



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

December 3, 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 REVISED A G E N D A

WEDNESDAY
DECEMBER 3, 2003
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance
Commendation/Proclamation

Scott Haggerty, Chairperson
Clerk of the Boards

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 November 19, 2003

M. Romaidis/4965
mromaidis@baaqmd.gov
2. Communications
Information only

J. Broadbent/5052
jbroadbent@baaqmd.gov
3. Report of the Advisory Council

B. Hanna/4962
bhanna@napanet.net
4. Approval of Proposed Amendment to Administrative Code Division III Section 10.17
Dependent Care Assistance Plan

W. Tanaka/5066
wtanaka@baaqmd.gov

*Approve proposed amendments to Administrative Code Division III Section 10.17
Dependent Care Assistance Plan.*
5. Approval of Proposed Amendment to Administrative Code Division I, Section 2.1:
Officers of the Board

J. Broadbent/5052
jbroadbent@baaqmd.gov

*Approve proposed amendments to Administrative Code Division I, Section 2.1: Officers of
the Board to provide for a one-year term of office for Officers, effective, 2005.*

6. 2004 Regulatory Calendar J. Broadbent/5052
jbroadbent@baaqmd.gov

Section 40923 of the California Health and Safety Code requires Districts to publish a list of regulatory measures scheduled or tentatively scheduled for consideration during the next calendar year. The list of regulatory measures that may be considered during 2004 is included in the packet.

7. Set Public Hearing for January 21, 2004, to Consider Approval of Proposed Amendments to District Regulation 8, Rule 10: Process Vessel Depressurization K. Wee/4760
kwee@baaqmd.gov

The proposed amendments to Regulation 8, Rule 10: Process Vessel Depressurization would implement Control Measure SS-17 by prohibiting venting to the atmosphere unless the total organic compounds are reduced to a concentration of less than 10,000 parts per million (ppm), expressed as methane (C₁).

8. Set Public Hearing for January 21, 2004, to Consider Approval of Proposed Amendments to District 8, Rule 18: Equipment Leaks K. Wee/4760
kwee@baaqmd.gov

The proposed amendments to Regulation 8, Rule 18: Equipment Leaks would implement SS-16 (low-Emission Refinery Valves) from the Bay Area 2001 Ozone Attainment Plan and will clarify specific provisions of the rule to ensure consistency.

COMMITTEE REPORTS AND RECOMMENDATIONS

9. Report of the **Legislative Committee** Meeting of November 17, 2003
CHAIR: B. WAGENKNECHT J. Broadbent/5052
Action: Adopt legislative agenda for 2004.
10. Report of the **Stationary Source Committee** Meeting of November 24, 2003
CHAIR: M. DeSAULNIER J. Broadbent/5052
11. Report of the **Regional Agency Coordinating** Committee Meeting of November 21, 2003
CHAIR: M. DeSAULNIER J. Broadbent/5052

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:

Carl W. Gabler v. Bay Area Air Quality Management District, Santa Clara County
Superior Court, Small Claims Division, Case No. 2-03-SC000606

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 17, 2003 -939 Ellis Street, San Francisco, CA 94109

17. Adjournment

JPB: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: Jack P. Broadbent
Executive Officer/APCO

Date: November 24, 2003

Re: Board of Directors' Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Board of Directors meeting of November 19, 2003.

DISCUSSION

Attached for your review and approval are the minutes of the Board of Directors' meeting of November 19, 2003.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Draft Minutes: Board of Directors Regular Meeting – November 19, 2003

Call To Order

Opening Comments: Chairperson Haggerty called the meeting to order at 9:54 a.m.

Pledge of Allegiance: Director Young led the Board in the Pledge of Allegiance.

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Roberta Cooper, Chris Daly (9:56 a.m.), Jerry Hill, Patrick Kwok, Julia Miller, Dena Mossar, Mark Ross, Pam Torliatt, Marland Townsend, Shelia Young.

