

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5073

Board of Directors Special Meeting
Thursday, July 31, 2014

APPROVED MINUTES

- CALL TO ORDER:** Vice-Chairperson Carole Groom called the meeting to order at 9:48 a.m.

Opening Comments: None.

Roll Call:

Present: Chairperson Nate Miley; Vice-Chairperson Carole Groom; Secretary Eric Mar; and Directors Susan Adams, Teresa Barrett, Tom Bates, Margaret Fujioka, Scott Haggerty, David Hudson, Roger Kim (on behalf of Edwin Lee), Carol L. Klatt, Liz Kniss, Jan Pepper, Mark Ross and Brad Wagenknecht.

Absent: Directors John Avalos, Cindy Chavez, John Gioia, Ash Kalra, Mary Piepho, Jim Sperring and Shirlee Zane.

Pledge of Allegiance: Vice-Chairperson Groom led the Pledge of Allegiance.

Oath of Office/Swearing-in New Member of the Board of Directors (Board):

Mayor Margaret Fujioka, City of Piedmont, was sworn in and welcomed as a new member of the Board.

- PUBLIC COMMENT ON NON-AGENDA MATTERS:**

Roger Lin, Communities for a Better Environment (CBE), addressed the Board regarding the Chevron Richmond Refinery project recently approved by the City of Richmond (City) and the involvement of Air District staff in the project review process.

Greg Karras, CBE, addressed the Board regarding the impact on air quality that will result from the Chevron Richmond Refinery project that was recently approved by the City and the involvement of Air District staff in the project review process.

NOTED PRESENT: Chairperson Miley and Director Haggerty were noted present at 9:56 a.m.

Marilyn Bardet, Good Neighbor Steering Committee and Benicians for a Safe Healthy Community, addressed the Board regarding her experience attending the public meeting where the Chevron Richmond Refinery project was approved by the City and the involvement of Air District staff in the project review process.

NOTED PRESENT: Director Bates was noted present at 9:57 a.m.

Nick Despota, Sunflower Alliance (SA), addressed the Board regarding his endorsement of the stance taken by the Natural Resources Defense Council (NRDC) pertaining to the proposed Petroleum Refining Emissions Tracking Rule.

Diane Bailey, NRDC, addressed the Board to follow up regarding previously aired concerns about emissions at the Chevron Richmond Refinery and regarding the project review process relative to the same that was recently approved by the City.

Tom Griffith, Martinez Environmental Group, addressed the Board regarding the Chevron Richmond Refinery project recently approved by the City and the testimony of Air District staff at the meeting wherein the project review process was considered.

Charles Davidson, SA and 350.org, provided written material, *Environmentally-Superior Improving Amendment to Chevron FEIR Alternative 6.5.11 for Additional Pollution Control*, and addressed the Board to read the same.

NOTED PRESENT: Director Kniss was noted present at 10:07 a.m.

Nancy Rieser, Crockett-Rodeo United to Defend the Environment, addressed the Board regarding the involvement of Air District staff during the project review process pertaining to the Chevron Richmond Refinery project recently approved by the City and to urge the Air District to serve public health interests.

Chairperson Miley explained the roles of the public, Board and staff in regards to Air District activities, expressed his confidence in Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), and said regulatory bodies such as the Air District must avoid politics.

Mr. Broadbent shared his experience leading up to and attending the public meeting where the Chevron Richmond Refinery project was approved by the City and explained the involvement of Air District staff in the project review process.

CONSENT CALENDAR (ITEMS 3 – 10)

- 3. Minutes of the Regular Board Meeting of June 18, 2014;**
- 4. Board Communications Received from June 18, 2014 through July 30, 2014;**
- 5. Air District Personnel on Out-of-State Business Travel;**
- 6. Notice of Violations Issued and Settlements in Excess of \$10,000 in June 2014;**
- 7. Consideration to Authorize the Executive Officer/APCO to Enter into a Contract with the Metropolitan Transportation Commission for the Air District's Portion of the Joint Policy Committee (JPC) Staffing Costs in Fiscal Year Ending 2015;**
- 8. Consider Authorizing the Executive Officer/APCO to Enter into a Contract Amendment with Symsoft Solutions for the My Air Online Website Project;**
- 9. Consider an Oppose Position on Assembly Bill (AB) 69 – Perea; and**
- 10. Consider Amending the Health Officer Classification.**

Board Comments: None.

