planning process started out by defining the goals and objectives that drive the programs and projects that are put into the Plan. The previous goals were: 1) mobility – improving the ease and convenience of using the transportation system, 2) safety – improving the safety of the transportation system for users, 3) equity – fairness in the planning, funding and operation of the region’s transportation system, 4) environment – plan and develop transportation facilities and services to protect and enhance the environment, 5) economic vitality – support transportation investments that are essential to the economic well-being of the Bay Area, and 6) community vitality – community-based efforts to improve quality of life by providing access to transportation funding. During the workshops in June, the public felt that these were too large and nebulous and did not have measurable standards and objectives.

Mr. Brittle reviewed the revised proposed goals that are being discussed with the public as follows:

1. Fix-It first – 80% of the funds in the transportation plan have to go to maintain the current system.
2. Making Connections – making transit systems work and having seamless connections, good service and good physical connections between systems.
3. Reliable Travel Choices – provide transit, carpool, biking and walking alternatives that would be attractive enough to be used by the public.
4. Smart Growth – this is a goal to recognize the consensus that has developed around the region on a Smart Growth strategy around transit centers and corridors.
5. Clean Air – is being singled out as the main environmental goal in the Plan.
6. Lifeline Mobility – transportation system improvements that benefit the elderly, low income, school children, and those that have less mobility options.
7. A Safe System – it has been suggested to make this safe and secure because of the current focus on terrorism.

Each goal will have a set of objectives and a set of ways to measure progress towards achieving the goal.

There was discussion on the following:

- The BART to SFO connection is not doing as well as projected because of the recession and the problems that the airlines are having. The CalTrain/Millbrae connection is not being well used at this time, but part of the issue is getting people used to the connection in addition to waiting for the economy to return and people start traveling again.
- One of the missing goals is pricing; i.e. driving and parking might be cheaper than using an alternative. Mr. Brittle indicated this is covered in providing a reliable service that the customer wants to pay for. Pricing is a strategy more than a goal, but it could be worked into a goal.
- The Clean Air goal (#5) is an off-shoot for the accomplishment of goals one through four.
- MTC will have to prioritize the goals.
- A potential goal or objective of cost-effectiveness needs to be kept in mind as the BART to San Jose/Santa Clara is proceeding. Mr. Brittle indicated there is a separate set of performance measures that are being used for this regional transportation Plan that is a result of Senator Perata’s legislation (SB 1492) that states any new project coming into the regional Plan should be evaluated.

- Commuters in the Bay Area are looking at what is the most convenient manner to get from point A to point B. How much of the goals and objectives may be directed toward some sort of social investigation, rather than just physical investigations for roads or buses, or more rail and get some sort of idea of where the convenience items are that the residents of the Bay Area are looking for as a means of partaking in other modes of transportation or coming up with viable goals that solve some of the local issues.
- MTC is doing a Regional Transit Connectivity Study that looks at specific connection issues around the system. The hope is that MTC will find some low-cost improvements and that those projects will make it into the Plan.
- What is it that the consumer in the Bay Area identifies as a convenience, i.e. making connections, time, money, smart growth, community planning. That would allow MTC to determine where the funding would be best spent.
- MTC attempts to capture all the variables in a sophisticated travel model, which predicts where the growth patterns are, who takes transit, who is using the carpool lane, etc. Based on the usage, MTC can look at the viability of the investments it is making.
- There was discussion on the Bayshore Freeway corridor, its peak periods, and that all options are being used in that area.
- If the bridge tolls go to \$3, those motorists who drive over the bridges will be contributing to public transit needs. The same scenario should be applied to other places by the use of “HOT” lanes and the money would be used to support public transit in that corridor. San Diego did this in 1988 through the use of Transportation Control Measures. MTC has looked at some corridors and the issue of “HOT” lanes will be discussed during the development of the Plan.

The Committee discussed what they see as the two main goals and determined Smart Growth was its first priority and Fixit-It First and Making Connections were second. Mr. Glueck stated that it would be beneficial to have this same presentation made to the full Council in November and a decision could be made as to what the full Council sees as its two main goals.

- 6. Committee Member Comments/Other Business.** Mr. Glueck stated it would be helpful to get some feedback from the Bureau of Automotive Repair (BAR) on Smog Check II with respect to how it is working. Mr. Glueck requested staff make a presentation at the next meeting on Smog Check II and how it is working, including any of the Advisory Council’s recommendations that the Board of Directors may have taken action on.

Mr. Glueck stated that it would be interesting to see how the smog check stations are reacting to the extra cost and the extra training, what sort of negative or positive feedback, will they pass the cost through, etc.

In response to a question from Mr. Dawid on legislation that might enhance the role of the Air District, Mr. Hess stated that there would be a legislative update at the next meeting.

Mr. Dawid requested updates on the East Palo Alto and San Jose Mayfair meetings on the 2004 Ozone Attainment Strategy and 2003 Clean Air Plan.

- 7. Time and Place of Next Meeting.** 9:30 a.m., Tuesday, November 25, 2003, 939 Ellis Street, San Francisco, CA 94109.

8. Adjournment. 2:26 p.m.

Mary Romaidis
Clerk of the Boards

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

DRAFT MINUTES

Advisory Council Technical Committee Meeting
9:30 a.m., Monday, October 20, 2003

1. **Call to Order/Roll Call.** 9:33 a.m.
2. **Public Comment Period.** There were no public comments.
3. **Approval of Minutes of August 7, 2003.** Chairperson Harley and Mr. Lapera requested that the causes of flaring listed on page two be listed in quantitative order of importance. Dr. Holtzclaw moved adoption of the minutes as corrected; seconded by Mr. Hayes; carried unanimously.
4. **Discussion and Adoption of Recommendations on Refinery Flaring.** Chairperson Harley referred to the memorandum entitled “Advisory Council Technical Committee Report on Emissions from Refinery Flares (draft).” Committee member discussion ensued on the “Findings” section. Members of the Air District staff and the public spoke on the “Findings” as follows:

Jim Karas
Air Quality Permit Manager
Bay Area AQMD

- No. 3: the most frequent, but not the largest, source of flaring emissions are shutdowns/start-ups/turnarounds.
- No. 4: it is not likely that the refineries and staff will agree on the historical data.
- No. 5: the 98% combustion efficiency applies to large flow rates but may be lower at very low flow rates.
- No. 7: the recovery compressors eliminate 8 million cubic feet of fuel gas, and this includes all the pollutants mentioned. Improvements in reducing flare emissions are also occurring at the other refineries.

Kevin Buchan
Environmental Coordinator
Western States Petroleum Association (WSPA):

- No. 1: flares also prevent emergency conditions from emerging at a refinery.
- No. 4: the District should be asked to explain its method of calculating HC emissions from refinery flares.
- No. 6: flaring addresses not only emergency situations but also combustion of off-gases from start-ups/shutdowns/turnarounds.

Mike Deleon
Senior Environmental Engineer
Tesoro Refinery

The report presents both a balanced and scientific approach to refinery flaring issues.

Richard Quiroz
Environmental Specialist
Chevron Refinery

Finding No. 6 should describe how the flare emissions figure in the total emission inventory.

The Committee members offered their respective revisions to the “Findings” and added several revisions based on the comments from District staff and the public. The Committee then reached unanimous consensus on the following (tracked) revisions to the “Findings”:

Finding No. 1: Flare stacks are an important and necessary safety system at refineries, and are needed to deal with or prevent emergency and process upset conditions. An issue of ~~great~~ concern to the committee is the potential for large releasesemissions of ~~noxious~~ pollutants from refineries as a result of unpredictable events includingsuch as process upsets, equipment breakdowns, earthquakes, fires, electrical power failure, accidents, and other hazards. High hydrocarbon (HC) flows to the flare system and/or loss of the steam and air supply to the flare stacks ~~can~~could cause the HC to burn in an very-undesirable fuel-rich mode that leads to emissions of black smoke and other products of incomplete combustion in the exhaust plume. Proper design and operation of plants, including shut-down/start-up and turnarounds, can reduce non-upset emissions to a minimum.

