

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
(415) 749-5073

Board of Directors Regular Meeting
Wednesday, June 15, 2016

APPROVED MINUTES

*Note: Audio recordings of the meeting are available on the website of the
Bay Area Air Quality Management District at
<http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes>*

CALL TO ORDER:

1. Opening Comments: Chairperson Eric Mar called the meeting to order at 10:20 a.m. He welcomed everyone to the first Board of Directors (Board) meeting to be held at 375 Beale Street, the Air District's new office location, and announced that prior to the Board meeting, the 2016 Clean Air Foundation meeting had taken place, as a special meeting of the Board. As the Pledge of Allegiance was conducted at the Clean Air Foundation meeting, it was not repeated at the Board meeting. Metropolitan Transportation Commission's (MTC) Executive Director, Steve Heminger, gave welcoming remarks to the Board, District staff, and attendees, as the Air District shares its new space with MTC and the Association of Bay Area Governments, among other tenants.

Roll Call:

Present: Chairperson Eric Mar; Vice-Chairperson Liz Kniss; Secretary David Hudson; and Directors John Avalos, Teresa Barrett, Tom Bates, David J. Canepa, Osby Davis, John Gioia, Carole Groom, Scott Haggerty, Rebecca Kaplan, Nate Miley, Karen Mitchoff, Deborah Raphael, Katie Rice, Mark Ross, Rod Sinks, Warren Slocum, Jim Spering, and Brad Wagenknecht

Absent: Directors Cindy Chavez, Jan Pepper, and Shirlee Zane.

PUBLIC COMMENT ON NON-AGENDA MATTERS

2. Public Comment On Non-Agenda Matters, Pursuant to Government Code Section 54954.3 (Round 1 of 2)

Andres Soto, Benicians for a Safe and Healthy Community, addressed the Board regarding the health impacts that can result from crude by rail derailments, explosions, and water contamination. Mr. Soto stated that he recently attended the Court of Appeals hearing on the 2014 litigation by Earthjustice of the Air District and Kinder Morgan permit for the transport of crude oil by rail into Richmond without issuing an environmental impact report or notifying the public. Mr. Soto also referenced the recent

crude oil train derailment in Oregon that resulted in a fire, warning against a similar situation happening along the Union Pacific railroad line that could potentially affect up-rail communities ranging from the Sacramento Valley to Santa Clara County.

CONSENT CALENDAR (ITEMS 3 - 7)

3. **Minutes of the Board of Directors Special Meeting Budget Hearing and Regular Meeting of May 18, 2016** – Chair Mar made the following announcement at the request of the Clerk of the Boards: “Prior to the Board meeting of June 15, 2016, the Clerk of the Boards was alerted to an error found in the Board minutes of May 18, 2016. The error was made in the fifth announcement made by Director Ross, as part of Item 25 – Board Member Comments, in which the name of ‘Milton Feinstein’ should have been ‘Milton Feldstein’. The Clerk of the Boards notes this change, which will be reflected in the minutes of the June 15, 2016 Board of Directors meeting.”
4. **Board Communications Received from May 18, 2016 through June 14, 2016**
5. **Air District Personnel on Out-of-State Business Travel**
6. **Consider Authorization to Execute Contracts in Excess of \$70,000, Pursuant to Administrative Code Division II Fiscal Policies and Procedures Section 4.3 Contract Limitations, for Air Quality Research Activities**
7. **Consider Authorization to Execute a Contract and Issue a Purchase Order in Excess of \$70,000, Pursuant to Administrative Code Division II Fiscal Policies and Procedures Section 4.3 Contract Limitations, for Meteorology Measurements**

Director Raphael made a motion, seconded by Secretary Hudson, to **approve** the Consent Calendar Items 3 through 7, inclusive, as amended; and the motion **carried** by the following vote of the Board:

AYES: Avalos, Barrett, Bates, Canepa, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Mar, Miley, Mitchoff, Raphael, Rice, Ross, Sinks, Slocum, Spering, and Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Chavez, Davis, Pepper, and Zane.

PUBLIC HEARINGS

8. **Public Hearing to Consider Adoption of Proposed Amendments to Air District Regulation 3: Fees and Approval of the Filing of a Notice of Exemption from the California Environmental Quality Act (OUT OF ORDER, ITEM 9)**

Jack Broadbent, Executive Officer/Air Pollution Control Officer, introduced this item, stating that the amended fee structure fits the proposed budget for Fiscal Year Ending 2017. Mr. Broadbent gave the Board the option of waiving the prepared staff presentation for this item, and Chair Mar chose to waive the presentation.

