

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

Approved Minutes: Board of Directors Regular Meeting – May 7, 2003

Call To Order

Opening Comments: Chairperson Haggerty called the meeting to order at 9:47 a.m.

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Maria Ayerdi, Roberta Cooper, Chris Daly (9:53 a.m.), Mark DeSaulnier, Jerry Hill, Liz Kniss (10:02 a.m.), Jake McGoldrick (10:00 a.m.), Nate Miley, Julia Miller, Dena Mossar, Mark Ross, Tim Smith, Pam Torliatt (9:52 a.m.), Marland Townsend, Brad Wagenknecht, Shelia Young.

Absent: John Silva, Gayle Uilkema.

Pledge of Allegiance: Director Brad Wagenknecht led the Board in the Pledge of Allegiance.

Commendation/Proclamations: There were none.

Public Comment Period: Speakers:

Suma Peesapati, Staff Attorney
Communities for a Better Environment
Oakland, CA 94612

Tina Cosentino, Community Organizer
Communities for a Better Environment
Oakland, CA 94612

Ms. Peesapati and Ms. Cosentino made comments on the 2001 Clean Air Plan, the Flare Monitoring rule, and the toxic tours.

Consent Calendar (Items 1 - 7)

1. Minutes of April 16, 2003
2. Communications. *Correspondence addressed to the Board of Directors.*
3. Report of the Advisory Council.
4. Quarterly Report of the Air Resources Board Representative.
5. Consider Approval of Purchase Orders in Excess of \$35,000 and Notification of a Purchase Order in Excess of \$20,000

In accordance with the provisions of Division II, Section 4.3 of the Administrative Code, the Laboratory Services Section requested the Board authorize the Executive Officer/APCO to

execute Purchase Order #41621 and Purchase Order #14003 to Sievers Analytical Instruments for a Sulfur Chemiluminescence Analyzer System at a cost of \$44,685 and to Thermo Environmental Instruments (TEI) for 9 Ozone Analyzers in the amount of \$64,082. The Laboratory also notified the Board of Directors of Purchase Order #41620 that was issued to Shimadzu Scientific Instruments for a GC-2010 Gas Chromatograph at a cost of \$33,906.95.

6. Consider Modifications to the Existing Class Specification for the Meteorology and Data Analysis Manager Position.

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

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

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

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

Committee Reports and Recommendations

8. Report of the Stationary Source Committee Meeting of April 16, 2003

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

Director DeSaulnier presented the report and stated that the Committee met on Wednesday, April 16, 2003 and received a presentation on the proposed amendments by the Air Resources Board (ARB) to the Ozone Transport Mitigation Regulations. The ARB will hear the rule changes on May 29th. The staff presentation reviewed the following:

- The staff proposal.
- Existing ARB transport mitigation requirements
- Implementation of Best Available Retrofit Control Technology (BARCT)
- Mitigating State ozone excesses in four geographical areas.
- ARB concepts under consideration.
- "No net increase" thresholds.
- Concepts for all feasible measures.
- Suggestions to improve transport mitigation;
 - Use best scientific tools to assess transport and determine mitigation requirements;
 - Develop particulate matter transport mitigation requirements;
 - Plans need to mitigate transportation and land use impacts; and

- ARB should continue to mitigate emissions from motor vehicles and consumer products.

The Committee recommends approval by the Board of the District's position on amendments proposed by the ARB regarding ozone transport mitigation regulations.

Staff provided a report to the Committee on the development of a flare monitoring regulation at petroleum refineries and highlighted the following:

- The District's accomplishments.
- A review of concepts and intent.
- Discussed existing flow monitoring
- Discussed composition analysis.
- The benefits.
- The current status.

Three members of the public spoke on this item.

The next meeting of the Committee is scheduled for Wednesday, May 21, 2003 immediately following the Regular Board meeting and staff will discuss Title V.

Board Action: Director DeSaulnier moved the Board approve the recommendation of the Stationary Source Committee; seconded by Director Townsend; carried unanimously without objection.