Add a Finding 1.A to read: Air quality concerns about refinery flare emissions include possible effects on regional ozone and particulates, in and downwind of the Bay Area. For perspective, refinery flare HC emissions represent from 2 to 20 tons per day, per current estimates, which is approximately 4/10^{ths} to 4% of total Bay Area anthropogenic HC emissions.

Finding No. 2: Foul odors, visible smoke plumes, and the perception of adverse public health effects that may~~might~~ result from exposure to refinery emissions are the foremost air quality concerns among those living near the refineries.

Finding No. 3: While unit shutdowns, startups, and turnarounds are the most ~~common-frequent and necessary cause of flaring events, they may not be the largest they are not the largest~~source of air emissions. Data presented to the Committee indicate that unanticipated process upsets and accidents (the second most frequent cause of flaring events) ~~that~~appear to lead to the highest emissions.

Finding No. 4: District staff and the oil refiners are focusing at present on discussions of HC emissions from flare systems. There are large differences in the estimates of unburned HC emissions from Bay area refinery flares, ranging from ~2 tons/day (industry estimate) to over 20 tons per day (District staff estimate). ~~We do not accept either of these emission estimates at this time. Before any emissions estimates can be accepted, Improvedvalidated HC emission~~ need~~should~~ to-be developed, based on measurements of all relevant parameters that affect flare emissions. Those parameters include the flow rate of gas to the flare stack, the hydrocarbon content of those gases, the hydrocarbon speciation, and the hydrocarbon destruction efficiency within the flare system.

Finding No. 5: The District's recently adopted flare monitoring rule will provide measured data that can be used to improve the estimates of HC emissions. However, the adopted rule does not require address or measurement of hydrocarbon destruction efficiency in the flare system. This is an important concept that needs to be addressed before more accurate estimates can be used for planning. Optical remote sensing techniques show promise for improved measurement of HC destruction efficiency in flares. As a basis for air quality planning and assessment, iIn the absence of on-site measurements, we agree that 98% is a reasonable assumption for the HC destruction efficiency used in air quality planning and assessment.

Finding No. ~~67~~: (Renumber this as Finding No. 7 and define in an opening sentence what is meant by 98% "destruction efficiency" and how HCs can convert into compounds other than CO2.) While we have not yet assessed the extent of their effect, we note that Fflares have the potential to emit numerous other air pollutantscompounds in addition to unburned hydrocarbons that have the potential to affect the environment. Those pollutantscompounds include carbon dioxide (a greenhouse gas); and pollutants carbon monoxide, aldehydes, and soot (products of incomplete combustion); as well as nitrogen oxides and sulfur oxides and other sulfur compounds. Emissions from some of these compounds have not yet been quantified.

Finding No. ~~76~~: Hydrocarbon emissions from flares have been reduced during the last year. This has occurred due to voluntary installation of gas recovery systems at one refinery (hydrocarbons were not recovered from the flare header at this refinery previously as they were at other refineries), improved maintenance and reliability of flare recovery systems at all the refineries, and other significant good faith efforts to reduce emissions by the refineries, and District staff efforts.

Mr. Altshuler suggested adding a finding that indicates the South Coast AQMD and the State of Texas are also studying refinery flares. Chairperson Harley replied that, instead, Recommendation No. 2 should also urge the District to track these studies, and the Committee members concurred.

Chairperson Harley called for discussion on the report's "Recommendations" and brief discussion ensued. The following comments from the Air District staff and the public were received:

- Mr. Buchan opined that a flare control should be supported by actual data, without which a rule should not be adopted. The District and the refineries will likely reach greater agreement on the data from the flare-monitoring rule than on the historical data.
- Mr. Karas noted that District rules must be based on emissions reductions that are real, quantifiable, and enforceable. Emissions reductions cannot be claimed in the absence of a regulation that requires them.
- Mr. Deleon observed that in terms of capturing initial emission reductions there may be options to the more standard practices for claiming them. Recommendation No. 3 presumes that a flare control rule will be needed. Flare monitoring data will determine this.

Chairperson Harley added that he recently received District literature scheduling public meetings to discuss refinery flare control, and this contrasts with his previous impression that this matter was only at a conceptual stage. Mr. Lopera commented that these meetings might rather be intended to solicit public input on flare control. This approach would seem to be parallel to the Technical Committee's current evaluation of flare combustion efficiency and monitoring issues.

Mr. Karas clarified that these public meetings are educational and do not include regulatory language. However, the District is obliged to adopt “all feasible measures,” and a first step may be to capture the emission reductions already achieved. Messrs. Hayes and Altshuler suggested that such emission reductions could be incorporated into the baseline of the emissions inventory.

Mr. Altshuler suggested that the Council should not opine on flare control policy *per se* but instead recommend that flare-monitoring data be obtained first and reserve judgment on the appropriate action for the District Board of Directors. Mr. Hanna replied that if the District is pursuing a rule, the Committee may express its opinion that the rule should be based on actual data rather than assumptions. The Committee reached consensus that a flare control rule should be based on data obtained from the flare-monitoring rule and be developed only if there are data supporting it.

The Committee members offered their respective revisions to the “Recommendations” and added several revisions based on the comments from District staff and the public. The Committee then reached unanimous consensus on the following (tracked) revisions to the “Recommendations”:

Recommendation No. 1: District staff should work collaboratively with refineries to develop improved estimates of HC emissions from flares at refineries, using new data resulting from the adopted rule on flare monitoring. The refining industry, refinery neighbors and other interested parties should be kept informed and consulted as this effort progresses.

Recommendation No. 2: District staff and refiners should investigate further the use of optical remote sensing or other appropriate plume monitoring techniques to measure the HC destruction efficiency in flare systems. Additional investigation of the issue is warranted and necessary, including review of the results of a study on flare destruction efficiency being conducted by the Texas Council on Environmental Quality on flare destruction efficiency, and the South Coast AQMD flare monitoring and control activities.

Recommendation No. 3: ~~Refiners should be encouraged to install backup systems to insure flares continue to burn in a smokeless condition, with high HC destruction efficiency, whenever possible, and especially during serious emergency situations.~~ Adoption of any control rule directed at refinery flares should incorporate and be based upon data gathered under the recently adopted flare monitoring rule.”

5. **Committee Member Comments.** Mr. Altshuler noted that last week the Air Resources Board (ARB) proposed to grant diesel particulate trap manufacturers three more years to meet the 20% nitric oxide (NO₂) emissions cap. Staff will conduct microanalyses of tunnels, street canyons, and garages to ascertain whether there is an acute NO₂ exposure problem. Last Thursday, the ARB issued a report on exposure to toxics from school bus emissions. The ARB is also considering an ambient NO₂ air quality standard. The time line for further actions on this standard is not yet known.
6. **Time and Place of Next Meeting.** 9:30 a.m., Tuesday, December 9, 2003, 939 Ellis Street, San Francisco, California 94109.
7. **Adjournment.** 12:28 p.m.

James N. Corazza
Deputy Clerk of the Boards

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94117

DRAFT MINUTES

Advisory Council Public Health Committee Meeting
1:30 p.m., Monday, October 20, 2003

1. **Call to Order – Roll Call.** 1:38 p.m. Quorum Present: Brian Zamora, Chairperson; Elinor Blake, Ignatius Ding, Victor Torreano, Linda Weiner. Also present: William Hanna, Chair, Advisory Council
2. **Public Comment Period.** There were no public comments.
3. **Approval of Minutes of August 28, 2003.** Ms. Blake moved approval of the minutes; seconded by Mr. Torreano; carried unanimously.
4. **Fenceline Monitoring: A Case Study and Industry Perspective.** Phillip Stern, Environmental Superintendent, ConocoPhillips Refinery, Rodeo, stated that the refinery optical monitoring system was installed in 1997 and covers almost 2,000 feet on the north and south fence-lines. It includes infrared monitors for detection of 30 hydrocarbon (HC) compounds, ultra-violet monitors for detection of seven compounds, and a tunable diode laser for detection of hydrogen sulfide (H₂S) and ammonia. The community, refinery, and the Contra Costa County Health Services (CCCHS) department negotiated which compounds would be monitored.