Public Comment:

Berman Obaldia, Western States Petroleum Association (WSPA), reiterated comments that WSPA had submitted in response to this issue in May 2016, which included: fee increases imposed on refineries have historically been excessive and higher than those imposed on other sectors; Regulation 3: Fees schedules currently have greater than one hundred percent cost recovery; and regulations associated with fee increases can result in substantial costs to prepare and to maintain compliance with new regulations.

Susan Gustofsen, Valero, suggested that staff conduct a more robust assessment of the proposed fee structure and that it occur annually and earlier in the fiscal year than the District's current practice. She suggested that the assessment evaluate cost recovery, cost history, cost containment, and effectiveness and gave two examples of why she thought the proposed fees could stand to be improved.

Ratha Lai, Sierra Club, commended the Air District for having successfully investigated and documented air pollution permit violations within the refinery industry in the past, and said that he hopes the Air District will continue to protect the community's health, as the refinery sector is intent on defending its profit motive interests and revenue sources.

Board Comments:

The Board and staff discussed the District's Cost Recovery Program as it relates to District Counsel staff time consumed in litigation and costs resulting in lost court cases; the difference between Schedules T, W, and X and when each would be adopted by the Board; and the need for fees to accurately reflect staff time.

Director Kaplan made a motion, seconded by Director Mitchoff, to **approve** the proposed amendments to Air District Regulation 3: Fees and approval of a Notice of Exemption from the California Environmental Quality Act; and the motion **carried** by the following vote of the Board:

AYES: Avalos, Bates, Canepa, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Mar, Miley, Mitchoff, Raphael, Rice, Ross, Sinks, Slocum, and Spering.
NOES: None.
ABSTAIN: None.
ABSENT: Barrett, Chavez, Davis, Pepper, Wagenknecht, and Zane.

NOTED PRESENT: Director Davis noted present at 10:44 a.m.

9. Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year Ending (FYE) 2017 (ITEM 10)

Chair Mar explained that this was the second of two hearings on the issue. Mr. Broadbent gave the Board the option of waiving the prepared staff presentation for this item, and Chair Mar chose to waive the presentation.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Director Haggerty made a motion, seconded by Secretary Hudson, to **adopt** a resolution to approve the Proposed Budget for FYE 2017 and various budget-related actions; and the motion **carried** by the following vote of the Board:

AYES: Avalos, Barrett, Bates, Canepa, Davis, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Mar, Miley, Mitchoff, Raphael, Rice, Ross, Sinks, Slocum, Sperring, and Wagenknecht,
NOES: None.
ABSTAIN: None.
ABSENT: Chavez, Pepper, and Zane.

COMMITTEE REPORTS

10. Report of the Stationary Source Committee Meeting of June 1, 2016 (ITEM 8)

Stationary Source Committee Chair Gioia read:

The Committee met on Wednesday, June 1, 2016, and approved the minutes of April 18, 2016.

The Committee reviewed and discussed the staff presentation, *Update on Regulation 12, Rule 16: Evaluation of Options for Reducing Combustion Emissions from Refineries*, including overview; refinery impacts and issues; refinery strategy – background and progress; criteria and toxic pollutants; focus on combustion emissions; options for combustion emissions - reductions at refineries; evaluation criteria; staff evaluation; staff recommendations, and next steps.

As part of this Committee Report, staff will give a presentation responding to Committee member comments and Advisory Council Chair Hayes and Director Sinks will also give a presentation.

The next meeting of the Committee is on Monday, September 19, 2016, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 10:30 a.m.

This concludes the Chair Report of the Stationary Source Committee.

Update on Regulation 12, Rule 16

Jean Roggenkamp, Deputy Executive Officer, introduced Greg Nudd, Rule Development Manager, who gave staff presentation *Addressing Refinery Emissions*, including: overview, recent rulemaking-

criteria and toxic pollutants; upcoming rulemaking- toxic pollutants and permitting; remaining issues; staff evaluation of options for rule 12-16; staff approach for options; recommended approach for 12-16; and next steps.