Absent: Willie Brown, Jr., Mark DeSaulnier, Liz Kniss, Jake McGoldrick, Nate Miley, John Silva, Tim Smith, Gayle Uilkema, Brad Wagenknecht.

Commendations/Proclamations: Chairperson Haggerty presented a plaque to William C. Norton, Executive Officer/APCO, from the Board of Directors in appreciation of his service to the Air District.

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

On behalf of the Employees' Association, Mr. Corazza thanked Mr. Norton for his efforts in negotiating the Memorandum of Understanding and presented him with a gift from the Association.

Consent Calendar (Items 1 – 8)

1. Minutes of October 15, 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 October 2003*
5. Request Approval of Change of Signature for District Checks.

Approved notification to San Mateo County Treasurer and Controller of change in authorized signature.

Adopted Resolution No. 2003-09: A Resolution Notifying the County Treasurer and County Controller of San Mateo County of Authorized Signatures

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

The Board of Directors considered 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.

Adopted Resolution No. 2003-10: A Resolution to Fix the District's Contribution Under the Public Employees' Medical and Hospital Care Act

7. Notice of Proposed Amendment to Administrative Code Division III, Section 10.17 Dependent Care Assistance Plan

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

8. Considered Approval of Side Letters of Agreement Between the District and the Employees' Association Regarding College and High School Internship Programs

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

Adopted Resolution No. 2003-11: A Resolution to Approve Two Side Letters of Understanding Regarding High School and College Internship Program

Board Action: Director Townsend moved approval of Consent Calendar Items 1 through 8; seconded by Director H. Brown; carried unanimously without objection with the following Board members voting:

AYES: H. Brown, Cooper, Daly, Hill, Kwok, Miller, Mossar, Ross, Torliatt, Townsend, Young, Haggerty.

NOES: None.

ABSENT: W. Brown, DeSaulnier, Kniss, McGoldrick, Miley, Silva, Smith, Uilkema, Wagenknecht.

Committee Reports and Recommendations

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

Action(s) *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-years 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.

Chairperson Haggerty presented the report and stated that the Committee met on Wednesday, October 29, 2003, and received and filed the Quarterly Report of the Hearing Board and the Report of the Advisory Council.

The Committee received and approved the recommendations from the Advisory Council Applicant Selection Working Group to recommend the Board appoint four Advisory Council members (Jeffrey Bramlett – *Park & Recreation*, Diane Bailey – *Conservation Organization*, Emily Drennen – *Conservation Organization* [for terms beginning January 1, 2004 and ending December 31, 2005], and Robert Bornstein, Ph.D. – *Colleges & Universities* [to fill remainder of term that expires December 31, 2004]) and reappoint seven Advisory Council members to serve additional two-year terms (Harold Brazil – *Mass Public Transportation*, Fred Glueck – *General Contractor*, William Hanna – *Agriculture*, Kraig Kurucz – *Industry*, Norman Lopera, Jr. – *Regional Park District*, Victor Torreano – *Organized Labor*, and Brian Zamora – *Public Health Agency* [terms ending December 31, 2005]),

The Committee considered and recommends the term of office for Board Officers be changed from two years back to one year effective calendar year 2005 and to amend the Administrative Code, Division I, Section 2.1: Officers of the Board to reflect the change.

Staff presented a report on the monitoring record for the national 1-hour and 8-hour ozone standards. Staff noted that in the *Federal Register* the Environmental Protection Agency (EPA) would propose a finding of attainment of the Bay Area for the 1-hour federal ozone ambient air quality standard. After a 30-day public comment period, the Air Resources Board (ARB) will initiate the action for EPA to remove three parts of the District's 2001 Plan: 1) Attainment demonstration; 2) Reasonable further progress report; and 3) Contingency provisions. The District will start changing the 2004 Plan to a Maintenance Plan and will also start putting together a 10-year Plan to demonstrate attainment for the next 10 years.