A contractor manages the monitoring system, performs daily checks from a remote terminal and several monthly field checks, downloads and validates all the data, and prepares monthly data reports. The refinery Environmental Department submits the monthly data reports to regulatory agencies, such as the District and CCCHS, and replies to letters from the community.

The refinery is committed to continuing to provide the community with these real-time data, which are presented in detection levels that have been averaged over five-minute intervals. Several community members have on-line access to it, and in the near future the data will be posted on the County's website. The stakeholders to the system agreed to the alarm points on the system. The high alarms are based on the short-term exposure levels set by the Occupational Health & Safety Administration (OSHA), and the low-level alarms are based on one-hour, time-weighted averages. These alarms are wired to a control room at the refinery.

Data from 2002 show that of the detections of various hydrocarbons above the detection level, the highest detection level were only a few percentage points of the low-alarm threshold. The sole detection of the toxic compound benzene was only 3% of the low-alarm threshold.

When the refinery knows there is a problem—such as an odor incident—it checks wind direction, ground level monitors (GLMs) and the fenceline monitors. The latter has never provided the refinery with the first-line of emission detection. When there have been major releases at the refinery, no correlation with the fenceline monitoring data could be identified.

Kevin Buchan, Environmental Manager, Western States Petroleum Association (WSPA), noted that WSPA does not represent the ConocoPhillips refinery in this presentation. He stated:

- a) It is questionable that the District has statutory authority under California Health & Safety Code Section 40701(g) to require fenceline monitoring.
- b) Optical fenceline monitoring technology is not as accurate or reliable as other technologies and cannot be used for purposes of enforcing ambient air quality standards.
- c) Much data have been collected from the Rodeo refinery over five years and to date no correlation between events and measurements can be found based on the optical sensing technology. Such data cannot be used for purposes of seeking emission reductions.
- d) Optical monitoring data can conflict with, or even undermine, the Community Warning System in Contra Costa County. If the read-outs that residents observe over the Internet do not support a shelter-in-place warning, when in fact there is a real problem not detected by the optical monitors, this puts residents at risk. Conversely, false readings from the optical monitors may give a sense of fear and concern when none may exist.
- e) Optical monitors redirect critical environmental resources, requiring extensive research to verify or invalidate readings and staff time for monitoring and controlling emissions.
- f) There is a need to fairly evaluate emission levels of toxics from mobile and stationary sources such as dry cleaners, plating companies and high tech manufacturers. District monitors have not detected elevated levels of toxics near refineries at or above levels elsewhere in the Bay Area. The application of fenceline monitoring to the broad array of toxic sources would prove costly. Refinery perimeters also differ, and miles of fenceline monitors would be required to apply a monitoring technology with no proven benefit.

Ms. Blake stated that the community wishes to know what comes from refineries and to retrospectively review emissions data from previous incidents. She inquired as to what value newer optical sensing technology could add to existing optical monitors and GLMs. Mr. Stern replied that GLMs register higher than normal levels of SO₂ when there are large episodes. Gary Kendall, Technical Services Division Director, added that GLMs focus on SO₂ and H₂S. In the siting of a GLM, the District provides input based on meteorology and source knowledge.

Mr. Kendall inquired of Mr. Stern as to the refinery's view of the fenceline monitoring data for the 14 refinery release incidents that the District has identified as having had off-property community impacts. Mr. Stern replied that on July 10, 2002 when there was a total steam loss at the refinery and significant flaring, the fenceline data showed only slight variations. Mr. Kendall noted that slight measurement variation occurred at refinery GLMs, and higher than normal levels of SO₂ were registered at the District's meteorological stations in Martinez, Pittsburg and Bethel Island. Staff's analysis of half of the release events that had off-property impacts since 1997 reveals that the optical monitors did not detect higher levels of emissions.

Ms. Weiner noted that the Committee is evaluating fenceline monitoring efficacy rather than legal questions on statutory authority. The California Air Resources Board (CARB) has issued regulations for dry cleaners. Refineries are large and have a bigger impact on public health.

Mr. Buchan replied that the Environmental Protection Agency (EPA) is revising health risk assessments, and the initial results suggest that refineries are not that significant. Ms. Weiner replied that there is impact from refinery flares or accidental releases of toxic emissions into the atmosphere and local residents are subsequently admitted to hospital emergency rooms.

Mr. Kendall observed that motor vehicles are the major source of ambient air toxics. However, the community is thinking about large release events in advocating fence-line optical monitors. Ms. Weiner inquired as to staff's opinion of the optical monitors. Mr. Kendall replied that they do not capture every possible emission scenario. With the right wind direction, the fence-line monitors will more likely capture a non-buoyant plume release than a buoyant release from a high stack. A review of long-term data from all the refineries would be necessary to identify the best monitoring technology. Mr. Stern added that when the monitoring system was installed its aim was to provide a warning of a release event rather than precise emissions measurements.

Chairperson Zamora inquired as to what it would cost to replace the system with newer equipment. Mr. Stern replied that the optical monitoring system cost \$2,100,000 to install. Annual data processing and validation, along with maintenance, cost \$400,000 per year. The cost to replace the system would be comparable to the original cost. The refinery is presently considering replacing the ultraviolet monitor, which is no longer technically supported.

Ms. Blake noted that the monitoring system was installed after a release event that the refinery did not inform the adjacent community about for several days, and Rodeo residents strongly endorse the system. Mr. Stern replied that the system has improved community relations and trust. Mr. Buchan added that most refineries also have a Community Advisory Panel that provides for and facilitates communication with the members of the local community.

Chairperson Zamora inquired as to the total value of the rest of the refinery monitoring equipment and if the community has been apprised of the limitations of the 1997 optical technology. Mr. Stern replied that the seven GLMs cost \$20,000 each, excluding installation, and each of the ten stack monitors for nitric oxide (NO_x) cost \$400,000. As to the efficacy of the technology installed in 1997, he could not comment at this time because the refinery is presently negotiating with the community on certain components of the monitoring system.

Ms. Blake inquired as to whether data could be provided to the community from the District's flare monitoring rule in a manner similar to the real-time data provided by the fence-line optical monitoring system. Mr. Stern noted that the rule will require continuous flow monitoring of hydrocarbon and sulfur content going to the flare prior to combustion, based on samples taken every 15 minutes. Mr. Buchan observed that these data will also be available retrospectively through the monthly reports that refineries will be submitting, and will indicate that major reductions in flaring have occurred. Mr. Kendall added that if there is a major release the District's refinery inspectors will also be on the scene promptly, and the flow data may become available even earlier through the incident reports that the District would issue.

Chairperson Zamora stated that at its next meeting the Committee will discuss recommendations on the staff referral regarding the application of optical remote sensing technology to other Bay Area refineries. Ms. Blake requested that a member of the Technical Committee, as well as other District staff including Mr. Kendall, attend the next Public Health Committee meeting.

- 5. Committee Member Comments/Other Business.** Mr. Hanna briefly summarized the recommendations on refinery flare combustion issues that were adopted earlier today by the Advisory Council Technical Committee.
- 6. Time and Place of Next Meeting.** 1:30 p.m., Monday, December 8, 2003, 939 Ellis Street, San Francisco, California 94109.
- 7. Adjournment.** 2:55 p.m.

James N. Corazza
Deputy Clerk of the Boards

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: November 12, 2003

Re: Report of Division Activities for the month of October 2003

RECOMMENDED ACTION:

Receive and file.