Board Comments:

The Board and staff discussed staff's preliminary recommendation of pursuing a hybrid approach that uses Options 1 and 2 (refinery-wide combustion emissions reduction *and* combustion emissions best available retrofit control technology on refinery processes); pollutants other than CO₂ that are addressed by the proposed energy and carbon intensity limits; the California Air Resources Board's (CARB) comments on staff's recommended approach; the trend of having to replace the depleting source of lighter fuels with dirtier, heavier fuels; and the distinction between a cap on GHG emissions only, versus a cap on GHG emissions, as well as precursor air contaminants.

Update from Advisory Council

Mr. Broadbent explained that in April, the Advisory Council deliberated on a key question that was relevant to the Board's deliberations, 'What is the efficacy of imposing numeric caps on GHG emissions from Bay Area refineries?', and that the Advisory Council had given a presentation to the Stationary Source Committee. He said that the same presentation was to be given to the Board as part of the report out of the Stationary Source Committee. Mr. Broadbent introduced Advisory Council Chairperson, Stan Hayes, who gave the presentation *Efficacy of Refinery GHG Caps – Status Report*, including: Advisory Council members; key question; Advisory Council meeting schedule, speakers and discussion; Council deliberations- progress to date; District mission; criteria pollutants; toxics; GHG without action; GHG with action; refineries; refinery GHG; guiding principles; preliminary conclusions; and next steps.

Board Comments:

The Board and staff thanked the Advisory Council for its deliberations on this issue and discussed: District staff's reasoning for its choice of recommended approach; the proposed components, analysis, and anticipated schedule of the Environmental Impact Report (EIR) for Rule 12-16; the large gap between the GHG target of 2016 and the projected GHG target of 2050; the future and longevity of the Cap and Trade program; how the No-Project Alternative in the EIR may legally only consider existing conditions, and not speculative increases in pollution; staff's commitment to move forward with implementing the methane reduction option, regardless of which of the first three options are selected; how the development of Rule 12-16 could contribute to the reduction of vehicle miles traveled; and staff's goal of establishing a robust threshold that all polluting sources must meet, not limited to the refinery industry.

Public Comments:

Denny Larson, Community Science Institute, addressed the Board requesting that District staff provide a list of results from each Health Risk Assessment that has been conducted under the development of Rule 12-16.

Nancy Rieser, Crockett-Rodeo-United to Defend the Environment, referenced the recent lead contamination of Michigan's Flint River to demonstrate the health risks that can result from bureaucratic inaction and requested the implementation of the emissions cap, which is the third option Rule 12-16.

Sandy Saeturn, Asian Pacific Environmental Network, addressed the Board regarding her support of the emissions cap proposal.

Ratha Lai, Sierra Club, addressed the Board requesting the approval of the emissions cap in order to ensure that increasing emissions do not continue to impact public health. Mr. Lai also requested that these caps be implemented before the Board membership changes again, and expressed his desire to see the opportunity for discussion of this topic be made available to those who cannot attend Air District Board meetings.

Bill Pinkham, Sunflower Alliance, addressed the Board regarding potential fuel explosions due to railroad track failure and resulting collisions. He stated that he is in favor of the cap on emissions to protect the health of children.

Eduardo Martinez, Vice Mayor for the City of Richmond, addressed the Board regarding his concern of the high cancer and asthma rates within his community and the need for the refinery-wide numeric emissions cap on all pollutants.

Rand Wrobel, 350 Bay Area, addressed the Board regarding the need for a cap on emissions at refineries.

Glenn Turner, NorCal Climate Mobilization, addressed the Board regarding her concern that Rule 12-16 is not developing as quickly as staff had anticipated and that emissions that are being released in the meantime are irreversible.

Richmond resident, Rebecca Auerbach, urged the Board to move forward in implementing the emissions cap at refineries, as this option for Rule 12-16 addresses the acceleration of action more so than the other three options that are being considered. Ms. Auerbach requested that the final hearing for this rule be held in September 2016.

Bill Quinn, California Council for Environmental and Economic Balance (CCEEB), expressed his concern about the lack of information on the "refinery-wide combustion reduction", "best available retrofit control technology", and "methane" options for Rule 12-16 that the Board is being asked to consider. Mr. Quinn requested that District staff provide supplemental information on these three options to CCEEB.

Kathy Wheeler, Shell Oil Company, encouraged the Board to utilize the research provided by staff, the Advisory Council, and CARB, before making a decision that would impose GHG emission caps on individual sources already regulated under AB 32's Cap and Trade requirements.