9. Report of the Regional Agency Coordinating Committee Meeting of April 18, 2003

Director DeSaulnier presented the report and stated that the Committee met on Friday, April 18, 2003 at MetroCenter in Oakland. Air District staff provided an update on the status of the 2001 Ozone Attainment Plan. The Environmental Protection Agency has not yet taken action on the 2001 Ozone Plan, which was submitted to EPA on November 30, 2001. Because EPA has not proposed approval of the Plan, a sanction requiring 2 to 1 offsets for new or modified major stationary sources went into effect in the Bay Area on April 22, 2003. Staff do not foresee significant adverse effects if the duration of the sanction is short. EPA staff have indicated that they expect to take action on the 2001 Ozone Plan in the near term.

Air District staff also provided an update on the current round of ozone planning. The ozone modeling is underway. Three high ozone episodes from 1999 and 2000 will be analyzed. Preliminary modeling results are expected this coming summer. The public involvement process is also underway. The first meeting of the Ozone Working Group was held on March 27, 2003. Based on discussion at that meeting, two public involvement forums are needed. The Ozone Working Group will meet approximately every other month for intensive discussion. In addition, staff will develop a community outreach strategy for the ozone planning process with the assistance of Community Focus and the Air District's Resource Teams. Director DeSaulnier asked that county health directors or medical doctors attend these meetings and requested that inter-district transport of air pollution be included on a future RACC agenda.

MTC staff presented information about a funding application MTC submitted to Caltrans for a carsharing project in the Bay Area. Caltrans has subsequently indicated that the funding

for the program is not available this year. Committee members asked staff to investigate other sources of funding for a pilot project. MTC staff also presented information about the financial condition of the Santa Clara Valley Transportation Authority.

ABAG staff presented information about the work plan to advance the Smart Growth strategy and the role of the staff working group. ABAG staff also noted that the Bay Area Smart Growth Project received an award from the Congress for New Urbanism. Committee members commented that many “smart” development projects were completed and underway throughout the region. The next meeting of the Committee will be at the Call of the Chair.

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

In response to a question from Director Mossar, Mr. Norton stated that the Air District has not seen the Aviation Plan that was discussed at the Regional Airport Planning Committee, but will get a copy.

10. Report of the Public Outreach Committee Meeting of April 21, 2003.

Director Ross presented the report and stated that the Committee met on Monday, April 21, 2003 and staff presented a report on the six lawn mower buy-back events for 2003. Staff stated that the Alameda County Waste Management Authority is doing an event on their own. The first two events were held on April 12th in Marin and Sonoma counties. Because of the rain, there were a lower number of lawn mowers being exchanged than anticipated. Three events were held on April 19th in Contra Costa County, Sonoma and Sunnyvale. The City of Sunnyvale is contacting the 30-35 people who did not receive a lawn mower last year and inviting them to this year’s event.

Staff provided an overview of the 2003 summertime program and the consultant, Swirl, reviewed the components of the campaign, which includes radio, television, outdoors, youth, Spanish and Chinese language campaigns. On July 1, 2003, the outdoor and radio campaigns will be launched with a new spot, which will focus on asthma.

Godbe Research and Analysis presented a report on the results of telephone surveys of the 2002 Spare the Air Campaign and the 2003 Wintertime Spare the Air Tonight woodsmoke campaign.

There was extensive discussion on whether the Air District should produce a 2004 Clean Air Calendar. The Committee determined to continue the item to its June meeting and requested staff to research alternatives/options and to address the cost issue. The next meeting of the Public Outreach Committee will be at 9:45 a.m., Monday, June 16, 2003.

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

11. Report of the Budget and Finance Committee Meeting of April 23, 2003.

Director Miller presented the report and stated that the Committee met on Wednesday, April 23, 2003. The Committee was presented with the District Financial Audit Report for Fiscal

Year 2001/2002. A comprehensive A-133 audit was conducted, and the auditors expressed unqualified opinion. Staff was requested to report back at the next Committee meeting on actions that were recommended from the audit of two years ago. The staff was also requested to report on how the audit can be more comprehensive and how to respond to the fact that there may be material weaknesses.

Staff presented a report on the crash ratings on the Toyota Hybrid vehicles as determined by the National Highway Traffic Safety Administration and reviewed the emissions ratings of the vehicles. Staff presented information on the cost effectiveness of the vehicle lease program vs. purchasing.