Public Comments: None.

Board Action:

Director Hudson made a motion, seconded by Director Barrett, to approve Consent Calendar Items 3 through 10, inclusive; and the motion carried by the following vote of the Board:

AYES: Adams, Barrett, Bates, Fujioka, Groom, Haggerty, Hudson, Kim, Klatt, Kniss, Miley, Pepper, Ross and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Avalos, Chavez, Gioia, Kalra, Mar, Piepho, Spring and Zane.

CLOSED SESSION

The Board adjourned to Closed Session at 10:16 a.m.

NOTED PRESENT: Director Mar was noted entering the closed session at 10:30 a.m.

11. EXISTING LITIGATION (Government Code Section 54956.9(a))

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

- a. **Communities for a Better Environment, et al. v. Bay Area Air Quality Management District (AQMD), Kinder Morgan Material Services, LLC, et al., Real Parties in Interest**, San Francisco County Superior Court, Case No. CPF-14-513557.
- b. **Communities for a Better Environment v. Bay Area AQMD, Chevron Products Company, et al., Real Parties in Interest**, San Francisco County Superior Court, Case No. CPF-14-513704.
- c. **South Coast AQMD v. The Superior Court of the State of California for the County of Los Angeles, Browning-Ferris Industries of California, Inc., Real Parties in Interest**, Second District Court of Appeal, Case No. B256002.

12. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS (Government Code Section 54957 and 54957.6)

Pursuant to Government Code Section 54957 and 54957.6, a need existed to meet in closed session to conduct a performance evaluation of the Executive Officer.

13. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS (Government Code Section 54957 and 54957.6)

Pursuant to Government Code Section 54957 and 54957.6, a need existed to meet in closed session to conduct a performance evaluation of the District Counsel.

OPEN SESSION

The Board resumed Open Session at 11:35 a.m. with reportable action as follows:

- 11.a. No reportable action.
- 11.b. No reportable action.
- 11.c. District participation in the case is approved.
- 12. Contract amendments will be presented to the Board for consideration in September.
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COMMITTEE REPORTS

14. Report of the Personnel Committee (PC) Meetings of July 7, 2014 and July 28, 2014
Committee Chairperson Wagenknecht

The PC met on Monday, July 7, 2014, and approved the minutes of March 24, 2014, and then again on Monday, July 28, 2014, at which time it approved the minutes of July 7, 2014.

The PC met in closed session to conduct performance evaluations of the Executive Officer and District Counsel with no reportable action. The PC Chair will brief the Board on the evaluation during today's closed session.

The next meeting of the PC is on Monday, September 22, 2014, at 9:30 a.m.

Board Comments: None.

Public Comments: No requests received.

Board Action: None; receive and file.

15. Report of the Climate Protection Committee (CPC) Meeting of July 17, 2014
Committee Chairperson Avalos (read by Director Hudson)

The CPC met on Thursday, July 17, 2014, and approved the minutes of March 20, 2014.

The CPC received the staff presentation *Update on Key Federal and State Climate Policies*, including an overview of the President's climate action plan; U.S. Environmental Protection Agency proposed power plant standards; AB 32 Scoping Plan update; cap and trade revenue; and next steps.

The CPC then received the staff presentation, *Regional Climate Protection Work Program Update*, including an update on the Air District climate protection resolution, regional planning process and work program; policy approaches; assistance to local governments; details of the technical program; and next steps.

The next meeting of the CPC is Thursday, September 18, 2014, at 9:30 a.m.

Board Comments: None.

Public Comments: No requests received.

Board Action: None; receive and file.

16. Report of the Executive Committee (EC) Meeting of July 21, 2014
Committee Chairperson Miley

The EC met on Monday, July 21, 2014, and approved the minutes of both March 17, 2014 and May 28, 2014.

The EC received the Quarterly Report of the Hearing Board for April through June 2014, including summaries of the cases and fees collected, from Terry Trumbull, Esq., Chairperson of the Hearing Board.