Laurie Mintzer, Chevron, urged the Board to direct staff to work with regulated entities on rule alternatives and guidance documents before the next draft of Rule 12-16 is published, to ensure a cost-effective rule. Ms. Mintzer also said that California will eventually have to import its fuel from international sources with less regulations and higher emissions.

Hayward resident, Jason Wins, addressed the Board regarding the fossil fuel industry's goal of profiting at the expense of the planet and public health, and urged the Board to impose emissions caps at refineries as soon as possible.

Jed Holtzman, 350 Bay Area, questioned why the Board of Directors does not hold day-long meetings, as the Advisory Council has done, and urged the Board to implement all four options for Rule 12-16 that were presented by staff.

Roger Lin, Communities for a Better Environment, urged the Board to direct staff to immediately initiate the CEQA process of all four options for Rule 12-16 and complete the EIR by September 2016.

Devorah Ancel, Sierra Club, urged the Board to begin the EIR process in order to evaluate numeric caps, determine which option will attain hard and fast GHG and criteria pollutant emission reductions, avoid leakage, and prohibit increased amounts of low-quality volatile and high-carbon crudes from being railed through California and processed at local refineries. She urged the Board not to prematurely limit the options without first completing this critical analysis.

Mike Smith, United Steelworkers Local 5, resubmitted the Union's support for the emissions cap, stating that the Union has been working with the Refinery Actions Collaborative in order to make the refineries safe places for their workers.

Greg Karras, Communities for a Better Environment, distributed a handout entitled *Setting Limits that "Cap" Facility-Wide Emissions from Bay Area Refineries is Essential and Urgent*, which contained several slides that supplemented his comments. Major points included: the caps will not increase refinery emissions elsewhere by forcing increased production at other refineries to supply the fuels the West Coast needs, limiting emissions to current levels does not force a reduction in emissions, and caps will not result in leakage that conflicts with AB 32.

Mary Flanagan, United Teachers of Richmond, expressed her concerns of crude by rail and frequent toxic stresses that students downwind of the refinery face. She also expressed the support of the emissions cap from herself and other Richmond teachers.

Andres Soto, Benicians for a Safe and Healthy Community, addressed the Board regarding his support for the adoption of the emission cap as soon as possible; how limits on GHG emissions per barrel of product, as stated in Option 1, is essentially a cap; staff's obligation to make rules that protect public health, despite the threat of refinery lawsuits; and the failing Cap and Trade program.

Steve Young, City of Benicia Planning Commission, referenced a proposal from Valero to bring crude by rail to Benicia, and urged the Board to carefully consider the selection of the consultant of the EIR for Rule 12-16, as the consultant selected for the Valero project's EIR had a direct correlation with the criticism and failure of the Valero project EIR.

Kelly Jones, 350 Marin, urged the Board to adopt numeric caps on emissions for refineries as soon as possible, emphasizing that an industry cannot regulate itself, and that staff's recommendations are very concerning.

Rose Strauss, 350 Bay Area, addressed the Board regarding her concerns as a young person facing future consequences from current climate change and refinery emissions.

Jack Fleck, 350 Bay Area, addressed the Board regarding the need for the Board to remedy environmental contamination that poses a threat to public health and safety, by imposing an emissions cap on refineries as soon as possible.

Clair Brown, 350 East Bay, urged the Board to adopt the numeric emissions cap immediately and thanked the Board for protecting public health.

Sara Greenwald, 350 San Francisco, addressed the Board regarding the decline of fossil fuels in California and the need for the Board to push the refineries into manufacturing new products.

Kathy Kerridge, Benicians for a Safe & Healthy Communities, addressed the Board regarding the decline of the public's health due to refinery particulate matter, and the immediate need for an emissions cap.

Benicia resident, Pat Toth-Smith, addressed the Board regarding children's health in fence line communities and the need for caps on refinery emissions.

Richard Gray, 350 Bay Area, urged the Board to make up its own mind about accepting staff's recommendation to cap emissions may set an example for other Air Districts.

Amy Valens, 350 Marin, addressed the Board regarding the increased frequency of impacts on children's health, and urged the Board to create change by imposing emission caps on refineries.

David McCoard, Sierra Club, encouraged the Board to implement a cap immediately to control emissions per barrel of refined product.