Reviewed by: Peter Hess

ADMINISTRATIVE SERVICES DIVISION – W. TANAKA, DIRECTOR

During the month Phase II of the HVAC upgrade continued with the installation of the Variable Air Velocity boxes. The project is 98% completed. Install of the controls will continue in November. The upgrade to elevator # 3 was completed. Testing and final operational inspections were completed. State inspectors came, tested the elevator recall system in conjunction with the fire alarm system and approved the system. Work began on the photo card access and CCTV security systems. Projected completion for the project is mid-November.

The Finance Manager attended the quarterly meeting of the San Mateo County Investment Board. At the meeting it was reported that GDP growth will accelerate to a 4.3% rate in the second half of the year and a 3.3% annual rate. The economic forecast for 2004, at 4.0%, is expected to be the strongest since 1999. A continuing low inflation rate along with a rosier economic forecast could keep up real estate activity. The continuing activity will translate to an increase in property tax revenue that is part of the District's revenue stream. However, with the State's huge deficit, staff will be vigilant in watching for activity that may jeopardize this source to the District.

COMPLIANCE & ENFORCEMENT DIVISION – K. WEE, DIRECTOR

Staff attended the City of Milpitas Council Meeting on October 7, 2003 to help the city address offensive odors in their community. The City Council asked the Milpitas Staff to work with the District, San Jose Code Enforcement (for compost odors) and the potential odorous source operations to develop a comprehensive odor plan to improve the problem. The District will be taking a lead role in handling all the odor complaints even though the District does not have public nuisance authority over composting odors which are the main source of the problem. In October the District experienced a 50-fold increase in complaints

from the Milpitas area. Staff set up a meeting with asphalt paving companies in Pleasanton to discuss the on-going issue of the asphalt odor problems in the area. Staff will discuss complaints and explore proactive solutions the plants can employ. Staff completed the second progress report on October 23, 2003 regarding Inspection targeting and prioritizing inspections to attain the greatest emission reductions. The project is on schedule. Public comment on the proposed changes to the District's Complaint handling policies closed this month. Comments were received from regulated sources and environmental groups. The final policy document will be released in mid-November and in-service training to implement the new policy will follow.

Regulatory workshops were held for the refinery further study measures for Marine Loading, Process Vessel Depressurization, Equipment Leaks, and the Flare Control Project (4). The Marine Loading regulation is back in stakeholder meetings to address emission calculations and other regulatory issues while the Wastewater regulation is still in stakeholder meeting to address similar issues. Equipment Leaks and Process Vessel Depressurization final regulations have been forwarded to the Quality Circle review groups in preparation for presentation at the November 24 Stationary Source Committee meeting.

(See Attachment for Activities by County)

INFORMATION SYSTEMS DIVISION – J. McKAY, DIRECTOR

Enterprise Resource Planning (ERP) Project for Air District Financial Systems

J D Edwards work is focused on user training for the Budgeting module. This training should begin in December so that District-wide use of JDE Budgeting can begin in January. The Administration cutover from Mitchell Humphrey will then be timed to occur at the beginning of a fiscal period.

Meanwhile, Administration and Human Resources are focused on modeling of business processes. Modeling Design for HR and Payroll involves significant innovation because these systems are currently paper based.

The first phase of implementation will not only replace the old Mitchell Humphrey's financial system, but will also absorb a small portion of the function currently in the IRIS/Databank system. The interfaces between JDE and the Districts' Engineering/Production systems (IRIS/Databank) have shown initial successful trials. Determination of appropriate tool sets and functional design for the Districts' future Engineering/Production Systems (used by Permits, Enforcement and Legal) continues as a separate, but linked, process.

Toolsets for Permits/Enforcement/Legal

High-level functional design and toolset evaluations are ongoing with Engineering. The process of determining high-level system architecture will continue concurrent with the ERP implementation. This process will further mature in the first half of the calendar year, and will then receive full staffing as the ERP implementation completes. An informal proposal from Accela was considered. Accela has been encouraged to provide a smaller scale vision that illustrates their technology without prematurely committing the District to a technology path.

Web Site Development

The roadmap for the next phase of the new site is under development.

LEGAL DIVISION – B. BUNGER, DISTRICT COUNSEL

The following summarizes the activities of the District Counsel's Office for the month of October 2003.

The District Counsel's Office received 81 Violations reflected in Notices of Violation ("NOVs") for processing.

Mutual Settlement Program staff initiated settlement discussions regarding civil penalties for 75 Violations reflected in NOVs. In addition, Mutual Settlement Program staff sent 11 Final 30 Day Letters regarding civil penalties for 14 Violations reflected in NOVs. Finally, settlement negotiations by Mutual Settlement Program staff resulted in collection of \$71,585 in civil penalties for 84 Violations reflected in NOVs.

Counsel in the District Counsel's Office initiated settlement discussions regarding civil penalties for 91 Violations reflected in NOVs. Settlement negotiations by counsel in the District Counsel's Office resulted in collection of \$55,124 in civil penalties for 16 Violations.

Counsel in the District Counsel's Office represented the District in three variance proceedings concluded by the District's Hearing Board during the month of October.

ENGINEERING DIVISION – S. HILL, ACTING DIRECTOR

Permit Evaluation Activity

Monthly Title V Activity: Initial Issuance

The District is currently working towards a goal of taking final action by December 1, 2003, on all Title V permit applications submitted during the initial application period in 1995-1997. The last of these permits (Dow, USS POSCO, and Waste Management) were placed on public comment in October.

The District must take final action on twelve Title V applications before the end of November in order to meet this goal.

No draft Title V permits were circulated for final internal review before public comment begins.

Five proposed Title V permits were placed on public comment.

Plant A2066	Waste Management of Alameda County	Application 25828
Plant A0031	DOW CHEMICAL	Application 16468
Plant A2371	USS POSCO	Application 27726
Plant A2721	City of Palo Alto Landfill	Application 3047
Plant A9183	Napa-Vallejo Waste Mgmt Authority	Application 2631

Two new Title V permits were issued.

Plant A0710	United Technologies	Application 16478
Plant A2180	Gaylord Container Corporation	Application 25736

Issued, still active:	75
• Post-comment process	9
• Public Comment:	7
• Under Review:	8
• Not yet submitted	1
Total:	102

Permit Systems

Ongoing activities during this period included data processing of permit applications for new and modified industrial sources, gasoline dispensing facilities (GDF), annual throughput updates for permit renewals, e-mail notifications on permit activities to cities and counties.

During this month we received 114 permit applications, of which 30 were for electrical generators (a 50% decrease over last month).

Toxics Program

Rule development activities continued on Regulation 2, Rule 5, which would convert the existing District Risk Screening Procedure and Risk Management Policy into an Air Toxics New Source Review (NSR) rule. This project has been delayed somewhat pending the release of new health risk assessment guidelines and associated software tools by Cal/EPA, which is now expected to occur within the next month. It is anticipated that the Air Toxics NSR rule will be presented for adoption to the District's Board of Directors in the first half of 2004.

PLANNING DIVISION – J. ROGGENKAMP, ACTING DIRECTOR

U. S. EPA proposed to make a finding that the Bay Area has attained the national 1-hour ozone standard. This proposal is subject to a 30-day comment period that will end on December 1, 2003. Staff continues to conduct the modeling, control measure evaluation, and public involvement processes to update the region's strategy to reduce ground-level ozone. Staff held four public workshops on amendments to District regulations: Regulation 8, Rule 10 – Process Vessel Depressurization; Regulation 8, Rule 18 – Refinery Equipment Leaks; and two workshops on Regulation 12, Rule 11 – Refinery Flares. The District's vehicle buy back contractors purchased 361 vehicles in October 2003. Staff wrote seven comment letters regarding air quality impacts of development projects and plans in the Bay Area: Summerhill Homes (San Jose), eBay North Development Project (San Jose), Glen Loma Ranch Specific Plan (Gilroy), Transfer and Reuse of Naval Station Treasure Island (San Francisco), IKEA/Retail Center Development (Dublin), Jack London Square Redevelopment (Oakland), and Sand Creek Specific Plan (Antioch).

PUBLIC INFORMATION & OUTREACH – T. GALVIN LEE, DIRECTOR

During October, a series of five community workshops took place on refinery flaring control measures. A separate community meeting was held in Martinez regarding the District's Supplemental Environmental Projects Plan (SEP). The goal of this meeting, and two previous September meetings held in East Palo Alto & Rodeo, was to solicit public input in

determining worthy projects to improve local air quality, prioritize funding, and provide input on our SEP guidelines. Those comments are currently under consideration by District staff.

Coordination on the wintertime woodsmoke campaign has been completed. It will feature radio and display ads in local newspapers. This year wintertime outreach will also include a focus on the expanded woodstove/fireplace rebate program currently taking place in Santa Clara County. Media will begin on November 24th and extend through January.

The youth outreach section of the Spare the Air website have been updated. Staff also met with representatives of the Exploratorium to discuss a partnership. The preliminary outlook seems very promising, and staff is currently working on exhibit ideas. The Clean Air Challenge was launched with 200 teachers. Clean Air Challenge program logistics have been launched for Sonoma and Santa Clara counties.

TECHNICAL DIVISION – G. KENDALL, DIRECTOR

Air Monitoring

The enhanced wintertime sampling schedule for PM_{2.5} commenced at all designated stations on October 1. A request for a waiver to suspend ozone monitoring for eight stations during the low ozone winter months has been submitted to EPA.

Meteorology and Data Analysis

Twenty District meteorological stations were in operation in October. The third quarter of 2003 air monitoring data was reviewed and input into EPA's AQS database.

Air Quality

For October there were no exceedances of the national or State standards. Ozone concentrations stayed in the "Good" AQI category for the entire month. PM_{2.5} was almost always in the "Good" category except in San Francisco where about half of the time the AQI was low "Moderate." Temperatures were cool most of the month except for one noteworthy period from the 24th through the 28th when temperatures reached into the low 90's. Ozone concentrations remained low during this warm period because there are fewer daylight hours, and fewer hours of high temperatures and active photochemistry in the fall.

Quality Assurance

Completed draft of forms and procedures for *Internal Systems Audit of Air Monitoring*. Network Quarterly Audit Report forms were revised to more accurately satisfy EPA regulation.

Completed bench tests of new ozone transfer standard, and roots meter setup and testing. Completed 13 PM_{2.5} and PM₁₀ particulate sampler audits.

Laboratory

In addition to the ongoing, routine analyses performed by the lab during the previous month, the total hydrocarbon content of two ambient air samples taken by Contra Costa Health Services personnel from Highway 80 and Cummings Skyway was determined. Solvent still residue samples from five dry cleaners were analyzed for perchloroethylene. The VOC

contents of dewatered tank sludge samples from ConocoPhillips in Rodeo and MV Valiant at Tesoro Refining Wharf in Martinez were determined. Two oil/water slop samples and a displaced vapor sample from MV Valiant at Tesoro Refining Wharf were speciated for hydrocarbons and reduced sulfur compounds. The true vapor pressure of the hydrocarbon layer of a foul water stripper charge tank sample from Tesoro Refining was determined. A fuel gas sample from Delta Energy Center in Pittsburg was analyzed for reduced sulfur compounds and sulfur dioxide.

Source Test

Ongoing Source Test activities included Continuous Emissions Monitoring (CEM) Field Accuracy Tests, source tests, gasoline cargo tank testing, and evaluations of tests conducted by outside contractors. The ConocoPhillips Refinery's open path monitor monthly report for the month of September was reviewed. Provided ongoing support in the District's Further Studies Measures for refineries and marine loading vapor recovery.

**These facilities have received one or more Notices of Violations
Report period: October 1, 2003 – October 31 2003**

Alameda County

Status Date	Site #	Site Name	City	Regulation Title
10/1/2003	C7128	City of Alameda, Maintenance Serv Div	Alameda	Authority to Construct,
10/23/2003	A0123	Berkeley Asphalt Co	Berkeley	Failure to Meet Permit Conditions
10/7/2003	A5469	Berkeley Auto Body Inc	Berkeley	Motor Vehicle and Mobile Equipment Coating Operation
10/20/2003	M5050	Marfield Corporation	Berkeley	Asbestos Demolition, Renovation and Manufacturing
10/9/2003	L5678	Chrisp Company	Fremont	Particulate Matter and Visible Emissions
10/29/2003	L3268	Synergy Environmental, Inc	Hayward	Asbestos Demolition, Renovation and Manufacturing
10/23/2003	C9998	Portola Food and Liquor	Livermore	Gasoline Dispensing Facilities
10/16/2003	D0597	Safeway Store #1257	Livermore	Gasoline Dispensing Facilities
10/9/2003	A0281	U S Veterans Administration Medical Center	Livermore	Gasoline Dispensing Facilities
10/9/2003	A2066	Waste Management of Alameda County	Livermore	Failure to Meet Permit Conditions
10/30/2003	P2715	AFA Services Inc	Oakland	Particulate Matter and Visible Emissions
10/23/2003	A0062	American Brass & Iron Foundry	Oakland	Failure to Meet Permit Conditions
10/17/2003	C8818	ARCO Facility #06148 - BALAJI AN	Oakland	Gasoline Dispensing Facilities
10/20/2003	L3921	Professional Asbestos & Lead Services	Pleasanton	Asbestos Demolition, Renovation and Manufacturing
10/20/2003	C8739	Santa Rita Shell Container Recycling	Pleasanton	Gasoline Dispensing Facilities
10/9/2003	B2687	Alliance	Union City	Particulate Matter and Visible Emissions
10/28/2003	F2490	Quality Asbestos Control, Inc	Union City	Asbestos Demolition, Renovation and Manufacturing
10/16/2003	A1209	Union Sanitary District	Union City	Failure to Meet Permit Conditions

Contra Costa County

Received Date	Site #	Site Name	City	Regulation Title
10/9/2003	C9023	Bhalla's Gas and Auto Service Inc	Antioch	Gasoline Dispensing Facilities
10/9/2003	C1124	Lone Tree Gas & Food	Antioch	Gasoline Dispensing Facilities
10/14/2003	C7798	Romis Liquor & Food	Antioch	Authority to Construct
10/9/2003	C9952	Southland 7-Eleven Store #32305	Antioch	Gasoline Dispensing Facilities
10/9/2003	C9751	Shanks Chevron	Brentwood	Gasoline Dispensing Facilities
10/7/2003	P5347	Tarantino Construction	Concord	Asbestos Demolition, Renovation and Manufacturing
10/9/2003	C8318	Chevron SS# 9-2075	Danville	Gasoline Dispensing Facilities
10/9/2003	C9301	Tosco Northwest Company	Danville	Gasoline Dispensing Facilities
10/23/2003	C6384	Diablo Country Club	Diablo	Gasoline Dispensing Facilities
10/7/2003	C9726	Golden Gate Petroleum	El Sobrante	Gasoline Dispensing Facilities
10/9/2003	C8896	Chevron SS #9-5890	Lafayette	Gasoline Dispensing Facilities

10/27/2003	K9374	Beneto Tank Lines	Martinez	Gasoline Bulk Terminals and Gasoline Delivery Vehicles
10/1/2003	B1956	Equilon Enterprises LLC	Martinez	Gasoline Bulk Terminals and Gasoline Delivery Vehicles
10/30/2003	C9730	Martinez Auto Car Wash	Martinez	Permit to Operate
10/1/2003	A0011	Shell Martinez Refinery	Martinez	Hydrogen Sulfide
10/1/2003	A7034	Shore Terminals - Martinez	Martinez	Equipment Leaks, Storage of Organic Liquids
10/16/2003	B2758	Tesoro Refining and Marketing Company	Martinez	Failure to Meet Permit Conditions, Equipment Leaks, Episodic Storage of Organic Liquids
10/23/2003	C0504	7-Eleven Store #32787 Ray's Pinole Service	Oakley	Gasoline Dispensing Facilities
10/23/2003	C8108	Station	Pinole	Gasoline Dispensing Facilities
10/30/2003	P2528	Single Family Dwelling Chevron Products	Pleasant Hill	Open Burning
10/17/2003	A0010	Company	Richmond	Particulate Matter and Visible Emissions
10/30/2003	A2265	Professional Finishing West Contra Costa County	Richmond	Failure to Meet Permit Conditions
10/27/2003	A1840	Landfill ARCO Facility #02030 -	Richmond	Failure to Meet Permit Conditions
10/30/2003	C8886	SAN PABLO El Portal Shell-Shell Oil	San Pablo	Failure to Meet Permit Conditions
10/30/2003	C9544	Product	San Pablo	Gasoline Dispensing Facilities
10/9/2003	C1719	Chevron #3072	Walnut Creek	Gasoline Dispensing Facilities

Marin County

Received Date	Site #	Site Name	City	Regulation Title
10/1/2003	C9064	Chevron	Fairfax	Permit to Operate
10/10/2003	K3481	Cooper Crane & Rigging	Novato	Particulate Matter and Visible Emissions
10/14/2003	P5466	Jeff Harris	Novato	Open Burning

Napa County

Received Date	Site #	Site Name	City	Regulation Title
NONE				

San Francisco County

Received Date	Site #	Site Name	City	Regulation Title
10/21/2003	C6886	ConocoPhillips	San Francisco	Gasoline Dispensing Facilities
10/20/2003	H9260	Killarney Construction	San Francisco	Asbestos Demolition, Renovation and Manufacturing
10/20/2003	P5616	LIS Electric Inc	San Francisco	Asbestos Demolition, Renovation and Manufacturing
10/20/2003	P4256	Michael L. Brown	San Francisco	Asbestos Demolition, Renovation and Manufacturing
10/9/2003	C2195	Simas Sunset Shell-Shell Oil	San Francisco	Gasoline Dispensing Facilities
10/21/2003	D0191	Products	San Francisco	Gasoline Dispensing Facilities

San Mateo County

Received Date	Site #	Site Name	City	Regulation Title
10/21/2003	B2887	Garcia's Auto Body	East Palo Alto	Permit to Operate, Motor Vehicle and Mobile Equipment Coat

Hickey-Gateway Shell-Shell				
10/7/2003	C8831	Oil P	Pacifica	Permit to Operate
10/30/2003	N4857	Void Site	San Francisco	
10/7/2003	A2723	Dura Finish of San Mateo	San Mateo	Wood Products Coatings, Failure to Meet Permit and Polyester Resin
10/7/2003	B4226	Seagate Properties Inc	San Mateo	Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines
10/7/2003	C9444	Penske Truck Leasing	South San Francisco	Gasoline Dispensing Facilities
10/7/2003	C9543	Shell Service Station	South San Francisco	Gasoline Dispensing Facilities

Santa Clara County

Received Date	Site #	Site Name	City	Regulation Title
10/20/2003	B1750	Streamline Auto Body	Campbell	Motor Vehicle and Mobile Equipment Coating Operation
10/21/2003	K7695	Balch Petroleum International Disposal	Milpitas	Gasoline Dispensing Facilities
10/16/2003	A9013	Corporation of Calif	Milpitas	Solid Waste Disposal Sites
10/21/2003	C8858	Beacon 1-726	San Jose	Gasoline Dispensing Facilities
10/28/2003	C3830	Classic Car Wash	San Jose	Failure to Meet Permit Conditions
10/16/2003	A9339	San Jose State University	San Jose	Failure to Meet Permit Conditions
10/16/2003	B4411	Albertsons #7167	Santa Clara	Right of Access to Information, Permit to Operate
10/23/2003	A3285	Camaro Cleaners Sunnyvale Car Wash/US	Sunnyvale	Perchloroethylene & Synthetic Solvent Dry Cleaning Op
10/9/2003	D0284	Gas Valero Refining Co	Sunnyvale	Gasoline Dispensing Facilities
10/21/2003	D0370	SS#7669	Sunnyvale	Gasoline Dispensing Facilities

Solano County

Received Date	Site #	Site Name	City	Regulation Title
10/17/2003	A0901	Valero Benicia Asphalt Plant	Benicia	Failure to Meet Permit Conditions
10/17/2003	B2626	California Valero Refining Company -	Benicia	Failure to Meet Permit Conditions and Equipment Leaks
10/20/2003	F2002	Petro-Chem Insulation	Vallejo	Asbestos Demolition, Renovation and Manufacturing

Sonoma County

Received Date	Site #	Site Name	City	Regulation Title
10/16/2003	B5694	Santa Rosa Recycling and Collection	Cotati	Authority to Construct, Permit to Operate and Surface Coating of Miscellaneous
10/30/2003	C8364	USA Petroleum #3703 Costco Gasoline Loc No	Petaluma	Gasoline Dispensing Facilities
10/9/2003	D0698	659	Rohnert Park	Gasoline Dispensing Facilities
10/1/2003	A1810	Sonoma State University Wolf Roasting dba Wolf	Rohnert Park	Solvent Cleaning Operations
10/1/2003	B5646	Coffee	Rohnert Park	Authority to Construct and Permit to Operate
10/1/2003	B5639	Real Signs & Lighting, Inc	Santa Rosa	Authority to Construct, Permit to Operate, and Surface Coatings and Products
10/7/2003	B5673	North Bay Woods, Inc	Sebastopol	Authority to Construct, Permit to Operate, and Wood Products

10/16/2003 A5903 Reed Bros Sebastopol Failure to Meet Permit Conditions

October 2003 Closed NOVs with Penalties by County**Alameda**

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
7-Eleven	C9983	Livermore	\$1,500	2
ALPIN Auto Repair and Body Shop	A5599	Oakland	\$500	1
Flint Ink Corporation	A0248	Berkeley	\$1,700	3
Mission Valley Rock Co	A0595	Sunol	\$3,000	1
Mobile Modular	P1730	Livermore	\$5,000	3
Pentagon Technologies Inc	B2753	Hayward	\$2,400	2
Raymond Leung & Green Earth Engineering & Const.	N5441	Fremont	\$11,500	4
Synergy Environmental, Inc	L3268	Hayward	\$10,000	5
Taymuree Foreign Auto Center	A7850	Oakland	\$250	1
The Reuse People	G2994	San Leandro	\$350	1

Total Closed Violations: 23**Contra Costa**

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Allied Waste Industries (Keller Canyon Landfill)	A4618	Pittsburg	\$771	1
Bay Auto Body & Stripping	B0506	Concord	\$700	3
Dave's Auto Body	A3551	Concord	\$120	1
G.W. Custom Homes	N3106	Lafayette	\$5,000	6
Ladane Printing	B2073	Concord	\$500	1
Miracle Auto Painting	A0969	Richmond	\$1,000	2

Tosco Northwest Company	C9298	Walnut Creek	\$85	1
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Total Closed Violations: 15

Marin

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
M&R Cleaners	A7710	San Anselmo	\$626	2
Redwood Landfill Inc	A1179	Novato	\$1,000	1
Shamrock	P2083	San Rafael	\$5,000	1

Total Closed Violations: 4

Napa

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Joe's Chevron	C2104	Napa	\$500	1
More For Less	C9974	Calistoga	\$1,000	1
R.J. Phillips	P1870	Napa	\$375	1
Rich Svendsen	P2642	Calistoga	\$250	1

Total Closed Violations: 4

Santa Clara

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
ARCO Station	C0551	San Jose	\$1,500	5
Beacon 1-726	C8858	San Jose	\$500	1
Bubble Machine	D0203	San Jose	\$1,000	1
Exact Printing Inc	N9949	Sunnyvale	\$1,500	2
FM Auto Body	B0641	Campbell	\$100	1

J.W.H. Asbestos Removal Services	L0010	Los Gatos	\$1,500	1
LB Fiberglass Performance	B0413	San Jose	\$1,800	1
Los Gatos Texaco	C9091	Los Gatos	\$1,000	1
One Two Six Design	P4031	Mountain View	\$500	2
Qualified Maintenance	P4278	San Jose	\$1,500	2
Spraytronics Inc	B1311	Santa Clara	\$500	1

Total Closed Violations: 18

San Francisco

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
ARCO Facility #00566 - FELL ST S	C9685	San Francisco	\$500	1
Chevron/Tower Car Wash	C9400	San Francisco	\$700	1
Colliers International	P3900	San Francisco	\$500	1
Genesis Auto Body Repair	B2688	San Francisco	\$1,500	2
Lombard Collision Works	P4086	San Francisco	\$500	1

Total Closed Violations: 6

San Mateo

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Blu-White Cleaners	A7274	San Carlos	\$1,680	9
Browning-Ferris Industries of CA, Inc	A2266	Half Moon Bay	\$44,353	6
Colma Auto Body Shop Inc	A3603	Daly City	\$250	1
Gene's Auto & Paint	A5909	San Bruno	\$500	1
Granite Rock	A0068	Redwood City	\$1,000	1

Holiday Cleaners of America	N8678	Burlingame	\$200	2
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Total Closed Violations: 20

Sonoma

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
ARCO Facility #01341 - SA-NGASILPA PUNGPR	C8442	Cotati	\$2,000	1
G & C Auto Body	A7672	Santa Rosa	\$2,000	1
Major Cleaners	A5881	Santa Rosa	\$1,000	2
Redwood Oil	C0854	Santa Rosa	\$750	1

Total Closed Violations: 5

District Wide

Site Name	Site Occurrence	City	Penalty	# of Violations Closed
Fredricksen Tank Lines	F0612	West Sacramento	\$1,000	1
Rino	N3114	Ukiah	\$750	1
Casa De Fruta Chevron	C7838	Hollister	\$2,000	2
Fuller Excavation	J3722	Rancho Cordova	\$500	1

Total Closed Violations: 5

ACRONYMS AND TERMINOLOGY

ABAG	Association of Bay Area Governments
AC	Authority to Construct issued to build a facility (permit)
AQI	Air Quality Index
ARB	[California] Air Resources Board
ATCM	Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BANKING	Applications to deposit or withdraw emission reduction credits
BAR	[California] Bureau of Automotive Repair
BARCT	Best Available Retrofit Control Technology
BTU	British Thermal Units (measure of heat output)
CAA	[Federal] Clean Air Act
CAL EPA	California Air Resources Board
CCAA	California Clean Air Act [of 1988]
CCCTA	Contra Costa County Transportation Authority
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CMA	Congestion Management Agency
CMAQ	Congestion Management Air Quality [Improvement Program]
CMP	Congestion Management Program
CO	Carbon monoxide
EBTR	Employer-based trip reduction
EJ	Environmental Justice
EIR	Environmental Impact Report
EPA	[United States] Environmental Protection Agency
EV	Electric Vehicle
HC	Hydrocarbons
HOV	High-occupancy vehicle lanes (carpool lanes)
hp	Horsepower
I&M	[Motor Vehicle] Inspection & Maintenance ("Smog Check" program)
ILEV	Inherently Low Emission Vehicle
JPB	[Peninsula Corridor] Joint Powers Board
LAVTA	Livermore-Amador Valley Transit Authority ("Wheels")
LEV	Low Emission Vehicle
MPG	Miles per gallon
MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards (federal standards)
NO _x	Nitrogen oxides, or oxides of nitrogen
NPOC	Non-Precursor Organic Compounds
NSR	New Source Review
O ₃	Ozone
PM _{2.5}	Particulate matter less than 2.5 microns

PM ₁₀	Particulate matter (dust) less than 10 microns
PM _{>10}	Particulate matter (dust) over 10 microns
POC	Precursor Organic Compounds
pphm	Parts per hundred million
ppm	Parts per million
PUC	Public Utilities Commission
RFG	Reformulated gasoline
ROG	Reactive organic gases (photochemically reactive organic compounds)
RIDES	RIDES for Bay Area Commuters
RTP	Regional Transportation Plan
RVP	Reid vapor pressure (measure of gasoline volatility)
SCAQMD	South Coast [Los Angeles area] Air Quality Management District
SIP	State Implementation Plan (prepared for <i>national</i> air quality standards)
SO ₂	Sulfur Dioxide
TAC	Toxic Air Contaminant
TCM	Transportation Control Measure
TFCA	Transportation Fund for Clean Air [BAAQMD]
TIP	Transportation Improvement Program
TMA	Transportation Management Association
TOS	Traffic Operations System
tpd	tons per day
Ug/m ³	micrograms per cubic meter
ULEV	Ultra low emission vehicle
USC	United States Code
UV	Ultraviolet
VMT	Vehicle miles traveled (usually per <i>day</i> , in a defined area)
VTA	Santa Clara Valley Transportation Authority
ZEV	Zero Emission Vehicle

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: November 12, 2003

Re: Request Approval of Change of Signature for District Checks

RECOMMENDED ACTION

Approve change of authorized signature from William C. Norton, and Wayne A. Tanaka to Jack P. Broadbent and Wayne A. Tanaka to sign orders drawn by the District on District funds held by the Treasurer of San Mateo County, and to have signature plates made for the District's check signing machine.

DISCUSSION

The Board of Directors has authorized the Executive Officer/APCO and Director of Administrative Services to sign orders drawn by the District on District funds held by the Treasurer of San Mateo County. The current Executive Officer/APCO, William C. Norton, will be retiring and the Board has appointed Jack P. Broadbent to be his successor. This appointment requires changing the signing authority.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

William C. Norton,
Executive Officer/APCO

Prepared by: Wayne Tanaka

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: November 12, 2003

Re: Consider Adjusting the District's Maximum Medical Contribution
Declared to California Public Employees' Retirement System
(CalPERS) and Creating a New Category of Miscellaneous
Employees Who May Receive Medical Benefits

RECOMMENDATION

Approve adjusting the District's Maximum Medical Contribution declared to CalPERS for management, confidential, and represented employees and retirees and create a new category of miscellaneous employees who may receive medical benefits.

BACKGROUND

Pursuant to the MOU, effective July 1, 2003 the fringe benefit allowance for represented employees will be the total of the lowest health plan premium rate for an employee and two or more dependants offered by CalPERS, and the dental plan and vision plan premium rates for an employee plus dependents. At the June 18, 2003, Board of Director's meeting, this same formula was also adopted for management and confidential employees, along with an additional \$50.00 per month for management employees only.

CalPERS requires the District to declare a maximum contribution amount that employees and retirees can use to assist them in purchasing medical insurance. Since the new fringe benefit allowance formula is calculated based on the lowest health premium rate for an employee and two or more dependants offered by CalPERS, it is recommended that this same amount be declared to CalPERS as the District's Maximum Medical Contribution for management, confidential, and represented employees and retirees. At this time, the rate is \$673.95 per month. Due to an increase in the premium amounts for medical insurance effective January 1, 2004, the amount declared to CalPERS must be increased to reflect the premium increase. The new amount declared to CalPERS would be \$794.09 for represented and confidential employees, and \$844.09 for management employees, who were approved to receive an additional \$50 per month at the June 18, 2003 Board of Director's meeting. These amounts would also apply to the respective retiree groups.

In addition, Human Resources has determined that there are certain miscellaneous (e.g., temporary) unrepresented employees who are eligible for CalPERS membership and therefore eligible for retirement and medical benefits. There is currently no separate category to distinguish between the temporary employees and regular employees who have a different set of benefits. Creation of a new category will allow for proper administration of benefits for temporary employees. Staff recommends that the District declare the minimum contribution for miscellaneous (e.g., temporary) unrepresented employees who are eligible for medical benefits to be equivalent to the minimum contribution required by

CalPERS. Effective January 1, 2004, the minimum contribution required by CalPERS will be \$32.20.

Based on CalPERS' requirements the earliest that this resolution can be effective is January 1, 2004.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no fiscal impact beyond what has already been contemplated and approved pursuant to the MOU between the District and the Employees Association, and prior Board action setting benefits for unrepresented employees and retirees.

Respectfully Submitted,

William C. Norton
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Resolution No. 2003-____

**A Resolution to Fix the District's Contribution Under the
Public Employees' Medical and Hospital Care Act**

WHEREAS, Government Code Section 22825.6 provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22825 of the Act (\$32.20);

WHEREAS, the Bay Area Air Quality Management District is a local agency contracting under the Act;

WHEREAS, the Executive Officer/Air Pollution Control Officer has advised the Board of Directors of the Bay Area Air Quality Management District that based upon calculations related to costs for certain mandatory employee insurance coverage, the maximum amount available for health care insurance under the Public Employees' Medical and Hospital Care Act is \$794.09 per month for active confidential and represented employees; \$844.09 per month for active management employees; and the minimum contribution required by CalPERS for miscellaneous unrepresented employees who are eligible for medical benefits.

WHEREAS, the aforesaid amounts would be equally available to retired management, confidential, and represented employees, respectively;

WHEREAS, this Board desires to fix the contribution amounts as described above.

NOW, THEREFORE, BE IT RESOLVED that the employer's contribution made by the Bay Area Air Quality Management District for each employee or annuitant shall be the amount necessary to pay the cost of his or her enrollment, including enrollment of his or her family members, in the Public Employees' Medical and Hospital Care Act health benefit plan or plans provided that it shall be no more than \$794.09 per month for confidential and represented employees; \$844.09 for management employees; and the minimum contribution required by CalPERS for miscellaneous unrepresented employees who are eligible for medical benefits, effective January 1, 2004.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the _____ day of _____ 2003 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ATTEST:

SCOTT HAGGERTY
Chairperson of the Board of Directors

GAYLE B. UILKEMA
Secretary of the Board of Directors

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and
Members of the Board

From: William C. Norton
Chief Executive Officer

Date: November 12, 2003

Re: Notice of Proposed Amendment to Administrative Code, Division
III, Section 10.17 Dependent Care Assistant Plan

RECOMMENDATION

Notice is hereby given of a proposed amendment to the District's Administrative Code, Division III, Section 10.17: Dependent Care Assistance Plan. The attached amendment will reflect the expansion of the current benefit that allows employees to set aside pre-tax dollars to pay for eligible dependent care expenses. The amendment will allow employees to set aside pre-tax dollars for eligible medical care expenses as well.

DISCUSSION

Section 125 of the IRS Code allows employees to set aside some of their own pay into an account that they can later access to pay for eligible dependent care and medical expenses. Staff currently administers such a Dependent Care Assistance Plan benefit for employees.

The MOU provides that the District will add a Medical Care Reimbursement Account plan after reviewing time and cost factors associated with administering such a plan. After reviewing the time and cost factors associated with administration, staff has determined that the cost of administration is very reasonable and that adding the Medical Care Reimbursement Account plan is appropriate. The expanded benefit will become effective on January 1, 2004.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no fiscal impact beyond what has already been contemplated and approved pursuant to the MOU between the District and the Employees Association, which provides for adding the Medical Care Reimbursement Account Plan. Administration of the plan will cost \$5.25 per month for each employee who chooses to participate.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

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

SECTION 10 FRINGE BENEFITS

10.17 DEPENDENT CARE ASSISTANCE AND MEDICAL CARE REIMBURSEMENT ACCOUNT PLANS

The District's Dependent Care Assistance Plan allows employees to set aside pre-tax dollars to pay for eligible expenses for dependent care. The Medical Care Reimbursement Account plan allows employees to set aside pre-tax dollars to pay for eligible medical expenses that are not covered by medical, dental, and vision insurance benefits.

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: November 5, 2003

Re: Consider Approving Side Letters of Agreement Between the District
and the Employees Association Regarding College and High School
Internship Programs and Incorporating Them Into the MOU As
Though Fully Set Forth Therein

RECOMMENDATION

Approve two Side Letters of Agreement between the District and the Employees Association regarding High School and College Internship Programs and incorporate them into the MOU with the Employees Association.

BACKGROUND

The District has had an informal program of hiring high school and college students for internships. Recently, the Employees Association took an interest in formalizing the program and requested to meet with District Human Resources staff to discuss details of the program. One concern of the Employees Association was that the internship program should not enable inappropriate use of part-time, unrepresented interns to perform work normally performed by full-time represented District employees.

The parties met and agreed on details of the program, including limitations on the total number of hours per year interns may work and the job classification descriptions for the high school and college interns. The parties further agreed that the Side Letters of Agreement reached should be incorporated into the MOU as though fully set forth therein, subject to approval of the Board of Directors.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no fiscal impact from approving the attached resolution.

Respectfully Submitted,

William C. Norton
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Resolution No. 2003-____

A Resolution to Approve Two Side Letters of Understanding Regarding High School and College Internship Programs

WHEREAS, the District and the Employees Association desire to formalize the High School and College Internship Programs;

WHEREAS, the parties have met and conferred in good faith pursuant to California Government Code Section 3505 on the details of the High School and College Internship Programs and reached agreement subject to the approval of the Board of Directors;

WHEREAS, the agreements reached between the District and Employees Association have been reduced to writing in the form of two Side Letters of Agreement;

WHEREAS, the use of interns to perform work normally performed by represented District employees is subject to the provisions of Section 16.02 of the MOU;

WHEREAS, the MOU must be modified in order that the Side Letters of Agreement not be in conflict with Section 16.02 of the MOU;

WHEREAS, Section 17.04 of the Memorandum of Understanding (MOU) between the District and the Employees Association requires written consent of the parties to any modification to the MOU;

WHEREAS, the parties have agreed to incorporate the two Side Letters of Understanding into the MOU as though fully set forth therein subject to the approval of the Board of Directors;

WHEREAS, there is no fiscal impact resulting from approval of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the two Side Letters of Agreement regarding High School and College Internship Programs and incorporates them into the MOU as though fully set forth therein.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the _____ day of _____ 2003 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ATTEST:

SCOTT HAGGERTY
Chairperson of the Board of Directors

GAYLE B. UILKEMA
Secretary of the Board of Directors

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: November 12, 2003

Re: Executive Committee Meeting of October 29, 2003

RECOMMENDED ACTION

The Committee recommends approval of the following:

- A) Appointment of four Advisory Council members and Reappointment of seven Advisory Council members to serve additional two-year terms; and
- B) Provide Notice of Proposed Amendments to the Administrative Code Division I, Section 2.1: Officers of the Board to provide for a one-year term of office for Board of Director Officers, effective 2005.

BACKGROUND

The Executive Committee met on October 29, 2003. The Committee received the following reports, which are attached for your review.

- Quarterly Report of the Hearing Board
- Report of the Advisory Council
- Consideration of Board of Director Term of Office
- Attainment Record of National 1-hour and 8-hour Ozone Standards
- Status Reports on Ozone Attainment Planning

Committee Chairperson, Scott Haggerty, will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

William C. Norton
Executive Officer/APCO

Prepared by: Mary Ann Goodley

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: November 12, 2003

Re: Report of the Mobile Source Committee Meeting of November 13, 2003

RECOMMENDED ACTIONS

The Committee recommends approval of additional Transportation Fund for Clean Air Regional Fund grant awards for FY 2003/04, including \$248,940 to three public agency projects.

DISCUSSION

The Mobile Source Committee met Thursday, November 13, 2003. Chairperson, Shelia Young will give a summary of the meeting. The attached staff reports were presented to the Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

William C. Norton
Executive Officer/APCO