The EC then received a presentation by Allison Brooks, JPC Director, *JPC Organizational Planning*, including organizational planning objectives and timeline, building blocks of organizational planning, current project categories, levels of integration, and next steps.

The EC then received a staff presentation *Remote Participation Protocol for Committee Meetings*, including background, current meeting protocols for remote locations, low-cost/free options for remote participation, considerations and requirements for remote participation, and videoconferencing from the Board Room. The EC asked staff to research additional sites in the East Bay, preferably in the outer regions to provide a reduced commute for meeting participants, and to prepare a proposed change in Board policy that would temporarily allow for telephone appearances at select committee meetings until such time that the Air District relocates to 375 Beale Street.

The EC then received a staff presentation *Final Report: Air Monitoring Technology and Methodology Panel*, including background, air quality monitoring, expert panel recommendations, Air District responses and next steps.

Last, the EC received a staff presentation *Bay Area Commuter Benefits Program Implementation*, including background and overview, applicability, program requirements, the four commuter benefit options, public outreach since adoption and in the future, and registration and implementation results to date.

The next meeting of the EC is Monday, September 15, 2014, at 9:30 a.m.

Board Comments: None.

Public Comments: No requests received.

Board Action: None; receive and file.

17. Report of the Stationary Source Committee (SSC) Meeting of July 21, 2014
Committee Chairperson Avalos (read by Director Groom)

The SSC met on Monday, July 21, 2014, and approved the minutes of May 1, 2014.

The SSC received the staff presentation *Update on Petroleum Refining Emissions Tracking Rule*, including an update on the rule development process; proposed rule elements and timelines; rationale for revised approach; opportunities; and next steps. The SSC heard from a number of public speakers and had a lengthy discussion with staff. SSC Chairperson Avalos requested that staff give a brief presentation at the end of this committee report to help inform the Board's discussion.

The next meeting of the SSC is at the call of the Chairperson.

Staff Comments:

Mr. Broadbent introduced Eric Stevenson, Director of Technical Services, who gave the staff presentation *Update on Petroleum Refining Emissions Tracking Rule*, including rule development process; proposed rule elements and timelines; opportunities; and next steps.

Public Comments:

The Clerk called Taylor King, Ms. Bardet, John Ribeiro-Broomhead, Jess Dervin-Ackerman, and Tom Griffith to provide public comment, but these speakers did not come forward.

The next speaker, Ms. Rieser provided untitled written material and addressed the Board regarding the boycott of the meeting by the listed representatives of various organizations.

Ms. Bailey addressed the Board to echo and expand upon the statement by Ms. Rieser and to request a discussion with the Board and staff regarding the work of protecting communities by passing regulation that focuses on protecting the health of community members.

Chairperson Miley suggested a meeting between members of the public, Board Directors representing Contra Costa County and Air District staff; apologized for the necessary prioritization of the closed session on the agenda; suggested that Directors Gioia and Piepho may be willing to participate in the meeting; offered himself and invited Director Groom as participants should they not be available; and asked Mr. Broadbent to arrange the meeting. Directors Groom, Hudson and Ross and Ms. Bailey agreed to participate. Director Pepper also offered to participate.

Board Comments: None.

Board Action: None; receive and file.

PUBLIC COMMENT ON NON-AGENDA MATTERS: No requests received.

BOARD MEMBERS' COMMENTS:

Directors Hudson and Ross reported out on their experiences at the Annual Air & Waste Management Association Conference, June 24, 2014 through June 27, 2014.

OTHER BUSINESS

18. Report of the Executive Officer/APCO:

Mr. Broadbent gave the staff presentation *Summary of Ozone Seasons*; introduced and aired a Spare the Air promotional video; and announced a Spare the Air Day on Friday, August 1, 2014.

19. Chairperson's Report:

Chairperson Miley welcomed and introduced Director Fujioka as a new member of the Board. Director Fujioka addressed the Board and public in gratitude.

20. Time and Place of Next Meeting:

Wednesday, September 3, 2014, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

21. Adjournment: The Board meeting adjourned at 12:01 p.m.

151 Sean Gallagher

Sean Gallagher
Clerk of the Boards