Richard Black, United Steelworkers Local 326, stated that local GHG caps are not the answer, as Bay Areas refineries are regulated efficiently, produce clean fuels, and are already held to limits on combustive emissions for each operating unit through permits.

Ken Jones, 350 Marin, referenced language from Air District Resolution No. 2014-07, that states, "District staff shall prepare a companion Regulation 12, Rule 16, to set emissions thresholds and mitigate potential emissions increases, for proposed adoption by the Board of Directors not later than Spring 2015," and, "Air District has authority to regulate emissions from non-vehicular sources of air pollution, including GHGs, and has the authority to enact more protective requirements than federal or State law."

Bettina Hughes, 350 Bay Area, expressed her concern of the oil industry continuing to make a profit at the expense of the public's health while not being held to any limits on emissions, and supported the emissions cap proposal.

Phil Ritter, 350 Marin, urged the Board to make a change by dismissing the recommended action of District staff and the Advisory Council and moving forward with numeric caps on emissions at refineries.

Daniel Lopez, Communities for a Better Environment, addressed the Board regarding the immediate need for the numeric cap on emissions and explained why he thought it was the strongest of the four options. Mr. Lopez also said that he supports all four options, and that the Board should not fear the threat of legal action from the refineries.

Louise Chegwiddden, East Bay resident, urged the Board not to prioritize the needs of the refinery industry by failing to impose the emissions cap and compromising the public's health.

Ella Teevan, Food and Water Watch, listed the fossil fuel pollution sources throughout the Bay Area, and urged the Board to preserve climate and health by adopting the numeric emissions cap on refineries.

Tammy Gard, Shell Martinez Refinery, urged the Board to consider the refinery workers as people with families to support before making a decision that would affect job security.

Judith Sullivan, Benicians for a Safe & Healthy Community, requested that the Board forego the EIR and commence with implementing the numeric emissions cap at refineries immediately.

Tyson Bagley, United Steelworkers Local 326, stated that leakage is real, Bay Area refineries are the cleanest and produce the cleanest fuel, and local GHG caps are not the solution.

Margaret Pearce, 350 San Francisco, suggested that the Board begin an EIR on Option 3 alone in order to expedite the process and have it completed by the end of the year, despite warnings of leakage that may or may not affect Bay Area residents.

Claire Broome, Berkeley resident, urged the Board to consider Option 3 as the primary option, rather than as an alternative.

Steven Yang, Chevron, addressed the Board regarding the fact that refineries already have caps. He said that those who support an enforceable numeric emissions cap for refineries also support curtailing refinery operations and cutting fuel production.

Tom Lewis, United Steelworkers Local 5, stated in a handout that: Rule 12-16 is a human rights issue; and avoidable refinery emissions are a violation of human rights to the cleanest air possible.

Katelynn Mudgett, Sierra Club, stated that a Board member disputed public comment about deaths resulting from refinery emissions at the June 1, 2016 Stationary Source Committee meeting and urged the Board to hold the final hearing for Rule 12-16 on a week night so that members of the refinery community may attend and have their voices heard.

Gordon Johnson, Shell Oil Company, addressed the Board regarding the need to re-identify the problem that the four proposed options are addressing, as discussion on Rule 12-16 has become very drawn out at this point.

Gary Rubenstein, Sierra Research, on behalf of WSPA, addressed the Board regarding unintended consequences that may result from rulemaking, and said that he did not believe that a local GHG cap on emissions at refineries will not result in a reduction in GHG emissions, but rather in an increase.

Charles Davidson, Sunflower Alliance, gave the opinion that Option 3 is the only option prepared to be implemented in a timely enough manner to mitigate the oil industry's planned increases in high GHG refining processes.

Mike Avila, United Steelworkers Local 326, expressed that refineries are not becoming obsolete, and also that not all refineries process the same materials or produce the same products, so should not be held to the same regulations.

Nick Despota, Richmond resident, referenced an article from the *Los Angeles Times* entitled "California's Cap and Trade Program Faces Daunting Hurdles to Avoid Collapse," which explained that the supply for carbon permits is greater than the demand in California. Mr. Despota said that an overconfidence in the Cap and Trade program interferes with refinery-wide emission limits that are within the Air District's authority.