Staff reported on the high reading at the San Martin station, which put the three-year annual average of the fourth highest reading at 86 ppb. The federal 8-hour standard is 85 ppb. EPA will designate the District as non-attainment for the federal 8-hour standard. The District will put together an attainment Plan for the federal 8-hour standard, which will be due in 2005.

The Committee received a status report on the 2003-04 Ozone Planning, which included discussion on 1) photochemical modeling; 2) public involvement; and 3) control measure evaluation.

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

Board Action: Chairperson Haggerty moved that the Board accept the report of the Executive Committee and approve the recommendations on the appointment of four new Advisory Council members and reappointment of seven Advisory Council members to serve

additional two-year terms; seconded by Director Daly; carried unanimously without objection.

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

Director Ross presented the report and stated that the Public Outreach Committee met on Monday, November 3, 2003 and Staff presented the plan for the Air District's wintertime outreach program and reviewed the media outreach, advertising, and the Santa Clara County outreach for the Woodstove/Fireplace Changeout Program. Staff noted that the District has received funding from two power plants in Santa Clara County for the Woodstove/Fireplace Changeout Program.

Staff discussed the potential for lawn mower buy-back programs in the spring of 2004. The Air District and local waste management agencies have co-sponsored this program, and the Alameda County Waste Management Agency has run their own program. The Committee discussed potential funding sources to continue this program in 2004, which included using some Supplemental Environmental Program (SEP) funds or funding the program from the general reserves. The consensus of the Committee was to continue this program in 2004. Staff and the consultant, Community Focus, updated the Committee on Resource Team activities including:

1. The Marin/Sonoma team which is developing a vanpool promotion aimed at starting five new vanpools in the Marin/Sonoma corridor. The team is also supporting a "School Pool" project.
2. The Napa team is also working on recruiting people to use vanpools and is looking into producing a downtown transit brochure,
3. The San Francisco/San Mateo team is working with the bike coalitions to promote "Bike to Work Week,"
4. The southern Alameda County team is working on a commuter resource guide for Southern Alameda County.
5. The Santa Clara team is working on local outreach to support Rideshare Thursday and
6. The Tri-Valley team is discussing ways to support the "Commuter Choice Fair" sponsored by the City of Pleasanton and Hacienda Business Park.

The Committee received an update on the Environmental Justice Resource Teams. In San Francisco, the team is working on the health assessment project in the Bayview-Hunters Point area. In East Palo Alto, the team received a \$20,000 grant from the San Francisco Foundation; it has submitted proposals to the District for SEP funds; they are developing a community outreach plan and will be submitting a letter to the Air Resources Board to request that the mobile ARB van be placed in East Palo Alto.

Staff reviewed the draft "Air Pollution Report Card To The Community." There was considerable discussion on this item. Several Committee members felt the format of the Report Card presented the information in a negative way and did not distinguish the severity levels, or indicate any violations that had been corrected. The Committee requested that another draft be presented at a future meeting.

Staff presented information on the rebidding process on the five major contracts. The Committee recommended that staff handle the rebidding process. Staff reviewed the

referrals from the last meeting. The next meeting of the Committee is scheduled for 9:45 a.m., Monday, January 12, 2004.

Board Action: Director Ross moved the Board approve the Public Outreach Committee Report; seconded by Director Townsend; carried unanimously without objection.

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

Director Young presented the report and stated that the Committee met on Thursday, November 13, 2003 and Staff presented a report on the Transportation Fund for Clean Air (TFCA) additional Regional Fund grant awards for FY 2003/04. The District received 57 grant applications totaling \$17.5 million in funding requests. There is \$11.1 million available for allocation. Staff recommended three additional projects for funding:

1. The City of East Palo Alto's shuttle bus service for the Dumbarton Bridge;
2. The County of Alameda's Class 2 bike lane on Tesla Road; and
3. The City of Sunnyvale's traffic signal battery back-up system.

Staff indicated a fourth project, the City of Berkeley's Dynamic Ridesharing Program, not be recommended at this time. Additional time is needed to clarify and evaluate this program and staff has suggested that the City of Berkeley consider a pilot program that would help with project evaluation. The three projects will result in additional emission reductions of 2.85 tons over the life of the projects, and an overall cost effectiveness of \$87,347 TFCA dollars per ton. The Committee recommends Board approval of these additional FY 2003/04 TFCA Regional Fund grant awards.

Staff presented a report on clean air vehicle incentives for private consumers. After considerable discussion, the Committee referred this issue back to staff for further review and recommendation. The December 11, 2003 Committee meeting is cancelled. The next meeting of the Committee is scheduled for January 8, 2004.

Board Action: Director Young moved the Board approve the recommendations of the Mobile Source Committee; seconded by Director Cooper; carried unanimously without objection.

Other Business

12. Report of the Executive Officer/APCO. Mr. Norton reported that next week the District would be issuing its Title V major facility permits. The EPA due date for these permits is December 1, 2003 and this Air District will be on time. This Air District is one of the few districts that will be in compliance with the due date.

13. Chairperson's Report. Chairperson Haggerty stated that he had no report.

Closed Session (The Board adjourned to Closed Session at 10:18 a.m.)

14. 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:

- 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 (The Board reconvened to Open Session at 10:23 a.m.)

Brian Bunger, Counsel, reported on items A and B of Agenda Item 14 and stated that the Board heard a status report from Counsel on both cases and provided general direction to Counsel.

- 15. Board Members' Comments: Director Kwok expressed his thanks to Kelly Wee, Director of Compliance and Enforcement, and other staff members who attended the meetings in Milpitas regarding odors.
- 16. Time and Place of Next Meeting - 9:45 a.m., Wednesday, December 3, 2003, 939 Ellis Street, San Francisco, California.
- 17. Adjournment: The meeting was adjourned at 10:24 a.m.

**Mary Romaidis
Clerk of the Boards**

mr

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and
Members of the Board

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 24, 2003

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

RECOMMENDATION

Approve amendment to District's Administrative Code, Division III, Section 10.17: Dependent Care Assistance Plan, as noticed at the November 19, 2003 Board of Director regular meeting. The attached amendment reflects 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,

Jack P. Broadbent
Executive Officer/APCO

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

Proposed Amendments to Division III, Section 10.17: Dependent Care Assistance Plan

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 MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 24, 2003

Re: Approval of Proposed Amendment to Administrative Code Division I,
Section 2.1: Officers of the Board

RECOMMENDED ACTION

Approve proposed amendments to Administrative Code Division I, Section 2.1: Board Officers, which provides for a one-year term of office, effective calendar year 2005. The proposed amendments noticed at the December 3, 2003, meeting is attached.

BACKGROUND

The term of office for Board Officers was changed from one year to two years on December 15, 1999. When the term of office was changed, the Board indicated that it intended to review the policy at a future date.

The Executive Committee discussed this issue at its meeting of October 30, 2002, it was moved and properly seconded that the term of office for Board Officers remain a two-year term, but that the issue of changing the term of office for Officers, effective calendar year 2005, be continued to a later Executive Committee meeting.

At its October 29, 2003, meeting the Executive Committee discussed and recommended approval by the Board of Directors for Board Officers' term of office to provide for a one-year term of office, effective calendar year 2005.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Mary Ann Goodley

Proposed Amendments to Division I Operating Policies and Procedures,
Section 2.1: Board of Directors, Officers of the Board

2.1 OFFICERS OF THE BOARD. (Revised 12/15/99)

The presiding officer of the Board is the Chairperson of the Board of Directors. The Chairperson, Vice Chairperson and Secretary shall, no later than the first meeting in December of each year, be elected by the Board of Directors and assume office January 1, (effective January 1, 2005). ~~The Board of Directors shall elect a Chairperson, Vice-Chairperson and Board Secretary every two years from its membership with such term to begin January 1, 2001.~~ The Chairperson shall preserve order and decorum at regular and special meetings of the Board. The Chairperson shall state each question, shall announce the decision, shall decide all questions of order subject to an appeal to the Board. The Chairperson shall vote on all questions, last in order of the roll, and shall sign all ordinances and resolutions adopted by the District Board while the Chairperson presides. (see Section II-4.3)

In the event that the Chairperson is unable, for whatever reason, to fulfill his or her ~~two~~ one year term of office, the Vice-Chairperson shall succeed the Chairperson and the Secretary shall succeed the Vice-Chairperson. Section 2.3 below shall determine the filling of the Secretary vacancy. In any event, no Board Officer shall serve more than three (3) years in any Board office.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent,
Executive Officer/APCO

Date: November 24, 2003

Re: 2004 Regulatory Calendar

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

Each year, the District is required by Health and Safety Code section 40923 to publish a list of regulatory measures scheduled or tentatively scheduled for consideration during the next calendar year. If a measure is not on this list, it may not be brought before the Board unless it is necessary (1) to satisfy federal requirements, (2) to abate a substantial endangerment to public health or welfare, (3) to comply with state toxic air contaminant requirements, (4) to comply with an ARB requirement that the District adopt contingency measures due to inadequate progress towards attainment, (5) to preserve an existing rule's "original intent," or (6) to allow for alternative compliance under an existing rule.

The attached list includes all measures that may come before the Board in 2004. Some of the measures fall within exceptions listed above but are nevertheless included for completeness. Clean Air Plan and federal Ozone Attainment Plan measures are included. There is no expectation that all of the measures on the list will be enacted during the calendar year. Rules are listed in numerical order as they appear in the District Rules and Regulations.

All new rules and rule amendments must be adopted at a public hearing conducted by the District's Board of Directors. Public comment is accepted at these hearings. Public notice of hearings is provided as required by law. In addition, the District conducts public workshops and provides opportunities for written comments before scheduling a rule for public hearing. Information on workshops, hearings, and other rule development issues may be obtained from the District website (www.baaqmd.gov) or by calling the Planning Division at (415) 749-4995.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
2004 REGULATORY MEASURES LIST

Control Measure	Regulation, Rule	Title	Objective*
	Reg. 1	General Provisions and Definitions	Clarifications
	Reg. 2, Rule 1	General Requirements (Permits)	EPA policy
	Reg. 2, Rule 2	New Source Review	Clarifications
	Reg. 2, Rule 4	Emissions Banking	Clarifications
	Reg. 2, Rule 5	Toxics New Source Review	Codify and enhance existing policies
	Reg. 2, Rule 6	Major Facility Review (Title V)	EPA policy, clarifications
	Reg. 2, Rule 9	Interchangeable Emission Reduction Credits	Clarifications
	Reg. 3	Fees	Cost recovery
	Reg. 5	Open Burning	Clarifications
	Reg. 7	Odorous Substances	Clarifications
	Reg. 8, All	General Provisions	Applicability, VOC definition
	Reg. 8, Rule 2	Miscellaneous Operations	Clarifications
	Reg. 8, Rule 3	Architectural Coatings	Clarifications; flexibility
	Reg. 8, Rule 4	General Solvent and Surface Coating Operations	Reduce organic emissions
FS-10 (fed)	Reg. 8, Rule 5	Storage of Organic Liquids	Reduce organic emissions
	Reg. 8, Rule 6	Organic Liquid Bulk Terminals and Bulk Plants	Reduce organic emissions
	Reg. 8, Rule 7	Gasoline Dispensing Facilities	Reduce organic emissions
G-3 (state) FS-9 (fed)	Reg. 8, Rule 8	Wastewater (Oil-Water) Separators	Reduce organic emissions
C4, G3 (state) SS-17 (fed)	Reg. 8, Rule 10	Process Vessel Depressurization	Reduce organic emissions
	Reg. 8, Rule 16	Solvent Cleaning Operations	Clarifications
	Reg. 8, Rule 17	Petroleum Dry Cleaning Operations	Reduce organic emissions
SS-16 (fed)	Reg. 8, Rule 18	Equipment Leaks	Reduce organic emissions
	Reg. 8, Rule 28	Episodic Releases from Pressure Relief Devices at Petroleum Refineries and Chemical Plants	Reduce organic emissions
A22 (state)	Reg. 8, Rule 32	Wood Products Coatings	Reduce organic emissions
	Reg. 3, Rule 33	Gasoline Bulk Terminals and Gasoline Delivery Vehicles	Reduce organic emissions
	Reg. 8, Rule 39	Gasoline Bulk Plants and Gasoline Delivery Vehicles	Reduce organic emissions
	Reg. 8, Rule 40	Aeration of Contaminated Soil and Removal of Underground Storage Tanks	Clarifications
	Reg. 8, Rule 43	Surface Preparation and Coating of Marine Vessels	Clarifications; reduce organic emissions
FS-11 (fed)	Reg. 8, Rule 44	Marine Vessel Loading Terminals	Reduce organic emissions
A21 (state)	Reg. 8, Rule 45	Motor Vehicle and Mobile Equipment Coating Operations	Reduce organic emissions
FS-11 (fed)	Reg. 8, Rule 46	Marine Tank Vessel to Marine Tank Vessel Loading	Reduce organic emissions

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
2004 REGULATORY MEASURES LIST

Control Measure	Regulation, Rule	Title	Objective*
	Reg. 8, Rule 49	Aerosol Paint Products	Consider deletion of rule in favor of ARB standards
	Reg. 8, Rule 52	Polystyrene, Polypropylene and Polyethylene Foam Product Manufacturing Operations	Clarifications
	Reg. 8, Rule TBD	Episodic Controls	Reduce organic emissions
	Reg. 8, Rule TBD	Cooling Towers	Reduce organic emissions
FS-8 (fed)	Reg. 8, Rule TBD	Blowdown Systems	Reduce organic emissions
FS-9 (fed)	Reg. 8, Rule TBD	Vacuum Trucks	Reduce organic emissions
	Reg. 9, Rule 1	Sulfur Dioxide	Monitoring, recording requirements
	Reg. 9, Rule 2	Hydrogen Sulfide	Monitoring, recording requirements
D8 (state)	Reg. 9, Rule 6	NOx from Natural Gas-Fired Water Heaters	Reduce NOx emissions
	Reg. 9, Rule 7	NOx and CO from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters	Clarifications; reduce NOx emissions
	Reg. 9, Rule 8	NOx and CO From Stationary Internal Combustion Engines	Reduce NOx emissions
	Reg. 9, Rule 9	NOx From Stationary Gas Turbines	Change averaging time; reduce NOx emissions
	Reg. 9, Rule 10	NOx and CO From Boilers, Steam Generators And Process Heaters in Petroleum Refineries	Clarifications
	Reg. 11	Hazardous Air Pollutants	Reference federal standards
	Reg. 11, Rule 2	Asbestos Demolition, Renovation and Manufacturing	Clarifications
	Reg. 11, Rule 14	Asbestos-Containing Serpentine	Clarifications
FS-8 (fed)	Reg. 12, Rule 11	Flare Monitoring at Petroleum Refineries	Clarifications; reduce organic emissions
	MOP, Volume II	Engineering Permitting Procedures	Consistency with EPA requirements, clarifications
	MOP, Volume III	Laboratory Methods	New and improved analytical procedures
	MOP, Volume IV	Source Test Methods	New and improved analytical procedures
	MOP, Volume VI	Ground Level Monitoring	New and improved analytical procedures
	MOP, Volume V	Continuous Emission Monitoring	Consistency with EPA requirements

*Note: Objectives are listed for information only and are subject to change. Rule development efforts for a rule are not limited to listed objectives.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer

Date: November 24 2003

Re: Set Public Hearing on Proposed Amendments to Regulation 8, Rule 10,
Process Vessel Depressurization

RECOMMENDED ACTION:

Set public hearing for January 21, 2004, to consider proposed amendments to Regulation 8, Rule 10, Process Vessel Depressurization.

DISCUSSION

These proposed amendments would implement control measure SS-17 from the Bay Area 2001 Ozone Plan. The amendments would impose more stringent controls on emissions from the depressurization of process vessels at refineries and chemical plants. Staff has worked cooperatively in numerous workgroup meetings with industry, environmental groups, and the Air Resources Board to develop the proposed amendments. A community meeting was held in Crockett on October 28, 2003 to discuss the proposal with the public.

The proposed major amendments to Regulation 8, Rule 10 will:

- Prohibit process vessels from venting to the atmosphere unless the emissions of total organic compounds are reduced to a concentration below 10,000 parts per million;
- Limit the mass emissions of a limited number of vessels that exceed 10,000 ppm to below 15 pounds per day;
- Expand the number of process vessels covered by this rule; and
- Add monitoring and recording requirements to measure emissions vented to atmosphere once each 24-hour period.

The proposed amendments, a staff report, and the CEQA document will be available on the web at <http://www.baaqmd.gov/pln/ruledev/regpublichearings.asp> approximately 30 days before the hearing.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepare by: William Guy
Approved by: Peter Hess

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 24, 2003

Re: Set Public Hearing on Proposed Amendments to Regulation 8, Rule 18,
Equipment Leaks

RECOMMENDED ACTION:

Set public hearing for January 21, 2004 to consider proposed amendments to Regulation 8, Rule 18, Equipment Leaks.

DISCUSSION

These proposed amendments would implement control measure SS-16 from the Bay Area 2001 Ozone Plan. The amendments are intended to impose more stringent requirements on valves in refineries and chemical plants and ensure that the best available technologies are used. Staff has worked cooperatively in numerous workgroup meetings with industry, environmental groups, and the Air Resources Board to develop the proposed amendments. A community meeting was held in Crockett on October 28, 2003 to discuss the proposal with the public.

The proposed major amendments to Regulation 8, Rule 18 will:

- Reduce the number of components allowed on a non-repairable list;
- Set a maximum leak standard at 10,000 parts per million; and
- Allow connections to be placed on a non-repairable list at a ratio of one connection per two valves.

The proposed amendments, a staff report, and the CEQA document will be available on the web at <http://www.baaqmd.gov/pln/ruledev/regpublichearings.asp> approximately 30 days before the hearing.

Respectfully submitted,

Jack P. Broadbent
Executive Officer

Prepared by: William Guy
Approved by: Peter Hess

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 24, 2003

Re: Legislative Committee Meeting of November 17, 2003

RECOMMENDED ACTION:

Adopt legislative agenda for 2004.

DISCUSSION

The Legislative Committee met on Monday, November 17, 2003. There was no quorum of the Committee to take any actions. The Committee was presented the attached items, and discussed a legislative agenda for 2004.

Chairperson Wagenknecht will give an oral report.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 24, 2003

Re: Report of the Stationary Source Committee Meeting of November 24, 2003

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

The Committee met on Monday, November 24, 2003. The Committee received reports on Control Measure SS-17: Proposed Amendments to Regulation 8, Rule 10: Process Vessel Depressurization and on Control Measure SS-16: Proposed Amendments to Regulation 8, Rule 19: Equipment Leaks. The attached staff reports were presented to the Committee.

Chairperson Mark DeSaulnier will give an oral report.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Mary Ann Goodley