Staff presented the proposed Fiscal Year 2003/2004 Budget and noted that the County revenue has not been adjusted because the District, at this time, does not know if the state will make adjustments that would affect the budget. Staff will come back to the Committee with recommended reductions as soon as it is known if there will be less money coming from this funding source. It was noted that the increase of 4.4% includes about a half million dollars to the program for bio-watch. The federal government has requested the District do monitoring at certain existing monitoring stations in the Bay Area. The District anticipates being reimbursed for this work. The Committee will discuss the budget further at its next meeting. The next meeting of the Budget and Finance Committee is scheduled for 11:00 a.m., or immediately following the Regular Board meeting of today.

Board Action: Director Miller moved the Board approve the report of the Budget and Finance Committee; seconded by Director Townsend; carried unanimously without objection.

12. Report of the Executive Committee Meeting of April 30, 2003.

Action: The Committee recommended approval of the following:

- A) Advisory Council recommendation regarding the Sonoma County Climate Protection Campaign attached; and*
- B) Appointment of (3) three New Advisory Council members and re-assignment of one Advisory Council member.*

Chairperson Haggerty presented the report and stated that the Committee met on Wednesday, April 30, 2003, and received and filed the Quarterly Report of the Hearing Board and the Report of the Advisory Council. Advisory Council Chairperson Bill Hanna presented the recommendations of the Advisory Council on the following items.

1. Sonoma County Climate Protection Campaign;
 - a) District staff work with the Campaign to identify TFCA projects containing funding that could be used as seed money to leverage further contributions to the Campaign
 - b) The District not allocate the requested \$25,000, but instead provide staff assistance
2. Particulate matter abatement; and
3. Improvements to Enhanced Inspection and Maintenance Program.

The Committee recommends the Board approve the Advisory Council recommendation regarding the Sonoma County Climate Protection Campaign.

Stan Hayes, Chairperson, Advisory Council Applicant Selection Working Group presented the Working Group's recommendations for the appointment of three Advisory Council members and re-assigning one Advisory Council member from the Public-at-Large category to the Registered Professional Engineer category. The Committee approved the recommendations. Staff was requested to send letters, signed by the Chairperson, to each of the three members leaving the Advisory Council to thank them for their service on the Council.

Staff presented a report on the status of the U.S. EPA's action on the 2001 Ozone Attainment Plan. Staff reported that sanctions are now in effect because, although the District has fixed the deficiencies in the 1999 Ozone Attainment Plan, EPA has not approved them. If they are not approved within 6 additional months (by October 22, 2003), additional sanctions are imposed whereby federal transportation funding will be withheld. There was discussion on the TRANSDEF case and the ruling made by the Judge on the additional 26 tons of emission reductions. This matter will be discussed today during the Closed Session.

Staff presented a status report on the 2003-04 Ozone Planning and noted that it is also time to update the State Clean Air Plan. ENVIRON Corp. has been hired to conduct the modeling for the Bay Area using the information from the Central California Ozone Study (CCOS). The Modeling Advisory Committee (MAC) has been meeting and includes representatives from this Air District, MTC, EPA, ARB, downwind air districts, industry, environmental groups, community groups, and transportation groups. Staff reviewed the public involvement process and noted that work is being done on other forms of outreach. Staff is working with the Resource Teams to hold meetings about the ozone planning effort in communities around the region. The Committee requested staff compile a fact sheet listing "What the District did in the past and what the District is doing now." In addition, the Committee recommended the county health departments be invited to the meetings. The next meeting of the Executive Committee is scheduled for Wednesday, July 30, 2003.

Board Action: Chairperson Haggerty moved that the Board approve the recommendations of the Executive Committee; seconded by Director Townsend.

There was discussion on the following: 1) the Sonoma Climate Protection Campaign recommendation and the need for clarification on the staff assistance to be provided by the District; 2) the District taking a higher profile role because there would be benefits for the Campaign and the Air District; and 3) the District staff coming back to the Board on how to pursue a model ordinance following Sonoma's leadership in the Bay Area around climate control and CO2 control.

Director Torliatt offered a friendly amendment to the motion to allocate the \$25,000 as requested and to include pursuing a model ordinance; Chairperson Haggerty and Director Townsend accepted the friendly amendment.

There was further discussion on: 1) the value of the staff time and how does this change the allocation of staff time on other projects; 2) the \$25,000 is not a budgeted item and the

money would be taken from the Reserves; 3) the difficulty in quantifying the amount of staff time that would be needed for the Campaign; 4) the District being able to monitor what the \$25,000 would be used for; 5) funding sources; and 6) the Sonoma County Climate Protection Campaign making another presentation to the Board.

Board Action: A substitute motion was made by Director Miller to pull the Sonoma Climate Protection Campaign item for discussion and that it be put on a future agenda when staff has an opportunity to find out where the money will come from and to prepare a draft ordinance; and the Sonoma County Climate Protection Campaign makes another presentation to the Board; seconded by Director McGoldrick.

During discussion, Director Kniss requested information on if the District has allocated money for studies like this in the past and report back to the Board. The motion then carried on the following roll call:

AYES: Ayerdi, Cooper, Daly, DeSaulnier, Hill, Kniss, McGoldrick, Miller, Mossar, Ross, Smith, Torliatt, Townsend, Wagenknecht, Young, Haggerty.

NOES: H. Brown.

ABSENTIONS: Miley.

ABSENT: Silva, Uilkema.

Board Action: Director Townsend moved acceptance of the Executive Committee Report, including the change as requested on the Sonoma County Climate Protection Campaign recommendation; seconded by Director Miller; carried unanimously without objection.

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

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

Teresa Lee, Director of Public Information and Outreach, presented the report and stated that WHEELS has proposed to do a pilot demonstration project this summer to provide up to eight days of no-fare transit on high ozone, or Spare the Air days. Ms. Lee reviewed the outreach, advertising, partnerships and monitoring requirements. Ms. Lee stated that it is felt this project would reduce vehicle traffic in the Tri-Valley corridor. Staff is requesting the Board approve the recommended action.

There was discussion on the following: 1) data that shows these programs do not change behavior; 2) the effectiveness of the program needs to be monitored; 3) there is information that goes back to 1977 which indicates there is an increase in ridership; and 4) LAVTA has done this before, they have a modern fleet and have assured the District they will monitor the

project. Ms. Lee stated that this is a demonstration and staff will bring back the information that is collected.

Board Action: Director H. Brown moved the Board approve authorizing the Executive Officer/APCO to enter into an agreement with Livermore Amador Valley Transit Authority for a no fare pilot program on up to eight Spare the Air days; seconded by Director Wagenknecht.

During discussion, Mr. Norton noted that LAVTA is putting up some of the funding for this project and that if the project is expanded to other areas, the District will look at funding sources. The Board noted that the information obtained from the pilot project should be given to the rest of the counties. The motion then carried on the following roll call:

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

NOES: Kniss, Mossar.

ABSENT: Silva, Uilkema.

Other Business

14. Report of the Executive Officer/APCO – Mr. Norton stated he had no report.
15. Chairperson’s Report - Chairperson Haggerty announced the following: 1) Director Hill has been appointed to the Regional Airport Planning Committee (RAPC); and 2) Ellen Garvey was hired by Alameda County to look at voluntary programs to reduce air pollution in the Tri-Valley area.

Closed Session (The Board adjourned to Closed Session at 10:46 a.m.)

16. Conference with Legal Counsel

A) Existing Litigation

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

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

Open Session (The Board reconvened to Open Session at 11:02 a.m.)

Mr. Bunger reported that the Board met in Closed Session to discuss the case listed in 16A on the agenda and general direction was given to Counsel by the Board.

17. Board Members' Comments: Director Young thanked the staff for sending Ms. Lee to San Leandro to make a presentation on the woodsmoke ordinance and requested that Ms. Lee make the same presentation to the Alameda County Mayor's Conference.

Chairperson Haggerty noted that the Air District had a booth at the Honey and Wine Festival in Livermore last weekend.

18. Time and Place of Next Meeting - 9:45 a.m., Wednesday, May 21, 2003, 939 Ellis Street, San Francisco, California.
19. Adjournment: The meeting was adjourned at 11:03 a.m.

Mary Romaidis

Mary Romaidis
Clerk of the Boards

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