Steve Nadel, Sunflower Alliance, urged the Board to adopt Option 3 immediately and said that if time is taken to further evaluate the other three proposed options, that research will be meaningless by the time it is completed, due to a radically shifting baseline with the transition to heavier dirtier emissions in the future.

Corazon Amada, Diablo Rising Tide, addressed the Board regarding the power that the Board has to directly affect the public health of vulnerable families. She encouraged the Board to move forward with the cap on emissions at refineries, despite the pressure of the refineries who fear a reduction in production that may result from the cap.

Barbara Denouden, 350 Marin, addressed the Board regarding the pollution and climate change that exists due to the fossil fuel industry, and urged the Board to include enforceable numeric caps on emissions at each refinery in the final draft of Rule 12-16.

Rick Stierwalt, Benicia resident, urged the Board to listen to the struggles of those who suffer from respiratory diseases and other side effects resulting from refinery pollution, and requested that the cap on emissions at refineries be adopted.

Aryeh Frankfurter, San Francisco resident, urged the Board to adopt Option 3 as soon as possible.

Iren Suhami, Valero, addressed the Board regarding the need to further evaluate Options 1 and 2 proposed by staff, claiming that Rule 11-10 (Cooling Towers) has been difficult for refineries to implement. She requested that staff engage with refineries for their input on this rule development.

Stacey Cuccaro, Phillips 66, addressed the Board regarding the other products that refineries produce from oil besides gasoline, and indicated that ceasing production at Bay Area refineries would only shift the problem of emissions to other areas that have refineries.

Mey Saecho, Richmond resident, addressed the Board regarding the recent death of her husband, and urged the Board to adopt the numeric emissions cap at refineries.

Boon Maniveng, Asian Pacific Environmental Network, addressed the Board regarding refinery emissions. She urged the Board to adopt the emissions cap for refineries.

Tom Normprasserrt, Richmond resident, addressed the Board regarding refinery emissions. He urged the Board to adopt the emissions cap on refineries immediately so that his grandchildren will be spared that air pollution during their childhood.

Ophir Cohen-Simayof, 350 Bay Area, addressed the Board regarding the Bay Area residents suffering from refinery emissions, urging the Board to implement the numeric emissions cap at refineries.

Richard Treadwell, Communities for a Better Environment, addressed the Board regarding the immediate need for the numeric emissions cap at refineries to protect public health from the switch to dirtier crude, and requested that Option 3 be adequately and fairly evaluated in the EIR.

Bouddica Todi, Fresh Air Vallejo, addressed the Board regarding a private industrial port project and cement processing plant that her organization is protesting. She thanked the Air District for its comments on the Draft EIR addressed to the City of Vallejo and requested that the Air District educate Vallejo residents on impacts that could be made from this project.

Amy Loren, Phillips 66, stated that refinery workers are human beings and that traffic jams cause just as much air pollution as refineries.

Janet Pygeroge, Rodeo Citizens Association, addressed the Board regarding the consequences of failing to set caps on emissions at refineries, and said that refineries must be held accountable for their actions.

Board Comments Continued:

The Board and staff discussed whether or not an EIR for Rule 12-16 is necessary; other regulatory initiatives facing the Board in the future; the feasibility and projected schedule of creating rule language and an EIR for numeric caps on emissions (Option 3) alone; the need for the Board to make rules without fearing lawsuits; the health benefits of all options; the types of pollutants that are included in Option 3; the Board's consensus to study all four options in the EIR; and the dangers of using leakage as a guiding principle.

CLOSED SESSION (commenced at 1:52 p.m.)

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

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

Western States Petroleum Association, Valero Refining Company – California, Tesoro Refining and Marketing Company, LLC, and Phillips 66 Company v. Bay Area AQMD, Contra Costa County Superior Court, Case No. N16-0963

Brian Bunger, District Counsel, had nothing to report out following Closed Session.

OPEN SESSION (commenced at 2:18 p.m.)

PUBLIC COMMENT ON NON-AGENDA MATTERS

**12. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3
(Round 2 of 2)**

No requests received.

13. Board Members' Comments

None.

14. Report of the Executive Officer/APCO

No report given.

15. Chairperson's Report

No report given.

16. Time and Place of Next Meeting:

*Wednesday, June 20, 2016, 1st Floor Board Room, 375 Beale Street, San Francisco, California 94105
at 9:45 a.m.*

17. Adjournment:

The Board meeting adjourned at 2:19 p.m.

MS/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards